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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 1  
MULTILATERAL  
1776-1917

DEPARTMENT OF STATE PUBLICATION 8407

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## PREFACE

The present compilation is designed to present in a convenient form the English texts or, in cases where no English text was signed, the official United States Government translations of treaties and other international agreements entered into by the United States from 1776 to 1950.

For several years the Department of State has been aware of the need for a consolidation of the texts of treaties and other international agreements of the United States. The establishment of the statutory volumes *United States Treaties and Other International Agreements* (UST) by an Act of Congress of September 23, 1950, effected this consolidation with respect to instruments brought into force after January 1, 1950, the date from which UST begins. Nearly two-thirds of the total number of treaties and agreements entered into by the United States between 1776 and 1968 have been concluded since 1949 and are therefore included in that publication.

Existing official compilations of the earlier treaties and agreements—those that antedate the UST volumes—do not meet the needs of either the United States Government or the American public. In the United States Statutes at Large, where the texts were officially published up to 1950, they are printed in 60 different bindings.

It has been nearly 60 years since the compilation known as the "Malloy" series began to come off the press and over 30 years since the fourth and last volume was published. The full title of that compilation, prepared under the direction of the Committee on Foreign Relations of the United States Senate, is *Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States and Other Powers*. The first two volumes (1776–1909) were compiled by William M. Malloy, the third (1910–1923) by C. F. Redmond, and the fourth (1923–1937) by Edward J. Trenwith.

The only other significant official compilation of texts of United States treaties and agreements is one entitled *Treaties and Other International Acts of the United States of America*, edited by Hunter Miller. It consists of eight volumes (volume 1 is a short print) and carries only to the end of 1863. No further volumes of that publication are contemplated.

This new compilation will be approximately four times the length of the "Malloy" series. There are two principal reasons for the great increase in size: first, the large number of treaties and other international agreements entered into by the United States in the period between 1937 and 1950, many of which were extensive arrangements setting up the worldwide activities of the United Nations and its specialized agencies; and second, the inclusion in the new volumes of postal arrangements, agreements printed in the Execu-

tive Agreement Series, and certain other agreements not printed in the "Malloy" series.

The present series begins with several volumes of multilateral treaties and other agreements, arranged chronologically according to date of signature, to be followed by approximately 11 volumes of bilateral treaties and other agreements grouped under the names of the countries with which they were concluded. Each volume will have a relatively brief index. Cumulative analytical indexes of the texts of both multilateral and bilateral treaties and other agreements are planned.

Although this compilation contains headnotes and annotations covering all significant U.S. actions, it remains essentially a collection of texts. For current information regarding the status of the agreements printed herein, the reader will find it helpful to consult the publication *Treaties in Force*, which is issued by the Department of State under the date January 1 each year, and the *Department of State Bulletin*, which reports current actions week by week.

The merit of this work rests upon the comprehensive records maintained by the Treaty Staff and upon the labor of many devoted civil servants who have carefully surveyed the available records, collected the documents, added the annotations, and performed the essential editorial functions. It is, in every sense of the word, a cooperative product, and it has been made possible by the understanding and generous support of the Legal Adviser of the Department, Leonard C. Meeker.

Those of the Treaty Staff who have contributed especially in the preparation of this publication up to the time the first volume goes to press are Helen J. Zilch, who compiled much of the manuscript, Eunice W. Shafferman, who established editorial standards for the series and completed the first volume, her coworker and successor Madeline S. Patton, who has continued the compilation, Adeline D. Bencsik, who has begun work on the bilateral agreements, and Eleanor C. McDowell and William V. Whittington, who have resolved many difficult questions on texts and annotations.

Jerome H. Perlmutter, Chief of the Division of Publishing and Reproduction Services, and Dorothy M. Hine and Anne Katherine Pond of his Editorial Section, have contributed exceptional managerial and publishing skill in bringing this publication to a reality.

To all those named and to others who have contributed to this compilation or will be doing so in completing it, I express my sincere appreciation. I am confident that all will feel rewarded for their efforts by the continuing usefulness and convenience of this publication.

CHARLES I. BEVANS  
*Assistant Legal Adviser*  
*Department of State*

WASHINGTON, D.C.  
July 31, 1968

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## CEMETERY IN ALGIERS

*"Resolution" signed at Algiers March 21, 1826*

*Approved by the President of the United States*<sup>1</sup>

Department of State files; enclosure to  
letter of March 25, 1826, from the U.S.  
consulate at Algiers

### [TRANSLATION]

The Consuls of the European Powers accredited to the Regency of Algiers having met at the British Consulate at Algiers to reach a decision concerning the necessity of building an enclosure around the European cemetery in this city, where the bodies of Europeans are exposed to insults by the public and to damage by the sea, the British Proconsul General having obtained permission from H. H. the Dey, an estimate of the most urgent expenses has been made by the chief mason of this Government and several assistants assigned to him. The expenses have been fixed at two thousand five hundred piastres, hard currency; and since it is acknowledged that the number of Consuls in this city at present is ten or eleven, the sum of two thousand five hundred Spanish piastres, hard currency, would therefore be divided into two hundred and fifty piastres, hard currency, for each of them. Consequently, it has been agreed that each Consul will submit this proposal to his Government and obtain authorization to enclose the European cemetery in Algiers without

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<sup>1</sup> A letter of June 23, 1826, from the U.S. Secretary of State to the consul general of the United States at Algiers stated in part: "It gives me pleasure to state that the President fully approves of the Resolution of the Consuls, and you will consider this letter as authority from him, accordingly, to incur an expense on account of this Government, not exceeding the sum indicated by you for the accomplishment of the interesting object in question." (The U.S. consul general at Algiers had stated in a letter of Mar. 25, 1826, that he thought the cost would perhaps amount to a "ratio of one hundred dollars to each Consulate.")

delay, a tribute due the deceased who are already buried there and to those whom fate may bring to this foreign soil in the future.

ALGIERS, *March 21, 1826*

R. M. THOMAS  
*British Proconsul General*

A. I. A. FRAISSINET  
*Consul General of H. M.  
the King of the Netherlands*

F. A. CASTERNSEN  
*Consul General of H. M.  
the King of Denmark*

WM. SHALER  
*American Consul*

JOH. FRED. SHULTZE  
*Vice Consul of Sweden*

JEAN BERTUZZI  
*Proconsul General of H. I. &  
R. M. the King of Portugal*

LE CHEVALIER DE VAL  
*Consul General of France and Consul  
General of Spain ad interim*

COUNT DATTILI  
*Consul General of Sardinia*

JACOB COEN BACRI  
*Consul General of Tuscany*

GENNARO MAGLIULO  
*Consul General of H. M. the King  
of the two Sicilies*

## SAMOA: COMMERCE, CONSULAR RIGHTS, SHIPPING

*"Commercial regulations" signed at Apia, Upolu, November 5, 1839<sup>1</sup>  
Superseded April 12, 1890, by the General Act of June 14, 1889,<sup>2</sup> with  
respect to those provisions with which the General Act was incon-  
sistent; annulled in entirety February 16, 1900, by convention of  
December 2, 1899<sup>3</sup>*

4 Miller 241

COMMERCIAL REGULATIONS MADE BY THE PRINCIPAL CHIEFS OF THE SAMOA  
GROUP OF ISLANDS AFTER FULL CONSIDERATION IN COUNCIL ON THE 5TH  
DAY OF NOVEMBER /39

### 1<sup>st</sup>

All foreign Consuls duly appointed and received in Samoa shall be protected and respected both in their persons and property, and all foreigners obtaining the consent of the Government and conforming to the Laws shall receive the protection of the Government.

### 2<sup>nd</sup>

All foreign vessels shall be received into the ports and harbours of Samoa for the purpose of obtaining supplies and for Commerce, and with their officers and crews, so long as they shall comply with these regulations, and behave themselves peaceably shall receive the protection of the Governmt

### 3<sup>rd</sup>

The fullest protection shall be given to all foreign ships and vessels which may be wrecked, and any property saved shall be take possession of by

---

<sup>1</sup> These regulations, though perhaps not technically constituting an international agreement, are included because of their historical interest and because "they treat of matters which are frequently the subject of conventions, . . . they undoubtedly were regarded by the native chiefs who signed them as being of a promissory nature, . . . and, indeed, they contain clauses reading somewhat like mutual promises" (Hunter Miller, *Treaties and Other International Acts of the United States of America*, vol. 4, p. 244). See 4 Miller 244, for notes on this document (text source, etc.) and on the status of Samoa at the time these regulations were signed.

<sup>2</sup> TS 313, *post*, p. 116.

<sup>3</sup> TS 314, *post*, p. 276.

the Consul of the Country to which the vessel belongs, who will allow a salvage or portion of the property so saved to those who may aid in saving and protecting the same, and no embezzlement will be permitted under any circumstances whatever. The effects of all deceased persons shall be given up to the Consul of the Nation to which they may have belonged.

4<sup>th</sup>

Any person guilty of the crime of murder upon any foreigner shall be given up without delay to the Commander of any public vessel of the Nation to which the deceased may have belonged, upon his demanding the same.

5<sup>th</sup>

Every vessel shall pay a port charge of \$5 for anchorage and water, before she will be allowed to receive refreshments on board, and shall pay for pilotage in and out the sum of \$7. before she leaves the harbour, and pilots shall be appointed subject to the approval of the Consuls.

6<sup>th</sup>

No work shall be done on shore, nor shall any natives be employed on board vessels on the Sabbath day under a penalty of *ten dollars*, unless under circumstances of absolute necessity.

7<sup>th</sup>

All trading in spirituous or landing the same is strictly forbidden: any person offending shall pay a fine of twenty five dollars, and the vessel to which he belongs, shall receive no more refreshments. Any spirituous liquors found on shore shall be seized and destroyed.

8<sup>th</sup>

All deserters from vessels will be apprehended, and a reward paid of \$8 viz \$5 to the person who apprehends him and \$3 to the Chief of the district in which he may be apprehended on his delivery to the proper officer of the vessel. No Master shall refuse to receive such deserter under a penalty of \$25.

Deserters taken after the vessel has sailed shall be delivered up to the Consul to be dealt with as he may think fit. Any person who entices another to desert, or secretes a deserter or in any way assists him shall be subject to a penalty of \$5. or one month's hard labour on the public roads.

9<sup>th</sup>

No Master shall land a passenger without permission of the Government under a penalty of \$25. and no individual shall be permitted to land or reside in Samoa without special permission of the Government. Any one so landing shall be compelled to leave by the first opportunity.



10<sup>th</sup>

If a sick person be left on shore from any vessel for the recovery of his health, he shall be placed in charge of the Consul, who shall be responsible for his sick expenses and will send him away by the first opportunity after his recovery.

11<sup>th</sup>

Any seamen remaining on shore after 9 O clock at night, shall be made a prisoner of until the next morning, when he shall be sent on board, and shall pay a fine of \$5.

12<sup>th</sup>

All fines to be paid in specie or its equivalent, or be commuted by the Government at the rate of one months hard labour on the public roads for \$5.

13<sup>th</sup>

Should the Master of any vessel refuse to comply with any of these regulations a statement of the case shall be furnished to the Consul of the Nation to which he belongs and redress sought from thence.

14<sup>th</sup>

All Magistrates or Chiefs of districts where vessels or boats may visit, shall enforce the rules and regulations relative to the landing of foreigners and apprehension of deserters or pay such a fine as the Malo shall impose.

15<sup>th</sup>

For carrying into effect the foregoing rules and regulations, the Chiefs and Tula-fale of the respective districts shall meet and elect one of their number to act as a Magistrate or judge to execute the laws.

16<sup>th</sup>

These regulations shall be printed promulgated, and a copy furnished to the Master of each vessel visiting these islands.

Done in Council at the port of Apia on the island of Upulo this fifth day of November A D 1839

Witnesses

CHAS WILKES *Comdg Ex Ex.*

J. C. WILLIAMS *U.S Consul*

W C CUNNINGHAM *H B M Consul*

*Novr 5<sup>th</sup> 1839*

MALIETOA	X
TAMALANGI	X
MATETAU	X
PEEA	X
TOOA	X
MOLI	X
SAGA	X

The foregoing Commercial rules and regulations having been signed by the chiefs in my presence and submitted to me—I consider them just and proper and shall forward to the American Government a copy of the same for the information of all Masters of vessels visiting the Samoa or Navigator group of islands.

U.S Ship Vincennes Harbour of Apia Island of Upulo Navigator group  
November 6th 1839

CHARLES WILKES  
*Comdg Ex. Ex U.S of America*

The foregoing rules and regulations having been submitted to me by the chiefs, I highly approve of the same.

W. C. CUNNINGHAM  
*H B M Vice Consul For the Navigator group*

APIA UPULO November 5<sup>th</sup> 1839

## AMELIORATION OF THE CONDITION OF THE WOUNDED ON THE FIELD OF BATTLE (RED CROSS CONVENTION)

*Convention signed at Geneva August 22, 1864*

*Ratifications exchanged at Geneva June 22, 1865*

*Declaration of accession signed by the President of the United States  
March 1, 1882*

*Senate advice and consent to accession March 16, 1882*

*Accession of the United States accepted by Switzerland June 9, 1882*

*Entered into force June 22, 1865; for the United States June 9, 1882*

*Proclaimed by the President of the United States July 26, 1882*

*Superseded by conventions of July 6, 1906,<sup>1</sup> July 27, 1929,<sup>2</sup> and August  
12, 1949,<sup>3</sup> as between contracting parties to the later conventions  
in each instance*

22 Stat. 940; Treaty Series 377

### [TRANSLATION]

#### CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED IN ARMIES IN THE FIELD

The Swiss Confederation; His Royal Highness the Grand Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand Duke of Hesse; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Württemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

The Swiss Confederation:

Guillaume Henri Dufour, Grand Officer of the Imperial Order of the

<sup>1</sup> TS 464, *post*, p. 516.

<sup>2</sup> TS 847, *post*, vol. 2.

<sup>3</sup> 6 UST 3114; TIAS 3362.

Legion of Honor, General in Chief of the federal army, Member of the Council of the States,

Gustave Moynier, President of the International Relief Committee for wounded soldiers and of the Geneva Society of Public Utility,  
and Samuel Lehmann, federal Colonel, Doctor in Chief of the federal army, Member of the National Council;

His Royal Highness the Grand Duke of Baden:

Robert Volz, Knight of the Order of the Lion of Zähringen, M. D., Medical Councillor at the Direction of Medical Affairs,  
and Adolphe Steiner, Knight of the Order of the Lion of Zähringen, Chief Staff Physician;

His Majesty the King of the Belgians:

Auguste Visschers, Officer of the Order of Léopold, Councillor at the Council of Mines;

His Majesty the King of Denmark:

Charles-Émile Fenger, Commander of the Order of Danebrog, decorated with the silver cross of the same Order, Grand Cross of the Order of Léopold of Belgium, etc. etc., His Councillor of State;

Her Majesty the Queen of Spain:

Don José Heriberto García de Quevedo, Gentleman of Her Chamber on active service, Knight of the Grand Cross of Isabella the Catholic, Numerary Commander of the Order of Charles III, Knight of the first class of the Royal and Military Order of St. Ferdinand, Officer of the Legion of Honor of France, Her Minister Resident to the Swiss Confederation;

His Majesty the Emperor of the French:

Georges-Charles Jagerschmidt, Officer of the Imperial Order of the Legion of Honor, Officer of the Order of Léopold of Belgium, Knight of the Order of the Red Eagle of Prussia of the third class, etc. etc., Sub-Director at the Ministry of Foreign Affairs;

Henri Eugène Séguineau de Préval, Knight of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of fourth class, Knight of the Order of Saints Maurice and Lazarus of Italy, etc. etc., military Sub-Commissioner of first class;

and Martin François Boudier, Officer of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of the fourth class, decorated with the medal of Military Valor of Italy, etc. etc., doctor in chief of second class;

His Royal Highness the Grand Duke of Hesse:

Charles Auguste Brodruck, Knight of the Order of Philip the Magnanimous, of the Order of St. Michael of Bavaria, Officer of the Royal Order of the Holy Savior, etc., Chief of Battalion, Staff Officer;

His Majesty the King of Italy:

Jean Capello, Knight of the Order of Saints Maurice and Lazarus, His Consul General Switzerland,

and Felix Baroffio, Knight of the Order of Saints Maurice and Lazarus, Doctor in Chief of medical division;

His Majesty the King of the Netherlands:

Bernard Ortuinus Théodore Henri Westenberg, Officer of His Order of the Crown of Oak, Knight of the Orders of Charles III of Spain, of the Crown of Prussia, of Adolphe of Nassau, L. D., His Secretary of Legation at Frankfort;

His Majesty the King of Portugal and of the Algarves:

José Antonio Marques, Knight of the Order of Christ, of Our Lady of the Conception of Villa-Viçosa, of Saint Benedict of Aviz, of Léopold of Belgium, etc., M. D., Surgeon of Brigade, Sub-Chief of the Department of Health at the Ministry of War;

His Majesty the King of Prussia:

Charles Albert de Kamptz, Knight of the Order of the Red Eagle of second class, etc. etc. etc., His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation, Private Councillor of Legation,

Godefroi Frédéric François Lœffler, Knight of the Order of the Red Eagle of third class, etc. etc., M. D., Physician in Chief of the fourth Army Corps;

Georges Hermann Jules Ritter, Knight of the Order of the Crown of third class, etc. etc., Private Councillor at the Ministry of War;

His Majesty the King of Würtemberg:

Christophe Ulric Hahn, Knight of the Order of Saints Maurice and Lazarus, etc., Doctor of Philosophy and Theology, Member of the Central Royal Direction for Charitable Institutions:

Who, after having exchanged their powers, and found them in good and due form, agreed to the following articles:

#### ARTICLE 1

Ambulances and military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

#### ARTICLE 2

Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

## ARTICLE 3

The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfil their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

## ARTICLE 4

As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

## ARTICLE 5

Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

## ARTICLE 6

Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement, when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

## ARTICLE 7

A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the na-

tional flag. An arm-badge (brassard) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

#### ARTICLE 8

The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

#### ARTICLE 9

The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

#### ARTICLE 10

The present convention shall be ratified, and the ratifications shall be exchanged at Berne, in four months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August of the year one thousand eight hundred and sixty-four.

[For the Swiss Confederation:]		[For Hesse:]	
GENL. G. H. DUFOUR	[SEAL]	BRODRÜCK	[SEAL]
G. MOYNIER	[SEAL]		
DR. LEHMANN	[SEAL]	[For Italy:]	
		CAPELLO	[SEAL]
[For Baden:]		F. BAROFFIO	[SEAL]
DR. ROBERT VOLZ	[SEAL]		
STEINER	[SEAL]	[For the Netherlands:]	
[For Belgium:]		WESTENBERG	[SEAL]
VISSCHERS	[SEAL]		
[For Denmark:]		[For Portugal:]	
FENGER	[SEAL]	M. JOSÉ ANTONIO MARQUES	[SEAL]
[For Spain:]		[For Prussia:]	
J. HERIBERTO GARCÍA DE	[SEAL]	DE KAMPTZ	[SEAL]
QUEVEDO		LÖFFLER	[SEAL]
		RITTER	[SEAL]
[For France:]			
CH. JAGERSCHMIDT	[SEAL]	[For Württemberg:]	
S. DE PRÉVAL	[SEAL]	DR. HAHN	[SEAL]
BOUDIER	[SEAL]		

## SIMONOSEKI INDEMNITIES

*Convention signed at Yokohama October 22, 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*

*Terminated in July 1874 upon fulfillment of its terms*<sup>1</sup>

14 Stat. 665; 18 Stat. (2) 459; Treaty Series 187

### CONVENTION

The Representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the Treaties, having been obliged to send their combined forces to the Straits of Simonoseki, in order to destroy the batteries erected by that Daimio for the destruction of Foreign vessels and the stoppage of Trade;—and the Government of the Tycoon on whom devolved the duty of chastising this rebellious Prince, being held responsible for any damage resulting to the interests of Treaty Powers, as well as the expenses occasioned by the expedition.

The Undersigned Representatives of Treaty Powers, and Sakai Hida no Kami, a member of his second Council invested with Plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts in June 1863 against the Flags of divers Treaty Powers, and at the same time to regulate definitively the question of indemnities of war of whatever kind in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:—

1. The amount payable to the Four Powers is fixed at Three Millions of Dollars. This sum to include all claims of whatever nature for past aggressions on the part of Nagato—whether indemnities—ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

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<sup>1</sup> Japan paid the United States \$785,000 in fulfillment of the terms of the convention. For an act of Congress of Feb. 22, 1883, directing the President to return \$785,000.87 to Japan, see 22 Stat. 421.



2. The whole sum to be payable quarterly in instalments of one sixth or half a Million Dollars, to begin from the date when the Representatives of said Powers shall make known to the Tycoon's Government the ratification of this Convention and the instructions of their respective Governments.

3. Inasmuch as the receipt of money has never been the object of the said Powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible Port in the Inland Sea, it shall be at the option of the said Foreign Governments to accept the same, or insist on the payment of the indemnity in money under the conditions above stipulated.

4. This Convention to be formally ratified by the Tycoon's Government within fifteen days from the date thereof.<sup>2</sup>

In token of which, the respective Plenipotentiaries have signed and sealed this Convention in quintuplicate with English, Dutch and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama this 22nd day of October 1864,—corresponding to the 22nd day of the 9th month of the First year of Genji.

SAKAI HIDA NO KAMI [ideographic signature]

ROBT. H. PRUYN

*Minister Resident of the United States in Japan*

RUTHERFORD ALCOCK

*H B M's Envoy Extrad. & Minister Plenipotentiary in Japan*

LEON ROCHES

*Ministre plénip're de S. M. L'Empereur des Français, au Japon*

D. DE GRAEFF VAN POLSBROEK

*H N M's Consul General & Political Agent in Japan*

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<sup>2</sup> By a letter of Nov. 4, 1864, the American Minister Resident of the United States in Japan was informed by the Japanese Ministers that their government had "undertaken to give effect to" the convention of Oct. 22, 1864 (*Papers Relating to Foreign Affairs (Diplomatic Correspondence)*, 1864, pt. III, pp. 587-588); by a letter of Dec. 4, 1865, the Japanese Minister for Foreign Affairs announced that the Mikado's ratification of the convention was promulgated on Dec. 1, 1865 (1866 *Diplomatic Correspondence* (II) 193-194).

## CAPE SPARTEL LIGHTHOUSE

*Convention signed at Tangier May 31, 1865*

*Senate advice and consent to ratification July 5, 1866*

*Ratified by the President of the United States July 14, 1866*

*Ratifications exchanged at Tangier February 14, 1867*

*Entered into force February 14, 1867*

*Proclaimed by the President of the United States March 12, 1867*

*Terminated by protocol of March 31, 1958*<sup>1</sup>

14 Stat. 679; 18 Stat. (2) 525; Treaty Series 245

### [TRANSLATION]

CONVENTION BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, SPAIN, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL, AND SWEDEN ON THE ONE PART, AND THE SULTAN OF MOROCCO ON THE OTHER PART, CONCERNING THE ADMINISTRATION AND UPHOLDING OF THE LIGHT-HOUSE AT CAPE SPARTEL.

In the name of the only God! There is no strength nor power but of God.

His Excellency, the President of the United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Sweden and Norway, and His Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide, of common accord, the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their Plenipotentiaries, to wit:

His Excellency the President of the Republic of the United States: Jesse Harland McMath, esquire, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the Emperor of Austria, King of Hungary and of Bohemia:

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<sup>1</sup> 9 UST 527; TIAS 4029.

Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, his General Agent ad interim near his Majesty the Sultan of Morocco;

His Majesty the King of the Belgians: Ernest Daluin, knight of his Order of Leopold, commander of number of the Order of Isabella the Catholic, of Spain, commander of the Order of Nichan Eftikhar of Tunis, his Consul-General for the west coast of Africa;

Her Majesty the Queen of Spain: Don Francisco Merry y Colom, Grand Cross of the Order of Isabella the Catholic, knight of the Order of St. John of Jerusalem, decorated with the Imperial Ottoman Order of Medjidie of the 3d class, officer of the Order of the Legion of Honor, etc., her Minister Resident near his Majesty the Sultan of Morocco;

His Majesty the Emperor of the French: Auguste Louis Victor, Baron Aimé d'Aquin, officer of the Legion of Honor, commander of the Order of Francis the First of the Two Sicilies, commander of the Order of St. Maurice and Lazarus of Italy, commander of the Order of Christ of Portugal, commander of the Order of the Lion of Brunswick, knight of the Order of Constantine of the Two Sicilies, knight of the Order of Guelphs of Hanover, his Plenipotentiary near His Majesty the Sultan of Morocco;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, her Minister Resident near His Majesty the Sultan of Morocco;

His Majesty the King of Italy: Alexander Verdinois, knight of the Order of St. Maurice and Lazarus, Agent and Consul-General of Italy near His Majesty the Sultan of Morocco;

His Majesty the King of the Netherlands: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, Acting Consul-General of the Netherlands in Morocco;

His Majesty the King of Portugal and the Algarves: José Daniel Colaço, commander of his Order of Christ, knight of the Order of the Rose of Brazil, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the King of Sweden and of Norway: Sclim d'Ehrenhoff, knight of the Order of Wasa, his Consul-General near His Majesty the Sultan of Morocco;

And His Majesty the Sultan of Morocco and of Fez, the Literary Sid Mohammed Bargash, his Minister for Foreign Affairs—

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1

His Majesty Sherifienne, having, in an interest of humanity, ordered the construction, at the expense of the Government of Morocco, of a light-

house at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights, proprietary and of sovereignty, of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

#### ARTICLE 2

The Government of Morocco not at this time having any marine, either of war or commerce, the expenses necessary for upholding and managing the light-house shall be borne by the contracting Powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers. The expenses of repairs, and in need of reconstruction, shall also be at his cost.

#### ARTICLE 3

The Sultan will furnish for security of the light-house a guard, composed of a Kaid and four soldiers. He engages, besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light-house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

#### ARTICLE 4

The representatives of the contracting Powers, charged in virtue of Article 1 of the present convention, with the superior direction and management of the light-house, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

#### ARTICLE 5

The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

#### ARTICLE 6

The execution of the reciprocal engagements contained in the present convention is subordinated, so far as needful, to the accomplishment of the

forms and regulations established by the constitutional laws of those of the high contracting Powers who are held to ask for their application thereto, which they bind themselves to do with the least possible delay.

## ARTICLE 7

The present convention shall be ratified, and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282, which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty-five.

[For the United States:] JESSE H. McMATH	[SEAL]	[For Italy:] ALEX'RE VERDINOIS	[SEAL]
[For Austria-Hungary:] J. H. DRUMMOND HAY	[SEAL]	[For the Netherlands:] J. H. DRUMMOND HAY	[SEAL]
[For Belgium:] ERNEST DALUIN	[SEAL]	[For Portugal:] JOSÉ DANIEL COLAÇO	[SEAL]
[For Spain:] FRANCISCO MERRY Y COLOM	[SEAL]	[For Sweden and Norway:] S. D'EHRENHOFF	[SEAL]
[For France:] AYMÉ D'AQUIN	[SEAL]	[For Morocco:] SID MOHAMMED BARGASH	[SEAL]
[For the United Kingdom:] J. H. DRUMMOND HAY	[SEAL]	[signature in Arabic]	

## ESTABLISHMENT OF TARIFF DUTIES WITH RESPECT TO JAPAN

*Convention signed at Yedo June 25, 1866*

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

*Effective on and from July 1, 1866*<sup>1</sup>

*Terminated as to the United States and Japan by treaty of November 22,  
1894,*<sup>2</sup> *between the two countries*

Treaty Series 188

### THE CONVENTION

The Representatives of the United States of America, Great Britain, France, and Holland, having received from their respective Governments identical instructions for the modification of the Tariff of Import and Export Duties, contained in the Trade Regulations, annexed to the Treaties concluded by the aforesaid Powers with the Japanese Government in 1858,<sup>3</sup> which modification is provided for by the VII<sup>th</sup> of those Regulations:—

And the Japanese Government having given the said Representatives, during their visit to Osaka, in November 1865, a written engagement to proceed immediately to the Revision of the Tariff in question on the general basis of a duty of five per cent on the value of all articles Imported or Exported:—

And the Government of Japan being desirous of affording a fresh proof of their wish to promote trade and to cement the friendly relations which exist between their country and foreign nations:—

His Excellency Midzuno Idzumi no Kami, a Member of the Gorojiu and a Minister of Foreign Affairs, has been furnished by the Government of Japan with the necessary powers to conclude with the Representatives of the above-named four Powers; that is to say;

Of the United States of America:—

A. L. C. Portman Esquire, Chargé d'Affairs ad interim;

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<sup>1</sup> See art. XII regarding entry into force.

<sup>2</sup> TS 192, *post*.

<sup>3</sup> A treaty of amity and commerce between the United States and Japan was concluded on July 29, 1858 (TS 185), *post*.

Of Great Britain:—

Sir Harry S. Parkes, Knight Commander of the Most Honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan;

Of France:—

Monsieur Leon Roches, Commander of the Imperial Order of the Legion of Honor, Minister Plenipotentiary of His Majesty the Emperor of the French in Japan;

And of Holland:—

Monsieur Dirk de Graeff van Polsbroek, Knight of the Order of the Netherlands Lion, Political Agent and Consul General of his Majesty the King of the Netherlands:—

The following Convention comprising Twelve Articles.

#### ARTICLE I

The contracting parties declare in the names of their respective Governments that they accept, and they hereby do formally accept as binding on the citizens of their respective countries, and on the subjects of their respective Sovereigns the Tariff hereby established and annexed to the present convention.

This Tariff is substituted not only for the original Tariff attached to the Treaties concluded with the abovenamed four Powers but also for the special Conventions and arrangements relative to the same Tariff, which have been entered into at different dates up to this time between the Governments of the United States, Great Britain and France on one side, and the Japanese Government on the other.

The new Tariff shall come into effect in the port of Kanagawa (Yokohama) on the first day of July next and in the ports of Nagasaki and Hakodate on the first day of the following month.

#### ARTICLE II

The Tariff, attached to this convention being incorporated from the date of its signature in the Treaties concluded between Japan and the abovenamed four powers; is subject to revision on the first day of July 1872.

Two years, however, after the signing of the present convention, any of the contracting parties, on giving six months' notice to the others, may claim a re-adjustment of the duties on Tea and Silk on the basis of 5 per cent on the average value of those articles during the three years last preceding. On the demand also of any of the contracting parties, the duty on timber may be changed from an ad valorem to a specific rate six months after the signature of this convention.



## ARTICLE III

The Permit fee, hitherto levied under the VI<sup>th</sup> Regulation attached to the abovenamed Treaties is hereby abolished. Permits for the landing or shipment of cargo will be required as formerly, but will hereafter be issued free of charge.

## ARTICLE IV

On and from the first day of July next at the port of Kanagawa (Yokohama) and on and from the 1st day of October next at the ports of Nagasaki and Hakodate, the Japanese Government will be prepared to warehouse imported goods, on the application of the importer or owner without payment of duty. The Japanese Government will be responsible for the safe custody of the goods so long as they remain in their charge, and will adopt all the precautions necessary to render them insurable against fire. When the importer or the owner wishes to remove the goods from the warehouse, he must pay the duties fixed by the Tariff, but if he should wish to re-export them, he may do so without payment of duty. Storage charges will in either case be paid on delivery of the goods. The amount of these charges together with the regulations necessary for the management of the said warehouses, will be established by the common consent of the contracting parties.

## ARTICLE V

All articles of Japanese production may be conveyed from any place in Japan to any of the Ports open to foreign trade, free of any tax or transit duty other than the usual tolls levied equally on all traffic for the maintenance of roads or navigation.

## ARTICLE VI

In conformity with those articles of the treaties concluded between Japan and Foreign Powers, which stipulate for the circulation of foreign coin at its corresponding weight in native coin of the same description, dollars have hitherto been received at the Japanese Custom House in payment of duties at their weight in Boos, (commonly called Itchiboos) that is to say, at a rate of Three hundred and eleven Boos per Hundred Dollars. The Japanese Government, being however desirous to alter this practice and to abstain from all interference in the exchange of native for foreign coin, and being also anxious to meet the wants, both of native and foreign commerce by securing an adequate issue of native coin, have already determined to enlarge the Japanese Mint so as to admit of the Japanese Government exchanging into native coin of the same intrinsic value, less only the cost of coinage at the places named for this purpose; all foreign coin or bullion in gold or silver that may at any time be tendered to them by foreigners or Japanese. It being essential however to the execution of this measure, that the various Powers with whom Japan has concluded Treaties should first consent to



modify the stipulations in those Treaties which relate to the currency, the Japanese Government will at once propose to those Powers the adoption of the necessary modification in the said stipulations, and, on receiving their concurrence, will be prepared from the first of January 1868 to carry the above measure into effect.

The rates to be charged as the cost of coinage shall be determined hereafter, by the common consent of the contracting parties.

#### ARTICLE VII

In order to put a stop to certain abuses and inconveniences complained of at the open Ports, relative to the transaction of business at the Custom-house, the landing and shipping of cargoes, and the hiring of boats, coolies, servants &c the Contracting parties have agreed that the Governor at each open port shall at once enter into negotiations with the foreign Consuls with a view to the establishment, by mutual consent, of such regulations as shall effectually put an end to those abuses and inconveniences and afford all possible facility and security both to the operations of trade and to the transactions of individuals.

It is hereby stipulated that in order to protect merchandize from exposure to weather, these regulations shall include the covering in at each port of one or more of the landing places used by foreigners for landing or shipping cargo.

#### ARTICLE VIII

Any Japanese subject shall be free to purchase, either in the open ports of Japan or abroad, every description of sailing or steam vessel intended to carry either passengers or cargo; but ships of war may only be obtained under the authorization of the Japanese Government.

All foreign vessels purchased by Japanese subjects shall be registered as Japanese vessels, on payment of a fixed duty of three Boos per ton for Steamers, and one Boo per ton for sailing vessels. The tonnage of each vessel shall be proved by the Foreign Register of the ship, which shall be exhibited through the Consul of the party interested, on the demand of the Japanese Authorities, and shall be certified by the Consul as authentic.

#### ARTICLE IX

In conformity with the Treaties concluded between Japan and the aforesaid Powers and with the special arrangements made by the Envoys of the Japanese Government, in their note to the British Government of the 6<sup>th</sup> of June 1862, and in their note to the French Government of the sixth of October of the same year, all the restrictions on trade and intercourse between foreigners and Japanese alluded to in the said notes have been entirely removed, and proclamations to this effect have already been published by the Government of Japan. The latter, however, do not hesitate to declare that

Japanese merchants and traders of all classes are at liberty to trade directly, and without the interference of Government officers, with foreign merchants not only at the open Ports of Japan, but also in all Foreign countries, on being authorized to leave their country in the manner provided for in Article X of the present convention, without being subject to higher taxation by the Japanese Government than that levied on the native trading classes of Japan in their ordinary transactions with each other.

And they further declare that all Daimios, or persons in the employ of Daimios are free to visit, on the same condition, any foreign country as well as all the open Ports of Japan and to trade there with foreigners as they please without the interference of any Japanese officer, provided always they submit to the existing Police regulations and to the payment of the established duties.

#### ARTICLE X

All Japanese subjects may ship goods to or from any open Port in Japan or to and from the Ports of any Foreign Power, either in vessels owned by Japanese, or in the vessels of any nation having a Treaty with Japan. Furthermore on being provided with Passports through the proper Department of the Government, in the manner specified in the Proclamation of the Japanese Government, dated the twenty third day of May 1866, all Japanese subjects may travel to any foreign country for purposes of study or trade. They may also accept employment in any capacity on board the vessels of any nation having a Treaty with Japan. Japanese in the employ of Foreigners may obtain Government passports to go abroad on application to the Government of any open port.

#### ARTICLE XI

The Government of Japan will provide all the Ports open to Foreign trade with such lights, buoys and beacons as may be necessary to render secure the navigation of the approaches to the said Ports.

#### ARTICLE XII

The undersigned being of opinion that it is unnecessary that this Convention should be submitted to their respective Governments for ratification before it comes into operation, it will take effect on and from the first day of July, one thousand eight hundred and sixty six.

Each of the Contracting Parties having obtained the approval of his Government to this Convention shall make known the same to the others, and the communication in writing of this approval shall take the place of a formal exchange of Ratifications.

In witness whereof the above named Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Yedo in the English, French, Dutch and Japanese languages  
this twenty fifth day of June, one thousand eight hundred and sixty six.

A L C PORTMAN

*Chargé d'affaires a.i. of the United States in Japan* [SEAL]

HARRY S. PARKES

*H.B.M.'s Envoy Extraordinary & Minister Plenipotentiary in Japan* [SEAL]

LEON ROCHES

*Ministre plénipre de S.M. L'Empereur des Français, au Japon* [SEAL]

D. DE GRAEFF VAN POLSBROEK

*H N M's Political Agent & Consul General in Japan* [SEAL]

MIDZUNO IDZUMI NO KAMI [ideographic signature] [SEAL]

### IMPORT TARIFF<sup>4</sup>

#### CLASS I. SPECIFIC DUTIES

No.	Article	Duty		
		Per	Boos	Cents
1	Alum. ....	100 Catt.	0	15
2	Betel Nut. ....	"	0	45
3	Brass Buttons. ....	Gross	0	22
4	Candles. ....	100 Catt.	2	25
5	Canvas and Cotton Duck. ....	10 yds.	0	25
6	Cigars. ....	Cattv.	0	25
7	Cloves and Mother Cloves. ....	100 Catt	1	00
8	Cochineal. ....	"	21	00
9	Cordage. ....	"	1	25
10	Cotton, Raw. ....	"	1	25
COTTON MANUFACTURES				
11	Shirtings, Grey, White and Twilled; White Spotted or Figured, Drills and Jeans; White Brocades; T-Cloths; Cambrics; Muslins; Lawns; Dimities; Quiltings; Cottonets; all the above goods Dyed; Printed Cottons; Chintzes and Furnitures;			
	A. not exceeding 34 in. wide. ....	10 yds.	0	07½
	B. " " 40 " " ....	"	0	8¾
	C. " " 46 " " ....	"	0	10
	D. exceeding 46 " " ....	"	0	11¼
12	Taffachelass not exceeding 31 in. ....	"	0	17½
	" exceeding 31 in. and not exceeding 43 in. ....	"	0	25
13	Fustians, as Cotton Velvets, Velveteens, Satins, Sat- inets and Cotton Damasks not exceeding 40 in. ....	"	0	20
14	Ginghams not exceeding 31 in. ....	"	0	06
	" not exceeding 43 in. ....	"	0	09
15	Handkerchiefs. ....	dozen	0	05
16	Singlets and Drawers. ....	"	0	30

<sup>4</sup> The United States and Japan, in a protocol of Nov. 22, 1894 (TS 192, p. 11), *post*, agreed that the General Statutory Tariff of Japan should, subject to certain stipulations, be applicable to goods and merchandise of the United States imported into Japan, effective one month after the exchange of ratifications of the treaty of commerce and navigation of Nov. 22, 1894 (TS 192, p. 1), *post*, i.e., from Apr. 21, 1895.

## IMPORT TARIFF—Continued

## CLASS I. SPECIFIC DUTIES—Continued

No.	Article	Duty		
		Per	Boos	Cents
17	Table Cloths . . . . .	each	0	06
18	Cotton Thread, plain or dyed in reel or ball . . . . .	100 Cat.	7	50
19	Cotton Yarn, plain or dyed . . . . .	"	5	00
20	Cutch . . . . .	"	0	75
21	Feathers (Kingfisher, Peacock &c) . . . . .	100 pieces	1	50
22	Flints . . . . .	100 Catties	0	12
23	Gambier . . . . .	"	0	45
24	Gamboge . . . . .	"	3	75
25	Glass window . . . . .	Bx. of 100 sqr. ft.	0	35
26	Glue . . . . .	100 Cat.	0	60
27	Gum Benjamin and Oil of Do . . . . .	"	2	40
28	" Dragons Blood, Myrrh Olibanum . . . . .	"	1	80
29	Gypsum . . . . .	"	0	08
30	Hides—Buffalo and Cow . . . . .	"	1	20
31	Horns—Buffalo and Deer . . . . .	"	1	05
32	" Rhinoceros . . . . .	"	3	50
33	Hoofs . . . . .	"	0	30
34	Indigo, liquid . . . . .	"	0	75
35	" dry . . . . .	"	3	75
36	Ivory—Elephants' Teeth, all qualities . . . . .	"	15	00
37	Paint—as Red, White and Yellow Lead (Minium, Ceruse and Massicot) and paint oils . . . . .	"	1	50
38	Leather . . . . .	"	2	00
39	Linen, all qualities . . . . .	10 yds.	0	20
40	Mangrove bark . . . . .	100 Catt.	0	15
41	Matting, floor . . . . .	roll 40 yd.	0	75
METALS				
42	Copper and Brass in Slabs, Sheets, Rods, Nails . . . . .	100 Cat.	3	50
43	Yellow Metal; Muntz Metal Sheathing and Nails . . . . .	"	2	50
44	Iron, Manufactured, as in Rods, Bars, Nails &c . . . . .	"	0	30
45	Iron, Manufactured, as in Pigs . . . . .	"	0	15
46	" " as in Kentledge . . . . .	"	0	06
47	" " " Wire . . . . .	"	0	80
48	Lead, Pigs . . . . .	"	0	80
49	" Sheet . . . . .	"	1	00
50	Spelter and Zinc . . . . .	"	0	60
51	Steel . . . . .	"	0	60
52	Tin . . . . .	"	3	00
53	Tin plates . . . . .	Bx. of not exc. 90 Catt.	0	70
54	Oil Cloth for flooring . . . . .	10 yds.	0	30
55	" or Leather Cloth for Furniture . . . . .	"	0	15
56	Pepper, Black and White . . . . .	100 Catt.	1	00
57	Putchuck . . . . .	"	2	25
58	Quicksilver . . . . .	"	6	00
59	Quinine . . . . .	Catty	1	50

## IMPORT TARIFF—Continued

## CLASS I. SPECIFIC DUTIES—Continued

No.	Article	Duty		
		Per	Boos	Cents
60	Rattans.....	100 Catt.	0	45
61	Rhubarb.....	"	1	00
62	Salt fish.....	"	0	75
63	Sandal Wood.....	"	1	25
64	Sapan Wood.....	"	0	40
65	Sea horse Teeth.....	"	7	50
66	Narwhal or "Unicorn" Teeth.....	Catty	1	00
67	Sharks' Skins.....	100 pcs.	7	50
68	Snuff.....	Catty	0	30
69	Soap, Bar.....	100 Catt.	0	50
70	Stick Lac.....	"	1	75
71	Sugar—Brown and Black.....	"	0	40
72	" White.....	"	0	75
73	" Candy and Loaf.....	"	1	00
74	Tobacco.....	"	1	80
75	Vermillion.....	"	9	00
WOOLEN MANUFACTURES				
76	Broad, Habit, Medium and Narrow Cloth			
	A. not exceeding 34 in.....	10 yds.	0	60
	B. " " 55 inches.....	"	1	00
	C. exceeding 55 ".....	"	1	25
77	Spanish Stripes.....	"	0	75
78	Cassimeres, Flannel, Long Ells and Serges.....	"	0	45
79	Bunting.....	"	0	15
80	Camlets, Dutch.....	"	0	75
81	" English.....	"	0	40
82	Lastings, Crape Lastings and Worsted Crapes; Merinos and all other Woollen Goods not classed under N° 76:—			
	A. not exceeding 34 inches.....	"	0	30
	B. exceeding 34 ".....	"	0	45
83	Woollen and Cotton Mixtures as Imitation Camlets; Imitation Lastings, Orleans (plain and figured) Lustres (plain and figured) Alpacas; Baratheas, Damasks; Italian Cloth; Taffachelass; Russell Cords Cassandras; Woollen Fancies; Camlet Cords, and all othr Cotton and Woollen Mix- tures:			
	A. not exceeding 34 inches.....	"	0	30
	B. exceeding 34 ".....	"	0	45
84	Blankets and Horse Cloths.....	10 Catt.	0	50
85	Travelling Rugs; Plaids and Shawls.....	each	0	50
86	Figured Woollen Table Cloths.....	"	0	75
87	Woollen Singlets and Drawers.....	dozen	1	00
88	Woollen & Cotton Singlets & Drawers.....	"	0	60
89	Woollen Yarn plain and dyed.....	100 Catt.	10	00

## CLASS II—DUTY FREE GOODS

All animals used for food or draught  
 Anchors and Chain Cables  
 Coal  
 Clothing (Foreign) not being of articles named in this Tariff  
 Gold and Silver, coined and uncoined  
 Grain, including Rice, Paddy, Wheat, Barley, Oats, Rye, Peas, Beans, Millet, Indian  
     Corn  
 Flour and Meal prepared from the above  
 Oil Cake  
 Packing Matting  
 Printed Books  
 Salt  
 Salted Meats in Casks  
 Saltpetre  
 Solder  
 Tar and Pitch  
 Tea Firing pans and baskets  
 Tea Lead  
 Travelling Baggage

## CLASS III—PROHIBITED GOODS

Opium

CLASS IV—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT  
ON ORIGINAL VALUE

Arms and munitions of war  
 Articles de Paris  
 Boots and Shoes  
 Clocks, Watches and Musical Boxes  
 Coral. Cutlery.  
 Drugs and Medicines such as Ginseng, &c  
 Dyes  
 Porcelain and Earthenware  
 Furniture of all kinds new and second hand  
 Glass and Crystal Ware  
 Gold and Silver lace and thread  
 Gums and Spices not named in Tariff  
 Lamps. Looking Glasses  
 Jewellery  
 Machinery and Manufactures in Iron or Steel  
 Manufactures of all kinds in Silk, Silk and Cotton, or Silk and Wool, as Velvets,  
     Damasks, Brocades, &c.  
 Paintings and Engravings  
 Perfumery, Scented Soap  
 Plated Ware  
 Skins and Furs  
 Telescopes and Scientific Instruments  
 Timber  
 Wines, Malt and Spirituous Liquors  
 Table stores of all kinds  
 And all other Unenumerated Goods

NOTE—According to the VIII<sup>th</sup> Article of the Convention of Yedo, a duty will be charged on the sale of Foreign Vessels to Japanese of three Boos per ton for Steamers, and one Boo per ton for Sailing Vessels. [Note in original.]

*EXPORT TARIFF*  
CLASS I—SPECIFIC DUTIES

No.	Article	Duty		
		Per 100 Catt.	Boos	Cents
1	Awabé.....	“	3	00
2	“ Shells.....	“	0	08
3	Camphor.....	“	1	80
4	China Root (Bukrio).....	“	0	75
5	Cassia.....	“	0	30
6	“ Buds.....	“	2	25
7	Coal.....	“	0	04
8	Cotton, Raw.....	“	2	25
9	Coir.....	“	0	45
10	Fish, dried or Salted Salmon & Cod.....	“	0	75
11	do. Cuttle.....	“	1	05
12	Gall nuts.....	“	0	90
13	Ghinang or Ichio.....	“	0	45
14	Hemp.....	“	2	00
15	Honey.....	“	1	05
16	Horns, Deer, old.....	“	0	90
17	Irico or Bêche de Mer.....	“	3	00
18	Iron, Japanese.....	“	0	60
19	Isinglass.....	“	2	25
20	Lead.....	“	0	90
21	Mushrooms, all qualities.....	“	5	00
22	Oil, Fish.....	“	0	30
23	Do. Seed.....	“	1	05
24	Paper, Writing.....	“	3	00
25	Do. Inferior.....	“	1	00
26	Peas, Beans and Pulse of all kinds.....	“	0	30
27	Peony Bark (Botanpi).....	“	3	75
28	Potatoes.....	“	0	15
29	Rags.....	“	0	12
30	Sake or Japanese Wines or Spirits.....	“	0	90
31	Seaweed, Uncut.....	“	0	30
32	Do. Cut.....	“	0	60
33	Seeds, Rape.....	“	0	45
34	Do. Sesamum.....	“	0	90
35	Sharks' Fins.....	“	1	80
36	Shrimps and Prawns, Dried Salt.....	“	1	80
SILK				
37	Raw and Thrown.....	“	75	00
38	Tama or Dupioni.....	“	20	00
39	Noshi or Skin.....	“	7	50
40	Floss.....	“	20	00
41	Cocoons, Pierced.....	“	7	00
42	“ Unpierced.....	“	12	00
43	Waste Silk and Waste Cocoons.....	“	2	25
44	Silk Worm's Eggs.....	Sheet	0	07½
45	Soy.....	100 Catt.	0	45
46	Sulphur.....	“	0	30
47	TEA.....	“	3	50
48	“ quality known as “Bancha” (when exported from Nagasaki only).....	“	0	75
49	Tobacco Leaf.....	“	0	75
50	“ Cut or prepared.....	“	1	50
51	Vermicelli.....	“	0	45
52	Wax, Vegetable.....	“	1	50
53	“ Bees'.....	“	2	50

## CLASS II—DUTY FREE GOODS

Gold and Silver coined

Gold Silver and Copper uncoined, of Japanese production, to be sold only by the Japanese Government at public auction

## CLASS III—PROHIBITED GOODS

Rice, Paddy; Wheat and Barley

Flour made from the above

Saltpetre

CLASS IV—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT  
TO BE CALCULATED ON THEIR MARKET VALUE

Bamboo Ware

Copper Utensils of all kinds

Charcoal

Ginseng and unenumerated Drugs

Horns, deer, young or soft

Mats and Matting

Silk dresses, manufactures or embroideries

Timber

And all other unenumerated goods

## RULES

## RULE I

Unenumerated Imports, if mentioned in the Export list shall not pay duty under that list, but shall be passed ad valorem, and the same shall apply to any unenumerated Exports that may be named in the Import list.

## RULE II

Foreigners resident in Japan and the crews or passengers of foreign ships shall be allowed to purchase such supplies of the grain or flour named in the list of exports as they may require for their own consumption; but the usual shipping permit must be obtained from the Custom House before any of the aforesaid grain or flour can be shipped to a foreign vessel.

## RULE III

The Catty mentioned in this Tariff is equal to one pound and a third English avoirdupois weight. The Yard is the English measure of three feet—the English foot being one eighth of an inch larger than the Japanese Kan ishaku. The Boo is a silver coin weighing not less than 134 grains Troy weight and containing not less than nine parts of pure silver and not more than one part of alloy. The Cent is the one hundredth part of the Boo.

[SEAL]

A L C PORTMAN

*Chargé d'affaires a.i. of the United States in Japan*

[SEAL]

HARRY S. PARKES

*H.B.M.'s Envoy Extraordinary & Minister Plenipotentiary in Japan*

[SEAL]

LEON ROCHES

*Ministre plénipotentiaire de S. M. L'Empereur des Français, au Japon*

[SEAL]

D. DE GRAEFF VAN POLSBROEK

*H N M's Political Agent & Consul General in Japan*

[SEAL]

MIDZUNO IDZUMI NO KAMI [ideographic signature]



## GENERAL POSTAL UNION

*Treaty and final protocol signed at Bern October 9, 1874*<sup>1</sup>

*Treaty ratified and approved by the Postmaster General of the United States March 8, 1875; final protocol ratified and approved by the Postmaster General of the United States May 21, 1875*

*Treaty approved by the President of the United States March 8, 1875; final protocol approved by the President of the United States May 21, 1875*

*Ratifications exchanged at Bern May 3, 1875*<sup>2</sup>

*Entered into force July 1, 1875*

*Terminated by convention of June 1, 1878*<sup>3</sup>

19 Stat. 577

### [TRANSLATION]

TREATY CONCERNING THE FORMATION OF A GENERAL POSTAL UNION, CONCLUDED BETWEEN GERMANY, AUSTRIA-HUNGARY, BELGIUM, DENMARK, EGYPT, SPAIN, THE UNITED STATES OF AMERICA, FRANCE, GREAT BRITAIN, GREECE, ITALY, LUXEMBURG, NORWAY, THE NETHERLANDS, PORTUGAL, ROUMANIA, RUSSIA, SERBIA, SWEDEN, SWITZERLAND, AND TURKEY.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, have by common consent, and subject to ratification, agreed upon the following Convention:

#### ARTICLE 1

The countries between which the present treaty is concluded shall form, under the title of *General Postal Union*, a single postal territory for the reciprocal exchange of correspondence between their post-offices.

#### ARTICLE 2

The stipulations of this treaty shall extend to letters, post-cards, books, newspapers, and other printed papers, patterns of merchandise, and legal

<sup>1</sup> For text of regulations for execution of the treaty, see 19 Stat. 592.

<sup>2</sup> The procès-verbal of exchange of ratifications (including that of the United States) at Bern dated May 3, 1875, contains French conditions and reservations, assented to by the other contracting parties. For text of these provisions, see footnote 6, p. 37. For complete text of procès-verbal, see 19 Stat. 590.

<sup>3</sup> *Post*, p. 51.

and commercial documents originating in one of the countries of the Union and intended for another of those countries. They shall also apply to the exchange by post of the articles above mentioned between the countries of the Union and countries foreign to the Union whenever such exchange takes place over the territory of two at least of the contracting parties.

### ARTICLE 3

The general Union rate of postage is fixed at 25 centimes for a single prepaid letter.

Nevertheless, as a measure of conversion, the option is reserved to each country, in order to suit its monetary or other requirements, of levying a rate higher or lower than this charge, provided that it does not exceed 32 centimes or go below 20 centimes.

Every letter which does not exceed 15 grammes in weight shall be considered a single letter. The charge upon letters exceeding that weight shall be a single rate for every 15 grammes or fraction of 15 grammes.

The charge on unpaid letters shall be double the rate levied in the country of destination on prepaid letters.

The prepayment of post-cards is compulsory. The postage to be charged upon them is fixed at one-half of that on paid letters, with power to round off the fractions.

For all conveyance by sea of more than 300 nautical miles within the district of the Union, there may be added to the ordinary postage an additional charge which shall not exceed the half of the general Union rate fixed for a paid letter.

### ARTICLE 4

The general Union rate for legal and commercial documents, patterns of merchandise, newspapers, stitched or bound books, pamphlets, music, visiting cards, catalogues, prospectuses, announcements and notices of various kinds, whether printed, engraved, lithographed, or autographed, as well as for photographs, is fixed at 7 centimes for each single packet.

Nevertheless, as a measure of conversion, the option is reserved to each country, in order to suit its monetary or other requirements, of levying a rate higher or lower than this charge, provided that it does not exceed 11 centimes or go below 5 centimes.

Every packet which does not exceed 50 grammes in weight shall be considered a single packet. The charge upon packets exceeding that weight shall be a single rate for every 50 grammes or fraction of 50 grammes.

For all conveyance by sea of more than 300 nautical miles within the district of the Union, there may be added to the ordinary postage an additional charge which shall not exceed the half of the general Union rate fixed for articles of this class.

The maximum weight of the articles mentioned above is fixed at 250 grammes for patterns of merchandise, and at 1000 grammes for all the others.

There is reserved to the Government of each country of the Union the right to refuse to convey over its territory or to deliver articles specified in the present Article with regard to which the laws, orders, and decrees which regulate the conditions of their publication and circulation have not been observed.

#### ARTICLE 5

The articles specified in Article 2 may be registered.

Every registered packet must be prepaid.

The postage payable on registered articles is the same as that on articles not registered.

The charge to be made for registration and for return receipts must not exceed that made in the interior service of the country of origin.

In case of the loss of a registered article, except in the case of *vis major*, there shall be paid an indemnity of 50 francs to the sender, or, at his request, to the addressee, by the Administration of the country in the territory or in the maritime service of which the loss has occurred—that is to say, where the trace of the article has been lost,—unless, according to the legislation of such country, the Administration is not responsible for the loss of registered articles sent through its interior post.

The payment of this indemnity shall be effected with the least possible delay, and, at the latest, within a year from the date of application.

All claim for an indemnity is excluded if it be not made within one year, counting from the date on which the registered article was posted.

#### ARTICLE 6

Prepayment of postage on every description of article can be effected only by means of postage-stamps or stamped envelopes valid in the country of origin.

Newspapers and other printed papers unpaid or insufficiently paid shall not be forwarded. Other articles when unpaid or insufficiently paid shall be charged as unpaid letters, after deducting the value of the stamped envelopes or postage-stamps (if any) employed.

#### ARTICLE 7

No additional postage shall be charged for the re-transmission of postal articles within the interior of the Union.

But in case an article which has only passed through the interior service of one of the countries of the Union should, by being re-directed, enter into the service of another country of the Union, the Administration of the country of destination shall add its interior rate.

## ARTICLE 8

Official correspondence relative to the postal service is exempt from postage. With this exception, no franking or reduction of postage is allowed.

## ARTICLE 9

Each Administration shall keep the whole of the sums which it collects by virtue of the foregoing Articles 3, 4, 5, 6, and 7. Consequently, there will be no necessity on this head for any accounts between the several Administrations of the Union.

Neither the senders nor the addressees of letters and other postal packets shall be called upon to pay, either in the country of origin or in that of destination, any tax or postal duty other than those contemplated by the Articles above mentioned.

## ARTICLE 10

The right of transit is guaranteed throughout the entire territory of the Union.

Consequently, there shall be full and entire liberty of exchange, the several Postal Administrations of the Union being able to send reciprocally, in transit through intermediate countries, closed mails as well as correspondence in open mails, according to the requirements of trade and the exigencies of the postal service.

Closed mails and correspondence sent in open mails must always be forwarded by the most rapid routes at the command of the Postal Administrations concerned.

When several routes offer the same advantages of speed, the despatching Administration shall have the right of choosing the route to be adopted.

It is obligatory to make up closed mails whenever the number of letters and other postal packets is of a nature to hinder the operations of the re-forwarding office, according to the declaration of the Administration interested.

The despatching Office shall pay to the Administration of the territory providing the transit, the sum of 2 francs per kilogramme for letters and 25 centimes per kilogramme for the several articles specified in Article 4, net weight, whether the transit takes place in closed mails or in open mails.

This payment may be increased to 4 francs for letters and to 50 centimes for the articles specified in Article 4, when a transit is provided of more than 750 kilometers in length over the territory of one Administration.

It is understood, however, that in any case in which the transit is already actually gratuitous or subject to lower rates, those conditions shall be maintained.

Whenever a transit shall take place *by sea* over a distance exceeding 300 nautical miles within the district of the Union, the Administration by or at

the expense of which this sea-service is performed shall have the right to a payment of the expenses attending this transport.

The members of the Union engage to reduce those expenses as much as possible. The payment which the Office providing the sea-conveyance may claim on this account from the despatching Office shall not exceed 6 francs 50 centimes per kilogramme for letters, and 50 centimes per kilogramme for the articles specified in Article 4, (net weight.)

In no case shall these expenses be higher than these now paid. Consequently, no payment shall be made upon the postal sea routes on which nothing is paid at the present time.

In order to ascertain the weight of the correspondence forwarded in transit, whether in closed mails or in open mails, there shall be taken, at periods which shall be determined upon by common consent, the statistics of such correspondence during two weeks. Until revised, the result of that labor shall serve as the basis of the accounts of the Administrations between themselves.

Each Office may demand a revision,—

1st. In case of any important modification in the direction of the correspondence;

2d. At the expiration of a year after the date of the last account.

The provisions of the present Article are not applicable to the Indian mail, nor to the mails conveyed across the territory of the United States of America by the railways between New York and San Francisco. Those services shall continue to form the object of special arrangements between the Administrations concerned.

#### ARTICLE 11

The relations of the countries of the Union with countries foreign to the Union shall be regulated by the separate conventions which now exist or which may be concluded between them.

The rates of postage chargeable for the conveyance beyond the limits of the Union shall be determined by those conventions; they shall be added, in such case, to the Union rate.

In conformity with the stipulations of Article 9, the Union rate shall be apportioned in the following manner:

1st. The despatching Office of the Union shall keep the whole of the Union rate for the prepaid correspondence addressed to foreign countries.

2d. The receiving Office of the Union shall keep the whole of the Union rate for the unpaid correspondence originating in foreign countries.

3d. The Office of the Union which exchanges closed mails with foreign countries shall keep the whole of the Union rate for the paid correspondence originating in foreign countries and for the unpaid correspondence addressed to foreign countries.

In the cases mentioned under the Nos. 1, 2, and 3, the Office which exchanges the mails is not entitled to any payment for transit. In all the other cases the transit rates shall be paid according to the stipulations of Article 10.

#### ARTICLE 12

The exchange of letters with value declared and of Post Office money orders shall form the subject of ulterior arrangements between the various countries or groups of countries composing the Union.

#### ARTICLE 13

The Postal Administrations of the various countries composing the Union are competent to draw up, by common consent, in the form of detailed regulations,<sup>4</sup> all the measures of order and detail necessary with a view of the execution of the present treaty. It is understood that the stipulations of these detailed regulations may always be modified by the common consent of the Administrations of the Union.

The several Administrations may make amongst themselves the necessary arrangements on the subject of questions which do not concern the Union generally; such as the regulations of exchange at the frontier, the determination of radii in adjacent countries within which a lower rate of postage may be taken, the conditions of the exchange of Post Office money orders and of letters with declared value, etc., etc.

#### ARTICLE 14

The stipulations of the present treaty do not involve any alteration in the interior postal legislation of any country, nor any restriction of the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted unions with a view to a progressive improvement of postal relations.

#### ARTICLE 15

There shall be organized, under the name of the International Office of the General Postal Union, a central office, which shall be conducted under the surveillance of a Postal Administration to be chosen by the Congress, and the expenses of which shall be borne by all the Administrations of the contracting States.

This office shall be charged with the duty of collecting, publishing, and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known proposals for modifying the detailed regulations; of giving notice of alterations adopted; of facilitating

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<sup>4</sup> See footnote 1, p. 29.

operations relating to international accounts, especially in the cases referred to in Article 10 foregoing; and in general of considering and working out all questions in the interest of the Postal Union.

#### ARTICLE 16

In case of disagreement between two or more members of the Union as to the interpretation of the present treaty, the question in dispute shall be decided by arbitration. To that end, each of the Administrations concerned shall choose another member of the Union not interested in the affair.

The decision of the arbitrators shall be given by an absolute majority of votes.

In case of an equality of votes the arbitrators shall choose, with the view of settling the difference, another Administration equally disinterested in the question in dispute.

#### ARTICLE 17

The entry into the Union of countries beyond sea not yet forming part of it, shall be effected on the following conditions:—

1st. They shall make their application to the Administration charged with the management of the International Office of the Union.

2d. They shall submit to the stipulations of the treaty of the Union, subject to an ulterior understanding on the subject of the cost of sea conveyance.

3d. Their adhesion to the Union must be preceded by an understanding between the Administrations having postal conventions or direct relations with them.

4th. In order to bring about this understanding, the managing Administration shall convene, if there be occasion, a meeting of the Administrations interested, and of the Administration desiring admission.

5th. When the understanding has been arrived at, the managing Administration shall give notice of the same to all the members of the General Postal Union.

6th. If in a period of six weeks, counting from the date of that communication, no objections are presented, the adhesion shall be considered as accomplished, and notice thereof shall be given by the managing Administration to the Administration joining the Union. The definitive adhesion shall be completed by a diplomatic act between the Government of the managing Administration and the Government of the Administration admitted into the Union.

#### ARTICLE 18

Every three years at least, a Congress of plenipotentiaries of the countries participating in the treaty shall be held with a view of perfecting the system of the Union, of introducing into it improvements found necessary, and of discussing common affairs.



Each country has one vote.

Each country may be represented either by one or several delegates, or by the delegation of another country.

Nevertheless, it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the one they represent.

The next meeting shall take place at Paris, in 1877.

Nevertheless, this meeting may be held sooner, if a request to that effect be made by one-third at least of the members of the Union.

#### ARTICLE 19

The present treaty shall come into force on the 1st of July, 1875.

It is concluded for three years from that date. When that term shall have passed, it shall be considered as indefinitely prolonged, but each contracting party shall have the right to withdraw from the Union on giving notice one year in advance.

#### ARTICLE 20

After the date on which the present treaty comes into effect, all the stipulations of the special treaties concluded between the various countries and Administrations, in so far as they may be at variance with the terms of the present treaty, and without prejudice to the stipulations of Article 14, are abrogated.

The present treaty shall be ratified as soon as possible, and, at the latest, three months previous to the date on which it is to come into force. The acts of ratification shall be exchanged at Berne.<sup>5</sup>

In faith of which the plenipotentiaries of the Governments of the countries above enumerated have signed it at Berne, the 9th of October, 1874.

For the United States of America:  
JOSEPH H. BLACKFAN

For Germany:  
STEPHAN  
GÜNTHER

For Austria:  
LE BARON DE KOLBENSTEINER  
PILHAL

For Hungary:  
M. GERVAY  
P. HEIM

For Belgium:  
FASSIAUX  
VINCENT  
J. GIFE

For Denmark:  
FENGER

For Egypt:  
MUZZI BEY

For Spain:  
ANGEL MANSI  
EMILIO C. DE NAVASQÜES

For France: (May 3, 1875,)  
B. D'HARCOURT

For Great Britain:  
WM. JAS PAGE

For Greece:  
A. MANSOLAS  
A. H. BÉTANT

<sup>5</sup> Exchange of ratifications delayed by common consent.



For Italy:

TANTESIO

For Luxemburg:

VON ROEBE

For Norway:

C. OPPEN

For the Netherlands:

HOFSTEDE

B. SWEERTS DE LANDAS-WYBORGH

For Portugal:

EDUARDO LESSA

For Roumania:

GEORGE F. LAHOVARI

For Russia:

BARON VELHO

GEORGES POGGENPOHL

For Servia:

MLADEN Z. RADOYCOVITCH

For Sweden:

W. ROOS

For Switzerland:

EUGÈNE BOREL

NAEFF

DR. J. HEER

For Turkey:

YANCO MACRIDI

### FINAL PROTOCOL

The undersigned plenipotentiaries of the Governments of the countries which have to-day signed the treaty concerning the formation of a General Postal Union, have agreed as follows:

In case the French Government, which has reserved to itself the open protocol, and which appears in consequence in the number of the contracting parties to the treaty without having yet given to it its adherence, should decide not to sign it,<sup>6</sup> this treaty shall be no less definitive and obligatory for all the other contracting parties whose representatives have signed it to-day.

In faith of which the undersigned plenipotentiaries have prepared the present final protocol, which shall have the same force and value as if the provisions it contains were inserted in the treaty itself, and they have signed one copy of it, which shall remain in the archives of the Government of the Swiss Confederation, and a copy of which shall be given to each party.

BERNE, *October 9, 1874.*

For Germany:

STEPHAN

GÜNTHER

For Austria:

LE BARON DE KOLBENSTEINER

PILHAL

<sup>6</sup> The convention was signed for France on May 3, 1875, subject to conditions and reservations assented to by the other contracting parties. These conditions and reservations, recorded in the procès-verbal of exchange of ratifications of May 3, 1875 (19 Stat. 590), read, in translation, as follows:

"France gives its adhesion to the Treaty, subject to the approval of the National Assembly . . . .

"1st. This convention may enter into effect, so far as France is concerned, as late as the 1st of January, 1876;

"2d. The compensation to be paid for territorial transit shall be adjusted according to the actual route traversed, but at the same rates as those established by the Treaty constituting the General Postal Union.

"3d. There shall be no modification made in relation to the tariffs established in the Treaty of the 9th October, 1874, except by the unanimous vote of the countries of the Union represented at the Congress."

For Hungary:  
M. GERVAY  
P. HEIM

For Belgium:  
FASSIAUX  
VINCHENT  
J. GIFE

For Denmark:  
FENGER

For Egypt:  
MUZZI BEY

For Spain:  
ANGEL MANSI  
EMILIO C. DE NAVASQÜES

For the United States of America:  
JOSEPH H. BLACKFAN

For Great Britain:  
W. J. PAGE

For Greece:  
A. MANSOLAS  
A. H. BÉTANT

For Italy:  
TANTESIO

For Luxemburg:  
V. DE ROEBE

For Norway:  
C. OPPEN

For the Netherlands:  
HOFSTEDE  
B. SWEERTS DE LANDAS-WYBORGH

For Portugal:  
EDUARDO LESSA

For Roumania:  
GEORGE F. LAHOVARI

For Russia:  
BARON VELHO  
GEORGES POGGENPOHL

For Servia:  
MLADEN Z. RADOYCOVITCH

For Sweden:  
W. ROOS

For Switzerland:  
EUGÈNE BOREL  
NAEFF  
DR. J. HEER

For Turkey:  
YANCO MACRIDI

[For text of regulations for execution of the treaty, see 19 Stat. 592.]

## WEIGHTS AND MEASURES

*Convention, regulations, and transient provisions signed at Paris May 20, 1875*

*Senate advice and consent to ratification May 15, 1878*

*Ratified by the President of the United States May 28, 1878*

*Ratifications exchanged at Versailles December 20, 1875; by the United States at Paris August 2, 1878*

*Entered into force January 1, 1876; for the United States August 2, 1878*

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

*Superseded in part (arts. 7 and 8 of convention; arts. 6, 8-12, 15, 17, 18, and 20 of regulations) by convention of October 6, 1921<sup>1</sup>*

20 Stat. 709; Treaty Series 378

### [TRANSLATION]

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, His Majesty the Emperor of Austria-Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Argentine Confederation, His Majesty the King of Denmark, His Majesty the King of Spain, His Excellency the President of the French Republic, His Majesty the King of Italy, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Algarves, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Excellency the President of the Swiss Confederation, His Majesty the Emperor of the Ottomans, and His Excellency the President of the Republic of Venezuela, desiring international uniformity and precision in standards of weight and measure, have resolved to conclude a convention to this effect, and have named as their plenipotentiaries the following:

His Excellency the President of the United States of America: Mr. Elihu Benjamin Washburne, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris;

His Majesty the Emperor of Germany: His Highness Prince Hohenlohe-Schillingsfürst, Grand Cross of the Order of the Red Eagle of Prussia, and

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<sup>1</sup> TS 673, *post*, vol. 2.

of the Order of St. Hubert of Bavaria, etc., etc., etc., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the Emperor of Austria-Hungary: His Excellency Count Apponyi, his Actual Chamberlain and Privy Counselor, Knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, and of the Imperial Order of Leopold, etc., etc., etc., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the King of the Belgians: Baron Beyens, Grand Officer of His Order of Leopold, Grand Officer of the Legion of Honor, etc., etc., etc., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: Mr. Marcus Antonio d'Araujo, Viscount d'Itajuba, Grandee of the Empire, member of His Majesty's Council, Commander of his Order of Christ, Grand Officer of the Legion of Honor, etc., etc., etc., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Argentine Confederation: Mr. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Confederation at Paris;

His Majesty the King of Denmark: Count de Moltke-Hvitfeldt, Grand Cross of the Order of Dannebrog, and decorated with the Cross of Honor of the same order, Grand Officer of the Legion of Honor, etc., etc., etc., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Spain: His Excellency Don Mariano Roca de Togores, Marquis de Molins, Viscount de Rocamora, Grandee of Spain of the First Class, Knight of the Renowned Order of the Golden Fleece, Grand Cross of the Legion of Honor, etc., etc., etc., Director of the Royal Spanish Academy, his Ambassador Extraordinary and Plenipotentiary at Paris; and General Ibañez, Grand Cross of the Order of Isabella the Catholic, etc., etc., etc., Director General of the Geographical and Statistical Institute of Spain, Member of the Academy of Sciences;

His Excellency the President of the French Republic: The Duke Decazes, deputy to the National Assembly, Commander of the Order of the Legion of Honor, etc., etc., etc., Minister of Foreign Affairs; the Viscount de Meaux, deputy to the National Assembly, Minister of Agriculture and of Commerce; and Mr. Dumas, Perpetual Secretary to the Academy of Sciences, Grand Cross of the Order of the Legion of Honor;

His Majesty the King of Italy: The Chevalier Constantino Nigra, Knight of the Grand Cross of his Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Grand Officer of the Legion of Honor, etc., etc., etc., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Republic of Peru: Mr. Pedro Galvez, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris; and Mr. Francisco de Rivero, formerly Envoy Extraordinary and Minister Plenipotentiary of Peru;

His Majesty the King of Portugal and of the Algarves: Mr. José da Silva Mendes Leal, Peer of the Realm, Grand Cross of the Order of Saint James, Knight of the Order of the Tower and Sword of Portugal, etc., etc., etc., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of all the Russias: Mr. Gregory Okouneff, Knight of the Russian Orders of St. Anne of the first class, of St. Stanislaus of the first class, of St. Vladimir of the third class, Commander of the Legion of Honor, etc., etc., etc., Actual Counselor of State, Counselor of the Embassy of Russia at Paris;

His Majesty the King of Sweden and Norway: Baron Adelswärd, Grand Cross of the Orders of the Polar Star of Sweden, and of St. Olaf of Norway, Grand Officer of the Legion of Honor, etc., etc., etc., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Swiss Confederation: Mr. Jean Conrad Kern, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at Paris;

His Majesty the Emperor of the Ottomans: Husny Bey, Lieutenant-Colonel of Staff, wearer of a fourth-class decoration of the Imperial Order of Osmania, of a fifth-class decoration of the Order of Medjidie, Officer of the Legion of Honor, etc., etc., etc.;

His Excellency the President of the Republic of Venezuela: Doctor Eliseo Acosta,

Who, after having exhibited their full powers, which were found to be in good and due form, have agreed upon the following articles:

#### ART. 1

The high contracting parties engage to establish and maintain, at their common expense, a scientific and permanent international bureau of weights and measures, the location of which shall be at Paris.

#### ART. 2

The French Government shall take all the necessary measures to facilitate the purchase, or, if expedient, the construction, of a building which shall be especially devoted to this purpose, subject to the conditions stated in the regulations which are subjoined to this convention.

#### ART. 3

The operation of the international bureau shall be under the exclusive direction and supervision of an international committee of weights and measures, which latter shall be under the control of a general conference for weights and measures, to be composed of the delegates of all the contracting governments.

## ART. 4

The general conference for weights and measures shall be presided over by the president for the time being of the Paris Academy of Sciences.

## ART. 5

The organization of the bureau, as well as the formation and the powers of the international committee, and of the general conference for weights and measures, are established by the regulations subjoined to this convention.

## ART. 6

The international bureau of weights and measures shall be charged with the following duties:

1st. All comparisons and verifications of the new prototypes of the meter and kilogram.

2d. The custody of the international prototypes.

3d. The periodical comparison of the national standards with the international prototypes and with their test copies, as well as comparisons of the standard thermometers.

4th. The comparison of the prototypes with the fundamental standards of non-metrical weights and measures used in different countries for scientific purposes.

5th. The sealing and comparison of geodesic measuring-bars.

6th. The comparison of standards and scales of precision, the verification of which may be requested by governments or by scientific societies, or even by constructors or men of science.

## ART. 7

The persons composing the bureau shall be a director, two assistants, and the necessary number of employés. When the comparisons of the new prototypes shall have been finished, and when these prototypes shall have been distributed among the different states, the number of persons composing the bureau shall be reduced so far as may be deemed expedient.

The governments of the high contracting parties will be informed by the international committee of the appointment of the persons composing this bureau.

## ART. 8

The international prototypes of the meter and of the kilogram, together with the test copies of the same, shall be deposited in the bureau, and access to them shall be allowed to the international committee only.

## ART. 9

The entire expense of the construction and outfit of the international bureau of weights and measures, together with the annual cost of its maintenance and the expenses of the committee, shall be defrayed by contributions from the contracting states, the amount of which shall be computed in proportion to the actual population of each.

## ART. 10

The amounts representing the contributions of each of the contracting states shall be paid at the beginning of each year, through the ministry of foreign affairs of France, into the *Caisse des dépôts et consignations* at Paris, whence they may be drawn as occasion may require, upon the order of the director of the bureau.

## ART. 11

Those governments which may take advantage of the privilege, open to every state, of acceding to this convention, shall be required to pay a contribution, the amount of which shall be fixed by the committee on the basis established in article 9, and which shall be devoted to the improvement of the scientific apparatus of the bureau.

## ART. 12

The high contracting parties reserve to themselves the power of introducing into the present convention, by common consent, any modifications the propriety of which may have been shown by experience.

## ART. 13

At the expiration of twelve years this convention may be abrogated by any one of the high contracting parties, so far as it is concerned.

Any government which may avail itself of the right of terminating this convention, so far as it is concerned, shall be required to give notice of its intentions one year in advance, and by so doing shall renounce all rights of joint ownership in the international prototypes and in the bureau.

ART. 14<sup>2</sup>

This Convention shall be ratified according to the constitutional laws of each state, and the ratifications shall be exchanged in Paris within six months, or sooner, if possible.

It shall take effect on the first day of January, 1876.

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<sup>2</sup> A procès-verbal of Dec. 20, 1875, recording the first deposit of ratifications at Versailles on that date, provided that specified delays in deposit of ratifications would in no way modify the provisions of art. 14 regarding effective date. For text (in French) of procès-verbal, see *British and Foreign State Papers*, vol. 66, p. 674.



In testimony whereof the respective plenipotentiaries have attached their signatures and have hereunto affixed their seals of arms.

Done at Paris, May 20, 1875.

[For the United States:] E. B. WASHBURN	[SEAL]	[For Italy:] NIGRA	[SEAL]
[For Germany:] HOHENLOHE	[SEAL]	[For Peru:] P. GALVEZ	[SEAL]
[For Austria-Hungary:] APFONYI	[SEAL]	FRAN'CO DE RIVERO	[SEAL]
[For Belgium:] BEYENS	[SEAL]	[For Portugal:] JOSÉ DA SILVA MENDES-LEAL	[SEAL]
[For Brazil:] VICOMTE D'ITAJUBÁ	[SEAL]	[For Russia:] OKOUNEFF	[SEAL]
[For the Argentine Confederation:] M. BALCARCE	[SEAL]	[For Sweden and Norway:] FOR M. LE BARON ADELSSWÄRD (prevented) H. Akerman	[SEAL]
[For Denmark:] MOLTKE-HVITFELDT	[SEAL]	[For the Swiss Confederation:] KERN	[SEAL]
[For Spain:] MARQUIS DE MOLINS	[SEAL]	[For Turkey:] HUSNY	[SEAL]
CARLOS IBAÑEZ	[SEAL]		
[For France:] DECAZES	[SEAL]	[For Venezuela:] E. ACOSTA	[SEAL]
C. DE MEAUX			
N. DUMAS			

#### Appendix No. 1

#### REGULATIONS

##### ARTICLE 1

The international bureau of weights and measures shall be established in a special building, possessing all the necessary safeguards of stillness and stability.

It shall comprise, in addition to the vault, which shall be devoted to the safe-keeping of the prototypes, rooms for mounting the comparators and balances; a laboratory, a library, a room for the archives, work-rooms for the employés, and lodgings for the watchmen and attendants.

##### ART. 2

It shall be the duty of the international committee to acquire and fit up the aforesaid building and to set in operation the work for which it was designed.

In case of the committee's inability to obtain a suitable building, one shall be built under its direction and in accordance with its plans.

##### ART. 3

The French Government shall, at the request of the international committee, take the necessary measures to cause the bureau to be recognized as an establishment of public utility.



## ART. 4

The international committee shall cause the necessary instruments to be constructed, such as comparators for the standards of line and end measures, apparatus for the determination of absolute dilatations, balances for weighing in air and in vacuo, comparators for geodetic measuring-bars, &c.

## ART. 5

The entire expense incurred in the purchase or construction of the building, and in the purchase and placing of the instruments and apparatus, shall not exceed 400,000 francs.

## ART. 6

The estimate of annual expenditures is as follows:

A For the first period—during the construction and comparison of the new prototypes—

(a) Salary of the director.....	15, 000 fr.
Salary of two adjuncts, at 6,000 fr. each .....	12, 000
Salary of four assistants, at 3,000 fr. each.....	12, 000
Pay of door-keeper, (mechanic).....	3, 000
Wages of two office-boys, at 1,500 fr. each.....	3, 000
Total for salaries.....	45, 000
(b) Compensation to men of science and artists who, by direction of the committee, may be employed to perform special duties, keeping of the building in proper order, purchase and repair of apparatus, fuel, light, and office-expenses .....	24, 000
(c) Compensation of the secretary of the international committee of weights and measures.....	6, 000
Total.....	75, 000

The annual budget of the bureau may be modified by the international committee as necessity may require at the suggestion of the director, but it shall in no case exceed the sum of 100,000 francs.

The contracting governments shall be notified of any modifications that the committee may think proper to make within these limits, in the annual budget fixed by the present regulations.

The committee may authorize the director, at his request, to make transfers from one subdivision of the allotted budget to another.

B For the period subsequent to the distribution of the prototypes:

(a) Salary of the director.....	15, 000 fr.
Salary of one adjunct.....	6, 000
Pay of a door-keeper, (mechanic).....	3, 000
Wages of an office-boy.....	1, 500
	25, 500
(b) Office-expenses.....	18, 500
(c) Compensation of secretary, international committee.....	6, 000
Total.....	50, 000

## ART. 7

The general conference mentioned in article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years.

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system, and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the international committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by states; each state shall be entitled to one vote.

Each of the members of the international committee shall be entitled to a seat at the meetings of the conference. They may at the same time be delegates of their governments.

## ART. 8

The international committee mentioned in article 3 of the convention shall be composed of fourteen members, who shall belong to different states.

It shall consist, at first, of the twelve members of the former permanent committee of the international commission of 1872,<sup>3</sup> and of the two delegates who, at the time of the appointment of that permanent committee, received the largest number of votes next to the members who were elected.

At the time of the renewal of one-half of the international committee, the retiring members shall be, first, those who, in cases of vacancy, may have been elected provisionally during the interval occurring between two sessions of the conference. The others shall be designated by lot.

The retiring members shall be re-eligible.

## ART. 9

The international committee shall direct the work connected with the verification of the new prototypes, and, in general, all the metrological labors, as the high contracting parties may decide to have performed at the common expense. It shall, moreover, exercise supervision over the safe-keeping of the international prototypes.

## ART. 10

The international committee shall choose its chairman and secretary by secret ballot. The governments of the high contracting parties shall be notified of the result of such elections.

The chairman and secretary of the committee, and the director of the bureau, must belong to different countries.

<sup>3</sup> For background on the permanent committee and the international commission of 1872, see the historical introduction by D. Isaachsen in Charles Édouard Guillaume, *La création du Bureau international des poids et mesures et son oeuvre* (Paris, 1927), p. 1.

After having been formed, the committee shall hold no new elections and make no new appointments until three months after notice thereof shall have been given to all the members by the bureau of the committee.

ART. 11

Until the new prototypes shall have been finished and distributed, the committee shall meet at least once a year. After that time its meetings shall be held at least biennially.

ART. 12

Questions upon which a vote is taken in the committee shall be decided by a majority of the votes cast. In case of a tie, the vote of the chairman shall decide. No resolution shall be considered to have been duly adopted unless the number of members present be at least equal to a majority of the members composing the committee.

This condition being fulfilled, absent members shall have the right to authorize members who are present to vote for them, and the members thus authorized shall furnish proper evidence of their authorization. The same shall be the case in elections by secret ballot.

ART. 13

During the interval occurring between two sessions, the committee shall have the right to discuss questions by correspondence.

In such cases, in order that its resolutions may be considered to have been adopted in due form, it shall be necessary for all the members of the committee to have been called upon to express their opinions.

ART. 14

The international committee for weights and measures shall provisionally fill such vacancies as may occur in it; these elections shall take place by correspondence, each of the members being called upon to take part therein.

ART. 15

The international committee shall prepare detailed regulations for the organization and the labors of the bureau, and shall fix the amounts to be paid for the performance of the extraordinary duties provided for in article 6 of this convention.

Such amounts shall be applied to the improvement of the scientific apparatus of the bureau.

ART. 16

All communications from the international committee to the governments of the high contracting parties shall take place through the diplomatic representatives of such countries at Paris.

For all matters requiring the attention of the French authorities, the committees shall have recourse to the ministry of foreign affairs of France.

#### ART. 17

The director of the bureau and the adjuncts shall be chosen by the international committee by secret ballot.

The employés shall be appointed by the director.

The director shall have a right to take part in the deliberations of the committee.

#### ART. 18

The director of the bureau shall have access to the place of deposit of the international prototypes of the meter and the kilogram only in pursuance of a resolution of the committee and in the presence of two of its members.

The place of deposit of the prototypes shall be opened only by means of three keys, one of which shall be in possession of the director of the archives of France, the second in that of the chairman of the committee, and the third in that of the director of the bureau.

The standards of the class of national prototypes alone shall be used for the ordinary comparing work of the bureau.

#### ART. 19

The director of the bureau shall annually furnish to the committee: 1st. A financial report concerning the accounts of the preceding year, which shall be examined, and, if found correct, a certificate to that effect shall be given him; 2d. A report on the condition of the apparatus; 3d. A general report concerning the work accomplished during the course of the year just closed.

The international committee shall make to each of the governments of the high contracting parties an annual report concerning all its scientific, technical, and administrative operations, and concerning those of the bureau. The chairman of the committee shall make a report to the general conference concerning the work that has been accomplished since its last session.

The reports and publications of the committee shall be in the French language. They shall be printed and furnished to the governments of the high contracting parties.

#### ART. 20

The contributions referred to in article 9 of the convention shall be paid according to the following scale:

The number representing the population, expressed in millions, shall be multiplied by the coefficient three for states in which the use of the metrical system is obligatory;

by the coefficient two for those in which it is optional;

by the coefficient one for other states.

The sum of the products thus obtained will furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

## ART. 21

The expense of constructing the international prototypes, and the standards and test copies which are to accompany them, shall be defrayed by the high contracting parties in accordance with the scale fixed in the foregoing article.

The amounts to be paid for the comparison and verification of standards required by states not represented at this convention shall be regulated by the committee in conformity with the rates fixed in virtue of article 15 of the regulations.

## ART. 22

These regulations shall have the same force and value as the convention to which they are annexed.

E. B. WASHBURNE  
HOHENLOHE  
APPONYI  
BEYENS  
VICOMTE D'ITAJUBÁ  
M. BALCARCE  
MOLTKE-HVITFELDT  
MARQUIS DE MOLINS  
CÁRLOS IBAÑEZ  
DECAZES  
C. DE MEAUX

DUMAS  
NIGRA  
P. GÁLVEZ  
FRAN'CO DE RIVERO  
JOSÉ DA SILVA MENDES-LEAL  
OKOUNEFF  
For M. le Baron Adelswärd (prevented)  
H. ÅKERMAN  
KERN  
HUSNY  
E. ACOSTA

## Appendix No. 2

## TRANSIENT PROVISIONS

## ARTICLE 1

All states which were represented at the international meter commission which met at Paris, in 1872, whether they are contracting parties to the present convention or not, shall receive the prototypes that they may have ordered, which shall be delivered to them in the condition guaranteed by the said international commission.

## ART. 2

The principal object of the first meeting of the general conference of weights and measures shall be to sanction these new prototypes, and to distribute them among the states which shall have expressed a desire to receive them.

In consequence, the delegates of all the governments which were represented in the international commission of 1872, as likewise the members of

the French section, shall, of right, form part of this first meeting for the sanction of the prototypes.

ART. 3

It shall be the duty of the international committee mentioned in article 3 of the convention, and composed as provided in article 8 of the regulations, to receive and compare the new prototypes one with the other, in accordance with the scientific decisions of the international commission of 1872, and of its permanent committee. Such modifications may, however, be made as may in future be suggested by experience.

ART. 4

The French section of the international commission of 1872 shall continue to have charge of the labors intrusted to it in the construction of the new prototypes, with the co-operation of the international committee.

ART. 5

The cost of manufacturing the metrical standards prepared by the French section shall be reimbursed by the governments interested, according to the cost-price per unit which shall be fixed by the said section.

ART. 6

The immediate formation of the international committee is authorized, and that body, when formed, is hereby empowered to make all necessary preparatory examinations for the carrying into effect of the convention, without, however, incurring any expense before the exchange of the ratifications of the said convention.

E. B. WASHBURNE  
HOHENLOHE  
APPONYI  
BEYENS  
VICOMTE D'ITAJUBÁ  
M. BALGARCE  
MOLTKE-HVITFELDT  
MARQUIS DE MOLINS  
CÁRLOS IBAÑEZ  
DECAZES  
C. DE MEAUX

DUMAS  
NIGRA  
P. GÁLVEZ  
FRAN'CO DE RIVERO  
JOSÉ DA SIEEVA MENDES-LEAL  
OKOUNEFF  
For M. le Baron Adelswärd (prevented)  
H. ÅKERMAN  
KERN  
HUSNY  
E. ACOSTA

## UNIVERSAL POSTAL UNION

*Convention and final protocol signed at Paris June 1, 1878*<sup>1</sup>

*Ratified and approved by the Postmaster General of the United States  
August 13, 1878*

*Approved by the President of the United States August 13, 1878*

*Entered into force April 1, 1879*

*Modified by additional act of March 21, 1885*<sup>2</sup>

*Terminated by convention of July 4, 1891*<sup>3</sup>

20 Stat. 734

### [TRANSLATION]

UNIVERSAL POSTAL UNION CONCLUDED BETWEEN GERMANY, THE ARGENTINE REPUBLIC, AUSTRIA-HUNGARY, BELGIUM, BRAZIL, DENMARK AND THE DANISH COLONIES, EGYPT, SPAIN AND THE SPANISH COLONIES, THE UNITED STATES OF NORTH AMERICA, FRANCE AND THE FRENCH COLONIES, GREAT BRITAIN AND CERTAIN BRITISH COLONIES, BRITISH INDIA, CANADA, GREECE, ITALY, JAPAN, LUXEMBURG, MEXICO, MONTENEGRO, NORWAY, THE NETHERLANDS AND THE NETHERLAND COLONIES, PERU, PERSIA, PORTUGAL AND THE PORTUGUESE COLONIES, ROUMANIA, RUSSIA, SERBIA, SALVADOR, SWEDEN, SWITZERLAND, AND TURKEY.

### CONVENTION

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Paris, by virtue of Article 18 of the Treaty constituting the General Postal Union, concluded at Berne on the 9th of October, 1874,<sup>4</sup> have, by mutual agreement, and subject to ratification, revised the said Treaty, conformably to the following stipulations:

### ARTICLE 1

The countries between which the present Convention is concluded, as well as those which may join it hereafter, form, under the title of *Universal Postal*

<sup>1</sup> For text of regulations for execution of the convention, see 20 Stat. 750.

<sup>2</sup> *Post*, p. 97.

<sup>3</sup> *Post*, p. 188.

<sup>4</sup> *Ante*, p. 29.



*Union*, a single postal territory for the reciprocal exchange of correspondence between their post-offices.

#### ARTICLE 2

The stipulations of this Convention extend to letters, post-cards, printed matter of all kinds, commercial documents and samples of merchandise, originating in one of the countries of the Union and intended for another of those countries. They also apply, so far as regards conveyance within the Union, to the exchange by mail of the articles above mentioned between the countries of the Union and countries foreign to the Union, whenever that exchange makes use of the services of two of the contracting parties at least.

#### ARTICLE 3

The Postal Administrations of neighboring countries, or countries able to correspond directly with each other without using the intermediary of the services of a third Administration, determine, by mutual agreement, the conditions of the conveyance of their reciprocal mails across the frontier, or from one frontier to the other.

Unless there be a contrary arrangement, the direct sea conveyance performed between two countries by means of packets or vessels depending upon one of them, shall be considered as a third service; and such conveyance, as well as any performed between two offices of the same country, by the intermediary of maritime or territorial services maintained by another country, is regulated by the stipulations of the following Article.

#### ARTICLE 4

The right of transit is guaranteed throughout the entire territory of the Union.

Consequently, the several Postal Administrations of the Union may send reciprocally through the intermediary of one or of several of them, as well closed mails as correspondence in open mails, according to the requirements of trade and the convenience of the postal service.

The correspondence exchanged, whether in open or in closed mails, between two Administrations of the Union, by means of the services of one or of several other Administrations of the Union, is subject to the following transit charges, to be paid to each of the countries traversed, or whose services participate in the conveyance, viz:

1st. For territorial conveyance, 2 francs per kilogramme of letters or post-cards, and 25 centimes per kilogramme of other articles;

2d. For sea conveyance, 15 francs per kilogramme of letters or post-cards, and 1 franc per kilogramme of other articles.

It is, however, understood—



1st. That wherever the transit is already gratuitous at present, or subject to more advantageous conditions, such condition is maintained, except in the case provided for in paragraph 3, following;

2d. That wherever the rate of sea-transit has hitherto been fixed at 6 francs 50 centimes per kilogramme of letters or post-cards, such rate is reduced to 5 francs;

3d. That every sea conveyance not exceeding 300 nautical miles is gratuitous if the administration concerned is already entitled, on account of mails or correspondence benefiting by this conveyance, to the remuneration applicable to the territorial transit: in the contrary case, payment is made at the rate of 2 francs per kilogramme of letters or post-cards, and 25 centimes per kilogramme of other articles;

4th. That in the case of sea-conveyance effected by two or more Administrations, the expenses of the entire transportation cannot exceed 15 francs per kilogramme of letters or post-cards, and 1 franc per kilogramme of other articles. These expenses are in such case shared between the Administrations *pro rata* for the distances traversed, without prejudice to other arrangements between the parties interested;

5th. That the rates specified in the present article do not apply either to conveyance by means of services depending upon Administrations foreign to the Union, or to conveyance within the Union by means of extraordinary services specially established or maintained by one Administration in the interest or at the request of one or several other Administrations. The conditions of these two categories of conveyance are regulated by mutual agreement between the Administrations interested.

The expenses of transit are borne by the Administration of the country of origin.

The general settlement of these expenses takes place on the basis of statements prepared every two years, during a month to be determined on in the Regulations of Execution <sup>6</sup> referred to in Article 14 hereafter.

The correspondence of the Postal Administrations with each other, articles reforwarded or missent, undeliverable articles, acknowledgments of delivery, post-office money-orders or advices of the issue of orders, and all other documents relative to the postal service, are exempt from all transit charges, whether territorial or maritime.

#### ARTICLE 5

The rates of postage for the conveyance of postal articles throughout the entire extent of the Union, including their delivery at the residence of the addressees in the countries of the Union where a delivery service is or shall be organized, are fixed as follows:

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<sup>6</sup> See footnote 1, p. 51.

1st. For letters, 25 centimes in case of prepayment, and double that amount in the contrary case, for each letter and for every weight of 15 grammes or fraction of 15 grammes;

2d. For post-cards, 10 centimes per card;

3d. For printed matter of every kind, commercial papers, and samples of merchandise, 5 centimes for each article or packet bearing a particular address; and for every weight of 50 grammes or fraction of 50 grammes, provided that such article or packet does not contain any letter or manuscript note having the character of an actual and personal correspondence, and that it be made up in such a manner as to admit of its being easily examined.

The charge on commercial papers cannot be less than 25 centimes per packet, and the charge on samples cannot be less than 10 centimes per packet.

In addition to the rates and minima fixed by the preceding paragraphs, there may be levied:

1st. For every article subjected to the sea transit rates of 15 francs per kilogramme of letters or post-cards and 1 franc per kilogramme of other articles, an additional charge, which may not exceed 25 centimes per single rate for letters, 5 centimes per post-card, and 5 centimes per 50 grammes or fraction of 50 grammes for other articles. As a temporary arrangement, there may be levied an additional charge up to 10 centimes per single rate for the letters subjected to the transit rate of 5 francs per kilogramme.

2d. For every article conveyed by services maintained by Administrations foreign to the Union, or conveyed by extraordinary services in the Union giving rise to special expenses, an additional charge in proportion to these expenses.

In case of insufficient prepayment, articles of correspondence of all kinds are liable to a charge equal to double the amount of the deficiency, to be paid by the addressees.

Circulation shall not be given—

1st. To articles other than letters which are not prepaid at least partly, or which do not fulfill the conditions required above in order to enjoy the reduced rate;

2d. To articles of a nature likely to soil or injure the correspondence;

3d. To packets of samples of merchandise which have a salable value, or which exceed 250 grammes in weight, or measure more than 20 centimeters in length, 10 in breadth, and 5 in depth.

4th. Lastly, to packets of commercial papers and printed matter of all kinds, the weight of which exceeds 2 kilogrammes.

#### ARTICLE 6

The articles specified in Article 5 may be registered.

Every registered article is liable, at the charge of the sender—

1st. To the ordinary prepaid rate of postage upon the article, according to its nature;

2d. To a fixed registration fee of 25 centimes at the maximum in the European States, and of 50 centimes at the maximum in the other countries, including the issue to the sender of a bulletin of posting.

The sender of a registered article may obtain an acknowledgment of delivery of such article by paying in advance a fixed fee of 25 centimes at the maximum.

In case of the loss of a registered article, and except in case of *force majeure*, there is to be paid an indemnity of 50 francs to the sender, or, at his request, to the addressee, by the Administration upon whose territory or in whose maritime service the loss has occurred; that is to say, where the trace of the article has ceased.

As a temporary measure, the Administrations of the countries beyond Europe, whose legislation is at present opposed to the principle of responsibility, are permitted to postpone the application of the preceding clause until the time when they shall have obtained from the legislative power authority to subscribe to it. Up to that time, the other Administrations of the Union are not bound to pay an indemnity for the loss, in their respective services, of registered articles addressed to or originating in the said countries.

If it is impossible to discover the service in which the loss has occurred, the indemnity is borne in equal proportions between the two corresponding offices.

Payment of this indemnity is made with the least possible delay, and, at the latest, within a year dating from the day of application.

Every claim for an indemnity is excluded if it has not been made within one year from the date on which the registered article was posted.

#### ARTICLE 7

Those countries of the Union which have not the franc for their monetary unit fix their postages at the equivalent in their respective currencies of the rates determined by Articles 5 and 6 preceding. Such countries have the option of rounding off the fractions in conformity with the table inserted in the Regulation of Execution mentioned in Article 14 of the present Convention.

#### ARTICLE 8

Prepayment of postage on every description of article can be effected only by means of postage-stamps valid in the country of origin for the correspondence of private individuals.

Official correspondence relative to the postal service, and exchanged between the Postal Administrations, is alone exempt from this obligation and admitted free.

#### ARTICLE 9

Each Administration keeps the whole of the sums which it has collected in execution of the foregoing Articles 5, 6, 7, and 8. Consequently, there is

no necessity on this head for any accounts between the several Administrations of the Union.

Neither the senders nor the addressees of letters and other postal articles are called upon to pay, either in the country of origin or in that of destination, any postage or any postal fee other than those contemplated by the Articles above-mentioned.

#### ARTICLE 10

No additional charge is levied for the reforwarding of postal matter within the interior of the Union.

#### ARTICLE 11

It is forbidden to the public to send by mail:

1st. Letters or packets containing gold or silver substances, pieces of money, jewelry, or precious articles;

2d. Any packets whatever containing articles liable to customs duty.

In case a packet falling under one of these prohibitions is delivered by one Administration of the Union to another Administration of the Union, the latter proceeds according to the manner and forms prescribed by its legislation or by its interior regulations.

There is, moreover, reserved to the Government of every country of the Union, the right to refuse to convey over its territory, or to deliver, as well articles liable to the reduced rate, in regard to which the laws, ordinances, or decrees which regulate the conditions of their publication or of their circulation in that country have not been complied with, as correspondence of every kind which evidently bears inscriptions forbidden by the legal enactments or regulations in force in the same country.

#### ARTICLE 12

The offices of the Union which have relations with countries beyond the Union admit all the other offices to take advantage of such relations for the exchange of correspondence with the said countries.

The correspondence exchanged *in open mails* between a country of the Union and a country foreign to the Union, through the intermediary of another country of the Union, is treated, as regards the conveyance beyond the limits of the Union, in conformity to the conventions, arrangements, or special provisions governing the postal relations between the latter country and the country foreign to the Union.

The rates chargeable on the correspondence in question consist of two distinct elements, viz:

1st. The Union rate fixed by Articles 5, 6, and 7 of the present Convention.

2d. A rate for the conveyance beyond the limits of the Union.

The first of these rates is assigned—

a. For correspondence originating in the Union and addressed to foreign countries, to the dispatching office in case of prepayment, and to the office of exchange in case of non-prepayment.

b. For correspondence originating in foreign countries and addressed to the Union, to the office of exchange in case of prepayment, and to the office of destination in case of non-prepayment.

The second of these rates is, in every case, assigned to the office of exchange.

With regard to the expenses of transit within the Union, the correspondence originating in or addressed to a foreign country is assimilated to that from or for the country of the Union which maintains relations with the country foreign to the Union, unless such relations imply obligatory and partial prepayment, in which case the said Union country has the right to the territorial transit rates fixed by Article 4 preceding.

The general settlement of the rates chargeable for the conveyance beyond Union limits takes place upon the basis of statements which are prepared at the same time as the statements drawn up by virtue of Article 4 preceding for the calculation of the expenses of transit within the Union.

As regards the correspondence exchanged in *closed mails* between a country of the Union and a country foreign to the Union, through the intermediary of another country of the Union, the transit thereof is subject as follows:

Within the limits of the Union, to the rates fixed by Article 4 of the present Convention.

Beyond the limits of the Union, to the conditions arising from special arrangements concluded or to be concluded for that purpose between the Administrations interested.

### ARTICLE 13

The exchange of letters of declared value and that of postal money-orders form the subject of special arrangements between the various countries or groups of countries of the Union.

### ARTICLE 14

The Postal Administrations of the various countries composing the Union are competent to establish by mutual agreement, in a Regulation of Execution, all the measures of order and detail which are judged necessary.

The several Administrations may, moreover, make among themselves the necessary arrangements on the subject of questions which do not concern the Union generally, provided that these arrangements are not contrary to the present Convention.

The Administrations interested are, however, permitted to come to mutual arrangements for the adoption of lower rates of postage, within a radius

of 30 kilometers, for the conditions of the delivery of letters by express, as well as for the exchange of post-cards with paid answer. In this latter case, the answer-cards, when sent back to the country of origin, are exempt from the transit charges stipulated by the last paragraph of Article 4 of the present Convention.

#### ARTICLE 15

The present Convention involves no alteration in the postal legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

It does not restrict the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted Unions, with a view to the improvement of postal relations

#### ARTICLE 16

There is maintained, under the name of the *International Bureau of the Universal Postal Union*, a central office, which is conducted under the superintendence of the Swiss Postal Administration, and the expenses of which are borne by all the Administrations of the Union.

This office continues to be charged with the duty of collecting, collating, publishing, and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known proposals for modifying the acts of the Congress; of giving notice of the changes adopted, and, in general, of undertaking examinations and labors devolving upon it in the interest of the Postal Union.

#### ARTICLE 17

In case of disagreement between two or more members of the Union as to the interpretation of the present Convention, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

The decision of the arbitrators is given by the absolute majority of votes.

In case of an equality of votes, the arbitrators choose, in order to settle the difference, another Administration equally disinterested in the disputed question.

#### ARTICLE 18

Countries which have not taken part in the present convention are admitted to adhere thereto upon their demand.

Notice is given of this adhesion, through the diplomatic channel, to the Government of the Swiss Confederation, and by that Government to all the countries of the Union.

It implies, as a right, accession to all the clauses and admission to all the advantages stipulated by the present Convention.

It devolves upon the Government of the Swiss Confederation to determine, by mutual agreement with the Government of the country interested, the share to be contributed by the Administration of this latter country toward the expenses of the International Bureau, and, if necessary, the rates to be levied by that Administration in conformity with Article 7 preceding.

#### ARTICLE 19

Congresses of plenipotentiaries of the contracting countries, or simple Administrative Conferences, according to the importance of the questions to be solved, are held when a demand for them is made or approved by two-thirds, at least, of the Governments or Administrations, as the case may be.

Nevertheless, a Congress must be held at least once every five years.

Each country may be represented either by one or several delegates, or by the delegation of another country. But it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the country which they represent.

In the deliberations each country has one vote only.

Each Congress fixes the place of meeting for the following Congress.

For Conferences, the Administrations fix the places of meeting upon proposal of the International Bureau.

#### ARTICLE 20

In the interval which elapses between the meetings, any Postal Administration of a country of the Union has the right to address to the other Administrations belonging to it, through the intermediary of the International Bureau, proposals concerning the regimen of the Union. But to become executive these propositions must obtain, as follows:

1st. Unanimity of votes, if they involve a modification of the stipulations of Articles 2, 3, 4, 5, 6, and 9 preceding.

2d. Two-thirds of the votes, if they involve a modification of the stipulations of the Convention other than those of Articles 2, 3, 4, 5, 6, and 9.

3d. A simple absolute majority, if they involve the interpretation of the stipulations of the Convention, except in the case of dispute contemplated in Article 17 preceding.

The binding decisions are sanctioned, in the first two cases, by a diplomatic declaration, which the Government of the Swiss Confederation is charged to prepare and transmit to all the Governments of the contracting countries, and, in the third case, by a simple notification from the International Bureau to all the Administrations of the Union.

#### ARTICLE 21

The following are considered as forming, for the application of Articles 16, 19, and 20 preceding, a single country, or a single Administration, as the case may be:



- 1st. The Empire of British India;
- 2d. The Dominion of Canada;
- 3d. The whole of the Danish Colonies;
- 4th. The whole of the Spanish Colonies;
- 5th. The whole of the French Colonies;
- 6th. The whole of the Netherland Colonies;
- 7th. The whole of the Portuguese Colonies.

## ARTICLE 22

The present Convention shall be put into execution on the 1st of April, 1879, and shall remain in force during an indefinite period; but each contracting party has the right to withdraw from the Union by means of a notice given, one year in advance, by its Government to the Government of the Swiss Confederation.

## ARTICLE 23

After the date on which the present Convention takes effect, all the stipulations of the treaties, conventions, arrangements, or other acts previously concluded between the various countries or administrations, in so far as those stipulations are not in accordance with the terms of the present Convention, are abrogated, without prejudice to the rights reserved by Article 15 above.

The present Convention shall be ratified as soon as possible. The acts of ratification shall be exchanged at Paris.

In faith of which, the plenipotentiaries of the countries above enumerated have signed the present Convention at Paris, the first of June, one thousand eight hundred and seventy-eight.

For the United States of North  
America:

JAS. N. TYNER  
JOSEPH H. BLACKFAN

For Germany:

DR. STEPHAN  
GÜNTHER  
SACHSE

For the Argentine Republic:

CÁRLOS CALVO

For Austria:

DEWÉZ

For Hungary:

GERVAY

For Belgium:

J. VINCHENT  
F. GIFE

For Brazil:

VICOMTE D'ITAUBÁ

For Denmark and the Danish colonies:  
SCHOU

For Egypt:

A. CAILLARD

For Spain and the Spanish colonies:

G. CRUZADA VILLAAMIL  
EMILIO C. DE NAVASQUÉS

For France:

LEON SAY  
AD. COCHERY  
A. BESNIER

For the French colonies:

E. ROY

For Great Britain and various English  
colonies:

F. O. ADAMS  
WM. JAS. PAGE  
A. MACLEAN

For British India:

FRED R. HOGG



For Canada: F. O. ADAMS WM. JAS. PAGE A. MACLEAN	For Peru: JUAN M. DE GOYENECHE
For Greece: N. P. DELYANNI A. MANSOLAS	For Persia:
For Italy: G. B. TANTESIO	For Portugal and the Portuguese colonies: GUILHERMINO AUGUSTO DE BARROS
For Japan: NAONOBOU SAMESHIMA SAML. M. BRYAN	For Roumania: C. F. ROBESCO
For Luxemburg: V. DE ROEBE	For Russia: BARON VELHO GEORGES POGGENPOHL
For Mexico: G. BARREDA	For Salvador: J. M. TORRÉS-CAÍCEDO
For Montenegro: DEWÉZ	For Servia: MLADEN F. RADOYCOVITCH
For Norway: CHR. HEFTY	For Sweden: WM. ROOS
For the Netherlands and the Netherlands colonies: HOFSTEDE BN SWEERTS DE LANDAS WYBORGH	For Switzerland: DR. KERN ED. HÖHN
	For Turkey: B. COUYOUMGIAN

#### FINAL PROTOCOL

The undersigned, plenipotentiaries of the Governments of the countries which have this day signed the Convention of Paris, have agreed as follows:

I. Persia, which forms part of the Union, being unrepresented, will nevertheless be allowed to sign the Convention hereafter, provided that country confirms its adhesion by a diplomatic act with the Swiss Government before the 1st of April, 1879.

II. The countries foreign to the Union, which have deferred their adhesion or which have not yet announced their intentions, shall enter the Union on fulfilling the conditions specified in Article 18 of the Convention.

III. In case one or other of the contracting parties should not ratify the Convention, this Convention shall nevertheless be binding on the parties to it.

IV. The various British colonies, other than Canada and British India, which are parties in the Convention, are Ceylon, the Straits Settlements, Labuan, Hong-Kong, Mauritius and dependencies, Bermuda, British Guiana, Jamaica, and Trinidad.

In faith of which the undermentioned plenipotentiaries have drawn up the present final protocol, which shall have the same force and the same value as if the stipulations which it contains were inserted in the Convention

itself, and they have signed it in one single instrument, which shall be deposited in the archives of the French Government, and a copy of which shall be delivered to each party.

Paris, June 1st, 1878.

For Germany:

Dr. STEPHAN  
GÜNTHER  
SACHSE

For the Argentine Republic:

CÁRLOS CALVO

For Austria:

DEWÉZ

For Hungary:

GERVAY

For Belgium:

J. VINCHENT  
F. GIFE

For Brazil:

VICOMTE D'ITAUBÁ

For Denmark and the Danish colonies:

SCHOU

For Egypt:

A. CAILLARD

For Spain and the Spanish colonies:

G. CRUZADA VILLAAMIL  
EMILIO C. DE NAVASQUÉS

For the United States of North America:

JAS. N. TYNER  
JOSEPH H. BLACKFAN

For France:

LEON SAY  
AD. COCHERY  
A. BESNIER

For the French colonies:

E. ROY

For Great Britain and various English colonies:

F. O. ADAMS  
WM. JAS. PAGE  
A. MACLEAN

For British India:

FRED R. HOGG

For Canada:

F. O. ADAMS  
WM. JAS. PAGE  
A. MACLEAN

For Greece:

N. P. DELYANNI  
A. MANSOLAS

For Italy:

G. B. TANTESIO

For Japan:

NAONOBOU SAMESHIMA  
SAML. M. BRYAN

For Luxemburg:

V. DE ROEBE

For Mexico:

G. BARREDA

For Montenegro:

DEWÉZ

For Norway:

CHR. HEFTY

For the Netherlands and the Netherlands colonies:

HOFSTEDE  
BN. SWEERTS DE LANDAS WYBORGH

For Peru:

JUAN M. DE GOYENECHE

For Portugal and the Portuguese colonies:

GUILHERMINO AUGUSTO DE BARROS

For Roumania:

C. F. ROBESCO

For Russia:

BARON VELHO  
GEORGES POGGENPOHL

For Salvador:

J. M. TORRÉS-CAICEDO

For Servia:

MLADEN F. RADOYCOVITCH

For Sweden:

WM. ROOS

For Switzerland:

DR. KERN  
ED. HÖHN

For Turkey:

B. COUYOUMGIAN

[For text of regulations for execution of the convention, see 20 Stat. 750.]

## OBSERVANCE OF NEUTRAL TERRITORY IN SAMOA

*Agreement signed at Apia, Samoa, May 29 and 31, 1879*

*Superseded April 12, 1890, by the General Act of June 14, 1889,<sup>1</sup>  
with respect to those provisions with which the General Act was  
inconsistent; annulled in entirety February 16, 1900, by convention  
of December 2, 1899.<sup>2</sup>*

Department of State files; enclosure to  
despatch no. 67 of June 4, 1879, from  
the U.S. consulate at Apia, Samoa

### [TRANSLATION]

We hereby promise to the representatives appointed by the Great Governments in Apia.

1. We will truly observe the neutrality of the territory bounded by the promontory of Tiapepe and bounded by Letogo, and will not collect together within these two places.

The boundary is established as follows: It begins at the promontory of Tiapepe and goes inland from there in Suisega through the Suisega Reservation, continues straight across following the military road; then the boundary goes from there to Suisega and comes over Vaca behind the house of the Roman Catholic missionaries, crossing behind the houses of Tanumamanono where it joins with Lafalafa and crosses to the water of Letogo. It returns to the Falane Plantation and its land and houses, continuing to the cemetery and Rev. Weber's land and houses, a short distance inland from Tanumamanono.

2. If war shall break out then we will not again raise our flag over the neutral territory; then also the representatives appointed to our Government shall go away from Mulinuu; it is prohibited also to the armies [war parties]<sup>3</sup> to assemble or remain on the neutral territory when the war takes place, or to pass over the boundaries.

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<sup>1</sup> TS 313, *post*, p. 116.

<sup>2</sup> TS 314, *post*, p. 276.

<sup>3</sup> Bracketed material inserted by U.S. consul in his translation.

3. We will inform the representatives appointed by the Great Governments in Apia of the day when the war commences.

Apia 29 May 1879

We are the representatives appointed, the Chiefs of the Taimua of the Government of Samoa.

SAMOA  
LETULI  
LAVEA  
AMOA

Witnesses to signatures and approved by

[SEAL]	TH WEBER <i>Imperial German Consul</i>
[SEAL]	ROBT. S. SWANSTON <i>H.B.M. Actg Consul</i>
[SEAL]	THOMAS M. DAWSON <i>United States Consul</i>

[The U.S. consul stated that the foregoing was agreed to and signed as a separate document at Apia on May 31 by representatives of Malietoa. The May 31 document concluded as follows: "We are the representatives appointed by Manono and the Tuamasaga: Taupau, Teiatauali sa, Mataafa, Tuiatafa." The U.S. consul noted that the May 31 document was also witnessed and approved by the same U.S., British, and German consuls.]

## REGULATIONS FOR NEUTRAL TERRITORY IN SAMOA

*Agreement effected by exchanges of letters signed June 7, 9, and 13, 1879*

*Superseded April 12, 1890, by the General Act of June 14, 1889,<sup>1</sup> with respect to those provisions with which the General Act was inconsistent; annulled in entirety February 16, 1900, by convention of December 2, 1899<sup>2</sup>*

Department of State files; enclosures to despatches nos. 70 and 73 of June 11 and 19, 1879, respectively, from the U.S. consulate at Apia, Samoa

[TRANSLATION]

Gentlemen

You are aware of the obstruction that has arisen at the present time in Samoa. Therefore we have appointed you, the representatives of the Great Governments in Apia, to direct your attention to all things that we say in this letter, that you may protect the property and lands and houses and lives of foreigners, namely:

That you representatives will adopt measures to make preparations and regulations to prevent bad conduct and disorderly practices in the neutral territory, together also with the selling and giving of the intoxicating drinks of foreigners to Samoans and the people of other islands in the Pacific Ocean.

You representatives will please also to take proper measures to enforce such regulations in the neutral territory.

This agreement is binding all the time until the last day of the present obstruction that has arisen in Samoa.

May you live!

We are the Taimua of the Government of Samoa.

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<sup>1</sup> TS 313, *post*, p. 116.

<sup>2</sup> TS 314, *post*, p. 276.

To Your Excellencies, the representatives appointed by the Great Governments in Apia.

Government House

MK LE MAMEA

*Secretary of the Government.*

	LETULI
X	MEAFAlFUA
	AUFAl
X	APeLA
X	ASlATA
X	FUATAGA
X	SAMOA
X	LAVEA
	LEMANA

We hereby certify that the within document was signed in our presence at Leulumoega, Aana, on the 7th day of June A.D. 1879

[SEAL] ROBT. S. SWANSTON  
*H.B.M. Act'g Consul*

[SEAL] THOMAS M. DAWSON  
*United States Consul*

Apia, Samoa  
9th June 1879

[In a despatch of June 11, 1879, the U.S. consul at Apia, Samoa, stated that "on the 9th inst. Malietoa addressed a precisely similar document to each of the Consuls."]

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[TRANSLATION]

Apia 13 June 1879

Gentlemen:

We have received your letter by which you have appointed us that we should direct our attention to measures and regulations for the protection of the property, and lands, and houses and the lives of foreigners; that we should also together direct our attention to things thus in the neutral territory, to prohibit also the selling and giving of the intoxicating drinks of foreigners to Samoans and the people of other islands in the Pacific Ocean;

that we should direct our attention also to such regulations and things, and thus enforce them in the neutral territory.

It is well. We truly accept it.

May your Excellencies live!

TH WEBER  
*German Consul*

ROBT. S. SWANSTON  
*H.B.M., Act'g Consul*

THOMAS M. DAWSON  
*United States Consul*

Addressed to

Their Excellencies

The Gentlemen of the Taimua & Faipule of the Government of Samoa at Fasitoouta.

[On the above letter, the U.S. consul wrote: "The same letter was also sent to Malietoa and his chiefs thus: To the High Chief Malietoa, and also their Excellencies O Taupā, Leiatana, Mataafa, Fata, Leutuiloa, I Mulinuu."]

## SUPPORT OF SAMOAN GOVERNMENT

*Agreement dated at Apia, Samoa, March 24, 1880*

*Effective March 24, 1880*

*Superseded April 12, 1890, by the General Act of June 14, 1889,<sup>1</sup> with respect to those provisions with which the General Act was inconsistent; annulled in entirety February 16, 1900, by convention of December 2, 1899<sup>2</sup>*

Department of State files; enclosure to despatch no. 145 of April 9, 1880, from the U.S. consulate at Apia, Samoa

Whereas the King and Government of Samoa did on the 31st day of August 1879 address a letter to the three Governments of the United States of America, Germany and Great Britain requesting them to take some concerted action for the preservation of peace and good order in Samoa and for the protection of the King and government thereof; and,

Whereas on the 15th day of December 1879 the civil war in Samoa was terminated in a treaty of peace between the representatives of the opposing forces;<sup>3</sup> and,

Whereas on the 23rd day of December 1879 on board H.I.G.M. Ship "Bismarck" a permanent agreement was entered into by the representatives of both parties electing and recognizing Malietoa Talavou King for life;<sup>3</sup> and

Whereas on the 12th day of January 1880 the Imperial German Government sent instructions to the Imperial German Consul General in Samoa that the Governments of England and America had accepted the proposals of the German Government and ordering him to recognize, and enter into an agreement with his colleagues for the protection of Malietoa and his Government by the three Powers already named in this preamble; and,

Whereas on the 14th day of January 1880 the English Government ordered H.B.M. Ship "Danae" to Samoa with instructions to Captain Purvis

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<sup>1</sup> TS 313, *post*, p. 116.

<sup>2</sup> TS 314, *post*, p. 276.

<sup>3</sup> Copies of the agreements of Dec. 15, 1879, and Dec. 23, 1879, were enclosed with despatch no. 148 of Apr. 15, 1880, from the U.S. consulate at Apia, Samoa (Department of State files).



commanding to recognize Malietoa and protect his Government in conjunction with the naval forces of Germany and America; and,

Whereas the present King and Government of Samoa earnestly desire that this arrangement may be consummated as speedily as possible for the greater security of life and property within the Kingdom and for the utmost prosperity of the Samoan Islands,

Therefore the King, Malietoa Talavou, and the Government of Samoa, the Taimua and Faipule; and, Captain Zempsch, Imperial German Consul General, on behalf of the German Government; and, Thomas M. Dawson, United States Consul, on behalf of the Government of the United States of America; and J. Hicks Graves, Her Britannic Majesty's Counsel, on behalf of the United Kingdom of Great Britain and Ireland &c, have agreed upon and concluded the following four articles to take effect immediately and to continue in force till ratified, modified, or rejected by the three Protecting Powers:—

#### Article I

The present King, Malietoa Talavou, shall be supported as the head of the Samoan Government during his lifetime, and his successor shall be agreed upon by the three Protecting Powers.

#### Article II

There shall be an Executive Council for the King and Government of Samoa consisting of a citizen of the United States of America, a German and a British subject, and they shall hold the offices respectively of Minister of Justice, Minister of Finance, and Minister of Public Works.

#### Article III

The members of the Executive Council shall be nominated from among the residents of Samoa by the Consuls of their respective nations resident at Apia, and they shall hold office from the date of their nomination, which must subsequently be confirmed by the home Governments.

#### Article IV

The members of the Executive Council shall hold office till their successors are nominated by the Consuls, and they shall receive such salaries as may be agreed upon between the Government of Samoa and the Consular Representatives of the Three Protecting Powers.

In Witness Whereof we have signed the same and affixed thereto our seals.

Done at Apia this twenty fourth day of March in the year of our Lord one thousand eight hundred and eighty.

[For the United States:]

THOMAS M. DAWSON [SEAL]

[For Germany:]

ZEMBSCH [SEAL]

[For Great Britain:]

J HICKS GRAVES [SEAL]

[In a despatch of April 9, 1880, the U.S. consul at Apia, Samoa, stated that the agreement "has been signed by the King, Vice King, and Premier, and approved by the Taimua & Faipule, but I have not had an opportunity to get the copy I send signed by all." A despatch of April 15 enclosed printed copies of the agreement, in English and Samoan; the Samoan copy contained the following printed signatures of the Samoan officials: O au o Malietoa Talavou, Malietoa Laupepe, and O au o Mataafa.]

## RIGHT OF PROTECTION IN MOROCCO

*Convention signed at Madrid July 3, 1880*

*Effective from July 3, 1880*

*Ratifications exchanged at Tangier May 1, 1881*

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

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

*Proclaimed by the President of the United States December 21, 1881*

*Ratification of the United States deposited at Tangier March 9, 1882*

*Amendment, implementation, and termination in part: Provisions of the General Act of Algeciras of April 7, 1906,<sup>1</sup> prevail over any conflicting provisions; article 11 implemented by article 60 of the General Act; extraterritorial jurisdiction in Morocco relinquished by the United States October 6, 1956;<sup>2</sup> article 15 relating to Moroccan nationality obsolete and without effect<sup>3</sup>*

22 Stat. 817; Treaty Series 246

### [TRANSLATION]

His Excellency the President of the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the King of Italy; His Majesty the Sultan of Morocco; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Sweden and Norway;

Having recognized the necessity of establishing, on fixed and uniform bases, the exercise of the right of protection in Morocco, and of settling certain questions connected therewith, have appointed as their plenipotentiaries at the conference assembled for that purpose at Madrid, to wit:

His Excellency the President of the United States of America, General Lucius Fairchild, Envoy Extraordinary and Minister Plenipotentiary of the United States near His Catholic Majesty;

<sup>1</sup> TS 456, *post*, p. 464; see art. 123 of the General Act.

<sup>2</sup> *Department of State Bulletin*, Nov. 26, 1956, p. 844.

<sup>3</sup> See footnote 9, p. 77.

His Majesty the Emperor of Germany, King of Prussia, Count Eberhardt de Solms-Sonnenwalde, Knight Commander of the first class of his Order of the Red Eagle with oak leaves, Knight of the Iron Cross, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Emperor of Austria, King of Hungary, Count Emanuel Ludolf, his Privy Councillor in actual service, Grand Cross of the Imperial Order of Leopold, Knight of the first class of the Order of the Iron Crown, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of the Belgians, Mr. Edward Anspach, Officer of his Order of Leopold, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of Spain, Don Antonio Cánovas del Castillo, Knight of the distinguished Order of the Golden Fleece, etc., etc., President of his Council of Ministers;

His Excellency the President of the French Republic, Vice-Admiral Jaurès, Senator, Knight Commander of the Legion of Honor, etc., etc., Ambassador of the French Republic near His Catholic Majesty;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Lionel Sackville Sackville West, her Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty who is likewise authorized to represent His Majesty the King of Denmark;

His Majesty the King of Italy, Count Joseph Greppi, Grand Officer of the Order of Saint Maurice and Saint Lazarus, of that of the Crown of Italy, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Sultan of Morocco, the Taleb Sid Mohammed Vargas, his Minister of Foreign Affairs and Ambassador Extraordinary;

His Majesty the King of the Netherlands, Jonkheer Maurice de Heldewier, Commander of the Royal Order of the Lion of the Netherlands, Knight of the Order of the Oaken Crown of Luxemburg, etc., etc., his Minister Resident near His Catholic Majesty;

His Majesty the King of Portugal and the Algarves, Count de Casal Ribeiro, Peer of the Realm, Grand Cross of the Order of Christ, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of Sweden and Norway, Mr. Henry Åkerman, Knight Commander of the first class of the Order of Wasa, etc., etc., his Minister Resident near His Catholic Majesty;

Who, in virtue of their full powers, recognized as being in good and due form, have agreed upon the following articles:

#### ARTICLE 1<sup>4</sup>

The conditions under which protection may be conceded are those established in the British and Spanish treaties with the Government of Morocco, and in the convention made between that Government, France and other powers in 1863, with the modifications introduced by the present convention.

#### ART. 2

Foreign Representatives at the head of a Legation may select their interpreters and employees from among the subjects of Morocco or others.

These protected persons shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

#### ART. 3

Consuls, Vice consuls or Consular Agents having charge of a post, and residing within the territory of the Sultan of Morocco, shall be allowed to select but one interpreter, one soldier and two servants from among the subjects of the Sultan, unless they may require a native secretary.

These protected persons shall, in like manner, be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

#### ART. 4

If a Representative shall appoint a subject of the Sultan to the office of Consular Agent in a town on the coast, such agent shall be respected and honored, as shall the members of his family occupying the same dwelling with him, and they, like him shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13; but he shall not have the right to protect any subject of the Sultan other than the members of his own family.

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<sup>4</sup> A U.S. note of Feb. 13, 1914, addressed to the French Ambassador at Washington, stated in part:

"The provisions of the convention of 1863 appear to be substantially the same as the 'regulations relative to protection adopted by common consent by the Legation of France and the Government of Morocco, August 19, 1863,' reprinted in 'Treaties in Force, 1904,' at the end of the Madrid convention. . . . The British and Spanish treaties mentioned in Article I of the Madrid convention are presumably the general treaty of December 9, 1856, between Great Britain and Morocco, and the treaty of commerce and navigation of November 20, 1861, between Spain and Morocco." (1914 For. Rel. 909.) For background, see II Hackworth 554.

For text of the 1863 regulations, see p. 78; for the general treaty of Dec. 9, 1856, between Great Britain and Morocco, see *British and Foreign State Papers*, vol. 46, p. 176; for the treaty of commerce and navigation of Nov. 20, 1861, between Spain and Morocco, see *ibid.*, vol. 53, p. 1089.

He may, however, for the exercise of his functions, have a protected soldier.

Officers in acting charge of Vice Consulates being subjects of the Sultan, shall, during the exercise of their functions, enjoy the same rights as Consular Agents who are subjects of the Sultan.

#### ART. 5

The Government of Morocco recognizes the right of Ministers Chargés d'Affaires and other Representatives, which is granted to them by treaties, to select the persons whom they employ, either in their own service or that of their governments, unless such persons shall be sheiks or other employees of the Government of Morocco, such as soldiers of the line or of the cavalry, in addition to the Maghaznias in command of their guard. In like manner they shall not be permitted to employ any subject of Morocco who is under prosecution.

It is understood that civil suits commenced before protection, shall be terminated before the courts which have instituted such proceedings. The execution of the sentence shall suffer no hindrance. Nevertheless, the local authorities of Morocco shall take care to communicate, without delay, the sentence pronounced, to the Legation, Consulate or Consular Agency upon which the protected person is dependent.

As to those persons formerly protected, who may have a suit which was commenced before protection was withdrawn from them, their case shall be tried by the court before which it was brought.

The right of protection shall not be exercised towards persons under prosecution for an offense or crime, before they have been tried by the authorities of the country, or before their sentence, if any has been pronounced, has been executed.

#### ART. 6

Protection shall extend to the family of the person protected. His dwelling shall be respected.

It is understood that the family is to consist only of the wife, the children, and the minor relatives dwelling under the same roof.

Protection shall not be hereditary. A single exception, which was established by the convention of 1863, but which is not to create a precedent, shall be maintained in favor of the Benchimol family.

Nevertheless, if the Sultan of Morocco shall grant another exception, each of the contracting powers shall be entitled to claim a similar concession.

#### ART. 7

Foreign representatives shall inform the Sultan's Minister of Foreign Affairs, in writing, of any selections of an employee made by them.

They shall furnish annually to the said Minister a list of the names of the persons protected by them or by their Agents throughout the States of the Sultan of Morocco.

This list shall be transmitted to the local authorities, who shall consider as persons enjoying protection only those whose names are contained therein.

#### ART. 8

Consular officers shall transmit each year to the authorities of the district in which they reside a list, bearing their seal, of the persons protected by them. These authorities shall transmit it to the Minister of Foreign Affairs, to the end that, if it be not conformable to the regulations, the Representatives at Tangier may be informed of the fact.

A consular officer shall be required to give immediate information of any changes that may have taken place among the persons protected by his Consulate.

#### ART. 9

Servants, farmers and other native employees of native secretaries and interpreters shall not enjoy protection. The same shall be the case with Moorish employees or servants of foreign subjects.

Nevertheless, the local authorities shall not arrest an employee or servant of a native officer in the service of a Legation or Consulate, or of a foreign subject or protected person, without having notified the authority upon which he is dependent.

If a subject of Morocco in the service of a foreign subject shall kill or wound any person, or violate his domicile, he shall be arrested immediately, but the diplomatic or consular authority under which he is shall be notified without delay.

#### ART. 10

Nothing is changed with regard to the situation of brokers, as established by the treaties and by the convention of 1863, except what is stipulated, relative to taxes, in the following articles.

#### ART. 11 <sup>5</sup>

The right to hold property is recognized in Morocco as belonging to all foreigners.

The purchase of property must take place with the previous consent of the Government, and the title of such property shall be subject to the forms prescribed by the laws of the country.

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<sup>5</sup> Implemented by art. 60 of General Act of Algeciras of Apr. 7, 1906 (TS 456), *post*, p. 479.

Any question that may arise concerning this right shall be decided according to the same laws, with the privilege of appeal to the Minister of Foreign Affairs stipulated in the treaties.

ART. 12 <sup>6</sup>

Foreigners and protected persons who are the owners or tenants of cultivated land, as well as brokers engaged in agriculture, shall pay the agricultural tax. They shall send to their Consul annually, an exact statement of what they possess delivering into his hands the amount of the tax.

He who shall make a false statement, shall be fined double the amount of the tax that he would regularly have been obliged to pay for the property not declared. In case of repeated offense this fine shall be doubled.

The nature, method, date and apportionment of this tax shall form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

ART. 13 <sup>7</sup>

Foreigners, protected persons and brokers owning beasts of burden shall pay what is called the gate-tax. The apportionment and the manner of collecting this tax which is paid alike by foreigners and natives, shall likewise form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

The said tax shall not be increased without a new agreement with the Representatives of the Powers.

ART. 14

The mediation of interpreters, native secretaries or soldiers of the different Legations or Consulates, when persons are concerned who are not <sup>8</sup> under the protection of the Legation or Consulate, shall be permitted only when they are the bearers of a document signed by the head of a mission or by the consular authority.

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<sup>6</sup> Regulations in execution of art. 12 were signed at Tangier Mar. 30, 1881 (Great Britain, *Command Papers*, 1882, C. 3163; *British and Foreign State Papers*, vol. 72, p. 636 (French)).

<sup>7</sup> Regulations in execution of art. 13 were signed at Tangier Mar. 30, 1881 (Great Britain, *Command Papers*, 1882, C. 3163; *British and Foreign State Papers*, vol. 72, p. 636 (French)), and on June 2, 1896 (Gustav Roloff, *Das Staatsarchiv*, vol. LXIV, p. 337 (French)).

<sup>8</sup> The word "not" was omitted in the translation of the convention as it was printed in 22 Stat. 823. A memorandum in the files of the Department of State dated Apr. 28, 1883, takes note of the error in the English translation and directs that the correction be made in the "pamphlet copy" of the convention.



ART. 15 <sup>9</sup>

Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

## ART. 16

No irregular or unofficial protection shall be granted in future. The authorities of Morocco will recognize no protection, of any kind whatever, save such as is expressly provided for in this convention.

Nevertheless, the exercise of the customary right of protection shall be reserved for those cases only in which it may be desired to reward signal services rendered by a native of Morocco to a foreign power, or for other altogether exceptional reasons.

The Minister of Foreign Affairs at Tangier shall be previously informed of the nature of the services, and notified of the intention to reward them, in order that he may, if need be, present his observations thereon; yet the final decision shall be reserved for the Government to which the service shall have been rendered.

The number of persons thus protected shall not exceed twelve for each power, and this number is fixed as the maximum unless the consent of the Sultan shall be obtained.

The status of persons who have obtained protection in virtue of the custom which is henceforth to be regulated by this stipulation shall be without limitation of the number of persons belonging to this class and now so protected, the same for themselves and their families as that which is established for other protected persons.

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<sup>9</sup> A U.S. note of Mar. 17, 1959, addressed to the Moroccan Ministry of Foreign Affairs, referred to a note from the Ministry dated Oct. 8, 1958, in which the Embassy had been informed that the Moroccan Government had decided to strike all prescriptions relating to Moroccan nationality from the text of the Madrid convention. The U.S. note said, in part:

"The Government of the United States of America, having unilaterally relinquished certain rights in Morocco with the reemergence of Morocco into independence in 1956, considers that in line with historical developments Article XV of the Madrid Convention on Protection of 1880 has become obsolete and without effect.

"The Government of the United States takes due cognizance, therefore, of the action taken by the Moroccan Government as set forth in its above cited Note, which the United States Government understands to refer only to Article XV of the Madrid Convention on Protection of 1880."

## ART. 17

The right to the treatment of the most favored nation is recognized by Morocco as belonging to all the powers represented at the Madrid conference.

## ART. 18

This convention shall be ratified. The ratifications shall be exchanged at Tangier with as little delay as possible.

By exceptional consent of the high contracting parties the stipulations of this convention shall take effect on the day on which it is signed at Madrid.

In faith whereof the respective plenipotentiaries have signed this convention, and have thereunto affixed the seals of their arms.

Done at Madrid, in thirteen originals, this third day of July, one thousand eight hundred and eighty.

[For the United States:] LUCIUS FAIRCHILD	[SEAL]	[For the United Kindom and for Denmark:] L. S. SACKVILLE WEST	[SEAL]
[For Germany:] E. DE SOLMS	[SEAL]	[For Italy:] J. GREPPI	[SEAL]
[For Austria-Hungary:] E. LUDOLF	[SEAL]	[For Morocco:] MOHAMMED VARGAS [signature in arabic]	[SEAL]
[For Belgium:] ANSPACH	[SEAL]	[For the Netherlands:] HELDEWIER	[SEAL]
[For Spain:] A. CÁNOVAS DEL CASTILLO	[SEAL]	[For Portugal:] CASAL RIBEIRO	[SEAL]
[For France:] JAURÈS	[SEAL]	[For Sweden and Norway:] ÅKERMAN	[SEAL]

## [TRANSLATION]

REGULATIONS RELATIVE TO PROTECTION ADOPTED BY COMMON CONSENT BY THE LEGATION OF FRANCE AND THE GOVERNMENT OF MOROCCO, AUGUST 19, 1863<sup>10</sup>

Protection is individual and temporary.

It consequently does not in general apply to the relatives of the person protected.

It may apply to his family, that is to say, to his wife and children living under the same roof. It lasts at the longest for a person's lifetime and is never hereditary, with the single exception of the Benchimol family, which has furnished for several generations and still furnishes persons who act in the capacity of Brokers and interpreters for the post at Tangier.

Protected persons are divided into two classes.

The first class comprises natives employed by the Legation and by the various French consular officers.

<sup>10</sup> I Malloy 1226. For background on acceptance prior to the Madrid convention of regulations relative to protection, see G. Fr. de Martens, *Nouveau recueil général de traités* (2d series), vol. VI, p. 525.

The second class consists of native factors, brokers, or agents, employed by French merchants for their business affairs. It is proper here to refer to the fact that the term merchant is only applied to a person carrying on the import or export trade on a large scale, either in his own name or as the agent of others.

The number of native brokers enjoying French protection is limited to two for each commercial house.

By way of exception commercial firms having establishments in different ports may have two brokers attached to each of these establishments, who may as such enjoy French protection.

French protection is not extended to natives employed by French citizens in agricultural occupations.

Nevertheless, in consideration of the existing state of things, and by agreement with the authorities of Morocco, the benefit of the protection which has hitherto been granted to the persons referred to in the foregoing paragraph shall be extended to the said persons for two months from the first of September next.

It is, moreover, understood that agricultural laborers, herdsmen, or other native peasants, in the service of French citizens shall not be legally prosecuted without immediate information thereof being communicated to the competent consular officer, in order that the latter may protect the interests of his countrymen.

The list of all protected persons shall be delivered by the proper consulate to the competent magistrate of the place, who shall likewise be informed of any changes that may subsequently be made in the said list.

Each protected person shall be furnished with a card in French and in Arabic, mentioning his name and stating the services which secure this privilege to him.

All these cards shall be issued by the Legation of France at Tangier.

TANGIER, *Aug. 19, 1863.*

## PROTECTION OF INDUSTRIAL PROPERTY

*Convention and final protocol signed at Paris March 20, 1883*

*Ratifications exchanged at Paris June 6, 1884*

*Senate advice and consent to adherence March 2, 1887*

*Adherence declared by the President of the United States March 29, 1887*

*Entered into force July 6, 1884; for the United States May 30, 1887  
(as designated by the United States)*

*Proclaimed by the President of the United States June 11, 1887*

*Amended by protocol of April 15, 1891,<sup>1</sup> additional act of December 14, 1900,<sup>2</sup> and convention of June 2, 1911,<sup>3</sup> as revised*

*Replaced May 1, 1913, by convention of June 2, 1911,<sup>3</sup> as between contracting parties to the later convention; terminated definitively October 10, 1925<sup>4</sup>*

25 Stat. 1372; Treaty Series 379

### [TRANSLATION]

#### CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

His Majesty the King of the Belgians; His Majesty the Emperor of Brazil; His Majesty the King of Spain; The President of the French Republic; the President of the Republic of Guatemala; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; the President of the Republic of Salvador; His Majesty the King of Servia; the Federal Council of the Swiss Confederation;

Equally animated by the desire to assure, by common accord, a complete and efficacious protection to the industry and commerce of the subjects of their respective states, and to contribute to the safeguard of the rights of inventors, and to the loyalty of commercial transactions, have resolved to

<sup>1</sup> TS 385, *post*, p. 183.

<sup>2</sup> TS 411, *post*, p. 296.

<sup>3</sup> TS 579, *post*, p. 791.

<sup>4</sup> Date by which all parties to the 1883 convention had become parties to the 1911 convention.

conclude a Convention to that effect, and have named as their Plenipotentiaries the following:

*His Majesty the King of the Belgians:* Baron Beyens, Grand Officer of His Royal Order of Léopold, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

*His Majesty the Emperor of Brazil:* Mr. Jules Constant, Count de Villeneuve, Member of the Council of His Majesty, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, Commander of the Order of Christ, Officer of His Order of the Rose, Knight of the Legion of Honor, etc.;

*His Majesty the King of Spain:* His Excellency the Duke de Fernan-Núñez de Montellano, and Del Arco, Count de Cervellon, Marquis of Almonacir, Grandee of Spain of the 1st Class, Knight of the distinguished Order of the Golden Fleece, Grand Cross of the Order of Charles III., Knight of Calatrava, Grand Cross of the Legion of Honor, etc., Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Paris;

*The President of the French Republic:* Mr. Paul Chellemel-Lacour, Senator, Minister of Foreign Affairs; Mr. Hérisson, Deputy, Minister of Commerce; Mr. Charles Jagerschmidt, Minister Plenipotentiary of 1st Class, Officer of the National Order of the Legion of Honor;

*The President of the Republic of Guatemala:* Mr. Crisanto Medina, Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

*His Majesty the King of Italy:* Mr. Constantin Ressman, Commander of His Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Commander of the Legion of Honor, etc., Counsellor of the Embassy of Italy at Paris;

*His Majesty the King of the Netherlands:* Baron de Zuylen de Nyevelt, Commander of His Order of the Lion of the Netherlands, Grand Cross of His Grand Ducal Order of the Oaken Crown and of the Golden Lion of Nassau, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

*His Majesty the King of Portugal and the Algarves:* Mr. Jose da Silva Mendes Leal, Counsellor of State, Peer of the Kingdom, Minister and Honorary Secretary of State, Grand Cross of the Order of St. James, Knight of the Order of the Tower and of the Sword of Portugal, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Fernand de Azevedo, Officer of the Legion of Honor, etc., First Secretary of the Legation of Portugal at Paris;

*The President of the Republic of Salvador:* Mr. Torres Caicedo, Corresponding Member of the Institute of France, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

*His Majesty the King of Servia:* Mr. Sima M. Marinovitch, Chargé d'Affaires ad interim of Servia, Knight of the Royal Order of Takovo, etc.;

*And the Federal Council of the Swiss Confederation:* Mr. Charles Edward Lardy, its Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. J. Weibel, Engineer at Geneva, President of the Swiss Section of the permanent Commission for the protection of Industrial Property.

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

The Governments of Belgium, of Brazil, of Spain, of France, of Guatemala, of Italy, of the Netherlands, of Portugal, of Salvador, of Servia and of Switzerland, have constituted themselves into a state of Union for the protection of Industrial Property.

#### ARTICLE II

The subjects or citizens of each of the contracting States shall enjoy, in all the other States of the Union, so far as concerns patents for inventions, trade or commercial marks, and the commercial name, the advantages that the respective laws thereof at present accord, or shall afterwards accord to subjects or citizens. In consequence they shall have the same protection as these latter, and the same legal recourse against all infringements of their rights, under reserve of complying with the formalities and conditions imposed upon subjects or citizens by the domestic legislation of each State.

#### ARTICLE III

Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States, not forming part of the Union, who are domiciled or have industrial or commercial establishments upon the territory of one of the States of the Union.

#### ARTICLE IV

Any one who shall have regularly deposited an application for a patent of invention, of an industrial model, or design, of a trade or commercial mark, in one of the contracting States, shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter determined.

In consequence, the deposit subsequently made in one of the other States of the Union, before the expiration of these periods cannot be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working by a third party, by the sale of copies of the design or model, by the employment of the mark.

The periods of priority above-mentioned shall be six months for patents of invention and three months for designs or industrial models, as well as for trade or commercial marks. They shall be augmented by one month for countries beyond the seas.

#### ARTICLE V

The introduction by the patentee into countries where the patent has been granted, of articles manufactured in any other of the States of the Union, shall not entail forfeiture.

The patentee, however, shall be subject to the obligation of working his patent conformably to the laws of the country into which he has introduced the patented articles.

#### ARTICLE VI

Every trade or commercial mark regularly deposited in the country of origin shall be admitted to deposit and so protected in all the other countries of the Union.

Shall be considered as country of origin, the country where the depositor has his principal establishment.

If this principal establishment is not situated in one of the countries of the Union, shall be considered as country of origin that to which the depositor belongs.

The deposit may be refused, if the object, for which it is asked, is considered contrary to morals and to public order.

#### ARTICLE VII

The nature of the production upon which the trade or commercial mark is to be affixed cannot in any case be an obstacle to the deposit of the mark.

#### ARTICLE VIII

The commercial name shall be protected in all the countries of the Union without obligation of deposit, whether it forms part or not, of a trade or commercial mark.

#### ARTICLE IX

Every production bearing, unlawfully, a trade or commercial mark, or a commercial name, may be seized upon importation into those of the States of the Union in which such mark or such commercial name has a right to legal protection.

The seizure shall take place either at the instance of the public prosecutor or of the interested party, conformably to the domestic legislation of each State.

#### ARTICLE X

The provisions of the preceding article shall be applicable to every production bearing falsely as indication of origin, the name of a stated locality,



when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention.

Is reputed interested party every manufacturer or trader engaged in the manufacture or sale of this production, when established in the locality falsely indicated as the place of export.

#### ARTICLE XI

The High Contracting parties engage between themselves to accord a temporary protection to patentable inventions, to industrial designs or models, as well as to trade or commercial marks for the productions, which may figure at official or officially recognized International Exhibitions.

#### ARTICLE XII

Each one of the High Contracting parties engages to establish a special service of Industrial Property and a central dépôt, for giving information to the public, concerning patents of invention, industrial design or models and trade or commercial marks.

#### ARTICLE XIII

An International Office shall be organized under the title of "*International Bureau of the Union for the Protection of Industrial Property*."

This Bureau, the cost of which shall be supported by the governments of all the contracting States, shall be placed under the high authority of the Superior Administration of the Swiss Confederation, and shall work under its supervision. Its powers shall be determined by common accord between the States of the Union.

#### ARTICLE XIV

The present Convention shall be submitted to periodical revisions for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object, conferences shall take place successively in one of the contracting States between the delegates of said States.

The next meeting shall take place in 1885 at Rome.

#### ARTICLE XV

It is understood that the High Contracting parties respectively reserve the right to make, separately, between themselves, special arrangements for the protection of industrial property, so far as these arrangements shall not interfere with the provisions of the present convention.

#### ARTICLE XVI

The States that have not taken part in the present Convention shall be admitted to adhere to the same upon their application.



This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey, of full right, accession to all the clauses and admission to all the advantages stipulated by the present Convention.

#### ARTICLE XVII

The execution of the reciprocal engagements contained in the present Convention is subordinated so far as needful, to the accomplishment of the formalities and rules established by the constitutional laws of such of the High Contracting parties as are bound to ask the application thereof, which they agree to do within the shortest delay possible.

#### ARTICLE XVIII

The present Convention shall be put into execution within a month after exchange of ratifications, and shall remain in force during a period of time not determined, until the expiration of one year from the day upon which the denunciation shall be made.

This denunciation shall be addressed to the Government empowered to receive adhesions. It shall only produce its effect as regards the State making it, the Convention remaining executory for the other contracting parties.

#### ARTICLE XIX

The present Convention shall be ratified and the ratifications shall be exchanged at Paris, within the period of one year at the latest.

In witness whereof the respective Plenipotentiaries have signed it and affixed to it their seals.

Done at Paris the 20th of March, 1883.

[For Belgium:]		[For the Netherlands:]	
BEYENS	[SEAL]	BARON DE ZUYLEN	[SEAL]
		DE NYEVELT	
[For Brazil:]		[For Portugal:]	
VILLENEUVE	[SEAL]	JOSÉ DA SILVA MENDES LEAL	[SEAL]
		F. D'AZEVEDO	[SEAL]
[For Spain:]		[For El Salvador:]	
DUC DE FERNAN-NUÑEZ	[SEAL]	J. M. TORRES-CAICEDO	[SEAL]
		[For Serbia:]	
[For France:]		SIMA M. MARINOVITCH	[SEAL]
P. CHALLEMEL-LACOUR	[SEAL]		
CH. HÉRISSON	[SEAL]	[For the Swiss Confederation:]	
CH. JAGERSCHMIDT	[SEAL]	LARDY	[SEAL]
		J. WEIBEL	[SEAL]
[For Guatemala:]			
CRISANTO MEDINA	[SEAL]		
[For Italy:]			
RESSMAN	[SEAL]		

#### FINAL PROTOCOL

On proceeding to the signature of the Convention, concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala,

Italy, the Netherlands, Portugal, Salvador, Servia, and Switzerland, for the protection of industrial property, the undersigned plenipotentiaries have agreed on the following:

1. The words *Industrial Property* are to be understood in their widest acceptance, in the sense that they apply not only to the productions of industry properly so called, but equally to the productions of agriculture (wines, grains, fruits, cattle, etc.) and to mineral productions used in commerce (mineral waters, etc.).

2. Under the name *Patents of Invention* are included the various classes of industrial patents granted by the laws of the contracting States, such as patents of importation, patents of improvement, etc.

3. It is understood that the final provision of Article 2 of the convention shall in no respect infringe upon the laws of each of the contracting States, so far as concerns the procedure before the courts and the competence of the said courts.

4. Paragraph 1 of Article 6 is to be understood in the sense that no trade or commercial mark shall be excluded from protection, in one of the States of the Union, by the mere fact that it may not satisfy, in respect to the signs composing it, the conditions of the laws of this State, provided that it does satisfy, in this regard, the laws of the country of origin, and that it has been in this latter country, duly deposited. Saving this exception which concerns only the form of the mark, and under reservation of the provisions of the other articles of the Convention, the domestic legislation of each of the states shall receive its due application.

In order to avoid all misinterpretation, it is understood that the use of public armorial bearings and decorations may be considered contrary to public order, in the sense of the final paragraph of Article 6.

5. The organization of a special service of Industrial Property mentioned in Article 12 shall include, as far as is possible, the publication in each state of an official periodical.

6. The common expenses of the International Bureau, created by Article 13, shall in no case exceed yearly a sum-total representing a mean of 2,000 francs for each contracting State.

In order to determine the contributory share of each of the States this sum-total of expenses, the contracting States, and those who may hereafter adhere to the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

<i>1st class</i> .....	25	units
<i>2d</i> " .....	20	"
<i>3d</i> " .....	15	"
<i>4th</i> " .....	10	"
<i>5th</i> " .....	5	"
<i>6th</i> " .....	3	"

Those coefficients shall be multiplied by the number of the States of each class, and the sum of the products thus obtained shall furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

The contracting States are classified as follows in respect to the division of the expenses:

- 1st class:* France, Italy.
- 2d* “ Spain.
- 3d* “ Belgium, Brazil, Portugal, Switzerland.
- 4th* “ Netherlands.
- 5th* “ Servia.
- 6th* “ Guatemala, Salvador.

The Swiss Government shall supervise the expenditure of the International Bureau, make the necessary advances, and state the annual account, which shall be communicated to all the other Governments.

The International Bureau shall collect information of every kind relating to the protection of Industrial Property, and shall compile from it general statistics, which shall be transmitted to all the Governments. It shall occupy itself with examinations of general utility which may be of interest to the Union, and shall publish, with the assistance of the documents put at its disposal by the various Governments, a periodical in the French language on questions which concern the object of the Union.

The numbers of this periodical and all the documents published by the International Bureau shall be partitioned among the Governments of the States of the Union in the proportion of the number of contributory units above mentioned.

The copies and supplementary documents which may be requested either by the said Governments, or by corporations or private persons, shall be paid for separately.

The International Bureau must always hold itself at the disposal of the members of the Union, in order to furnish them, on questions relating to the international service of Industrial Property, with such special information as they may need.

The Government of the country where the next Conference is to be held shall prepare, with the assistance of the International Bureau, the work of the said Conference.

The director of the International Bureau shall be present at the sessions of the Conferences, and shall take part in the discussions without voting.

He shall make an annual report on its management, which shall be communicated to all the members of the Union.

The official language of the International Bureau shall be the French language.

7. The present final protocol, which shall be ratified at the same time as the Convention concluded this day, shall be considered as forming an integral part of that Convention, and shall have the same force, value, and duration.

In faith whereof the undersigned plenipotentiaries have drawn up the present protocol.

BEYENS  
VILLENEUVE  
DUC DE FERNAN-NUÑEZ  
P. CHALLEMEL-LACOUR  
CH. HÉRISSON  
CH. JAGERSCHMIDT  
CRISANTO MEDINA  
RESSMAN

BARON DE ZUYLEN DE NYEVELT  
JOSÉ DA SILVA MENDES LEAL  
F. D'AZEVEDO  
J. M. TORRES-CAICEDO  
SIMA M. MARINOVITCH  
LARDY  
J. WEIBEL

## PROTECTION OF SUBMARINE CABLES

*Convention and additional article signed at Paris March 14, 1884*<sup>1</sup>

*Senate advice and consent to ratification June 12, 1884*

*Ratified by the President of the United States January 26, 1885*

*Ratifications exchanged at Paris April 16, 1885*

*Proclaimed by the President of the United States May 22, 1885*

*Entered into force May 1, 1888*

24 Stat. 989; Treaty Series 380

[TRANSLATION]

### CONVENTION

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their Plenipotentiaries, to wit:

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<sup>1</sup> For definition of the sense of terms of arts. 2 and 4, see declaration of Dec. 1, 1886 (TS 380-2), *post*, p. 112; for provisions for putting convention into execution pursuant to art. 16, see final protocol of July 7, 1887 (TS 380-3), *post*, p. 114.

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, etc., etc., etc., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, etc., etc., etc.;

His Majesty the Emperor of Germany, King of Prussia, His Highness Prince Charles Victor von Hohenlohe-Schillingsfürst, Prince of Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Argentine Confederation, M. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Confederation at Paris, etc., etc., etc.;

His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Excellency Count Ladislas Hoyos, Actual Privy Counselor, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Belgians, Baron Beyens, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.; and Mr. Leopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Director General of Political Affairs at the Department of Foreign Affairs of Belgium, etc., etc., etc.;

His Majesty the Emperor of Brazil, Mr. d'Araujo, Baron d'Itajubá, Chargé d'Affaires of Brazil at Paris, etc., etc., etc.;

His Excellency the President of the Republic of Costa-Rica, Mr. Leon Somzée, Secretary of the Legation of Costa-Rica at Paris, etc., etc., etc.;

His Majesty the King of Denmark, Count de Moltke-Hvitfeldt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Dominican Republic, Baron de Almada, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic at Paris, etc., etc., etc.;

His Majesty the King of Spain, His Excellency Manuel Silvela de le Vielleuse, permanent Senator, member of the Spanish Academy, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the United States of Colombia, Doctor José G. Triana, Consul-General of the United States of Colombia at Paris, etc., etc., etc.;

His Excellency the President of the French Republic, Mr. Jules Ferry, Deputy, President of the Council, Minister of Foreign Affairs, etc., etc., etc.; and Mr. Adolphe Cochery, Deputy, Minister of Posts and Telegraphs, etc., etc., etc.;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the Right Honorable Richard

Bikerton Pemell, Viscount Lyons, Peer of the United Kingdom of Great Britain and Ireland, member of Her British Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Guatemala, Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc.;

His Majesty the King of the Hellenes, Prince Maurocordato, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Italy, His Excellency General Count Menabrea, Marquis de Valdora, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the Emperor of the Ottomans, His Excellency Essad Pasha, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylén de Nyevelt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the Shah of Persia, General Nazare-Aga, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Portugal and the Algarves, Mr. d'Azevedo, Chargé d'Affaires of Portugal at Paris, etc., etc., etc.;

His Majesty the King of Roumania, Mr. Alexander Odobesco, Chargé d'Affaires *ad interim* of Roumania at Paris, etc., etc., etc.;

His Majesty the Emperor of all the Russias, His Excellency the Aid-de-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Salvador, Mr. Torres Caicedo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador at Paris, etc., etc., etc.;

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Sweden and Norway, Mr. Sibbern, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Oriental Republic of Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay at Paris, etc., etc., etc.;

Who after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

#### ARTICLE 1

The present Convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies or possessions of one or more of the High Contracting Parties.



## ART. 2

The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

## ART. 3

The High Contracting Parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

## ART. 4

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article 2 of this Convention.

## ART. 5

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the High Contracting Parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

## ART. 6

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.



## ART. 7

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

## ART. 8

The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It is, moreover, understood that, in cases in which the provision contained in the foregoing paragraph cannot be carried out, the repression of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.

## ART. 9

Prosecutions on account of the infractions contemplated in articles 2, 5 and 6 of this convention, shall be instituted by the State or in its name.

## ART. 10

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that purpose, of one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused par-

ties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

#### ART. 11

Proceedings and trial in cases of infractions of the provisions of this Convention shall always take place as summarily as the laws and regulations in force will permit.

#### ART. 12

The High Contracting Parties engage to take or to propose to their respective legislative bodies the measures necessary in order to secure the execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles 2, 5 and 6.

#### ART. 13

The High Contracting Parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this Convention.

#### ART. 14

States that have not taken part in this Convention shall be allowed to adhere thereto, on their requesting to do so. Notice of such adhesion shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory Governments.

#### ART. 15

It is understood that the stipulations of this Convention shall in no wise affect the liberty of action of belligerents.

#### ART. 16

This Convention shall take effect on such day as shall be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, in case none of the High Contracting Parties shall have given notice, twelve months previously to the expiration of the said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for the cessation of the effects of the Convention, such notice shall be effective as regards that Power only.

## ART. 17

This Convention shall be ratified; its ratifications shall be exchanged at Paris as speedily as possible, and within one year at the latest.

In testimony whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done in twenty-six copies, at Paris, this 14th day of March, 1884.

[For the United States:]		[For Guatemala:]	
L. P. MORTON	[SEAL]	CRISANTO MEDINA	[SEAL]
HENRY VIGNAUD	[SEAL]	[For Greece:]	
[For Germany:]		MAUROCORDATO	[SEAL]
HOHENLOHE	[SEAL]	[For Italy:]	
[For the Argentine Confederation:]		MENABREA	[SEAL]
M. BALCARCE	[SEAL]	[For Turkey:]	
[For Austria-Hungary:]		ESSAD	[SEAL]
LADISLAS COUNT HOYOS	[SEAL]	[For the Netherlands:]	
[For Belgium:]		BN ZUYLEN DE NYEVELT	[SEAL]
BEYENS	[SEAL]	[For Persia:]	
LEOPOLD ORBAN	[SEAL]	NAZARE-AGA	[SEAL]
[For Brazil:]		[For Portugal:]	
BN D'ITAJUBÁ	[SEAL]	F. D'AZEVEDO	[SEAL]
[For Costa Rica:]		[For Romania:]	
LÉON SOMZÉE	[SEAL]	ODOBESCO	[SEAL]
[For Denmark:]		[For Russia:]	
MOLTKE-HVITFELDT	[SEAL]	PRINCE ORLOFF	[SEAL]
[For the Dominican Republic:]		[For El Salvador:]	
EMANUEL DE ALMEDA	[SEAL]	J. M. TORRES-CAÏCEDO	[SEAL]
[For Spain:]		[For Serbia:]	
MANUEL SILVELA	[SEAL]	I. MARINOVITCH	[SEAL]
[For Colombia:]		[For Sweden and Norway:]	
JOSÉ G. TRIANA	[SEAL]	G. SIBBERN	[SEAL]
[For France:]		[For Uruguay:]	
JULES FERRY	[SEAL]	JUAN J. DIAZ	[SEAL]
AD. COCHERY	[SEAL]		
[For the United Kingdom:]			
LYONS	[SEAL]		

## ADDITIONAL ARTICLE

The stipulations of the Convention concluded this day for the protection of submarine cables shall be applicable, according to Article 1, to the colonies and possessions of Her Britannic Majesty with the exception of those named below, to wit:

Canada;	Queensland;
Newfoundland;	Tasmania;
The Cape;	South Australia;
Natal;	West Australia;
New South Wales;	New Zealand.
Victoria;	

Nevertheless, the stipulations of the said Convention shall be applicable to one of the above-named colonies or possessions, if, in their name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.<sup>2</sup>

Each of the above-named Colonies or possessions that shall have adhered to the said Convention, shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the Convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Done in twenty-six copies at Paris, this fourteenth day of March, 1884.

L. P. MORTON  
HENRY VIGNAUD  
HOHENLOHE  
M. BALCARCE  
LADISLAS COUNT HOYOS  
BEYENS  
LEOPOLD ORBAN  
BN D'ITAJUBÁ  
LÉON SOMZÉE  
MOLTKE-HVITFELDT  
EMANUEL DE ALMEDA  
MANUEL SILVELA  
JOSÉ G. TRIANA  
JULES FERRY  
AD. COCHERY

LYONS  
CRISANTO MEDINA  
MAUROCORDATO  
MENABREA  
ESSAD  
BN DE ZUYLEN DE NYEVELT  
NAZARE-AGA  
F. D'AZEVEDO  
ODOBESCO  
PRINCE ORLOFF  
J. M. TORRES-CAÏCEDO  
I. MARINOVITCH  
G. SIBBERN  
JUAN J. DIAZ

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<sup>2</sup> The Government of the United Kingdom notified the French Government on May 30, 1885, of the extension of the convention to South Australia; on Oct. 17, 1885, of the extension to Victoria; on July 28, 1886, of the extension to Queensland; and on Sept. 23, 1888, of the extension to all the other territories listed in the additional article.

## UNIVERSAL POSTAL UNION

*Additional act (modifying convention of 1878) and final protocol signed at Lisbon March 21, 1885*<sup>1</sup>

*Ratified and approved by the Postmaster General of the United States October 20, 1885*

*Approved by the President of the United States October 20, 1885*

*Entered into force April 1, 1886*

*Terminated by convention of July 4, 1891*<sup>2</sup>

25 Stat. 1339

[TRANSLATION]

### ADDITIONAL ACT OF LISBON TO CONVENTION

Additional act of Lisbon to the Convention of the 1st of June, 1878,<sup>3</sup> concluded between Germany, the United States of America, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, the United States of Colombia, the Republic of Costa Rica, Denmark and the Danish Colonies, the Dominican Republic, Egypt, Ecuador, Spain and the Spanish Colonies, France and the French Colonies, Great Britain and various British Colonies, Canada, British India, Greece, Guatemala, the Republic of Hayti, the Kingdom of Hawaii, the Republic of Honduras, Italy, Japan, the Republic of Liberia, Luxemburg, Mexico, Montenegro, Nicaragua, Paraguay, the Netherlands and the Netherland Colonies, Peru, Persia, Portugal and the Portuguese Colonies, Roumania, Russia, Salvador, Servia, the Kingdom of Siam, Sweden and Norway, Switzerland, Turkey, Uruguay, and the United States of Venezuela.

The undersigned plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Lisbon,

By virtue of article 19 of the Convention concluded at Paris on the 1st of June, 1878,

Have, by common consent, and subject to ratification, adopted the following additional Act:

#### ARTICLE 1

The Convention of the 1st of June 1878 is modified as follows:

<sup>1</sup> For text of additional act modifying the regulations of 1878, see 25 Stat. 1352.

<sup>2</sup> *Post*, p. 188.

<sup>3</sup> *Ante*, p. 51.

## I

Article 2 will, hereafter, read as follows:

## ARTICLE 2

The stipulations of this Convention extend to letters, to simple postal cards and postal cards with paid reply, to printed matter of all kinds, commercial papers, and samples of merchandise, originating in one of the countries of the Union, and intended for another of those countries. They also apply, as far as regards conveyance within the Union, to the exchange by mail of the articles above mentioned between the countries of the Union and countries foreign to the Union, whenever that exchange makes use of the services of two of the contracting parties at least.

All the contracting countries are not obliged to issue postal cards with paid reply, but they assume the obligation to return reply-cards received from other countries in the Union.

## II

Article 4 is modified as follows:

The following provision is substituted for paragraph 8:

2d. That wherever the rate of sea-transit is at present fixed at 5 francs per kilogramme of letters or postal cards, and at 50 centimes per kilogramme of other articles, these rates are maintained.

Paragraph 13 is modified as follows:

The general settlement of these expenses takes place on the basis of statements prepared every three years, during a period of 28 days to be determined on in the Regulations of execution <sup>4</sup> referred to in Article 14 hereafter.

The following provision is substituted for paragraph 14:

Correspondence of the Postal Administrations with each other, postal reply-cards returned to the country of origin, articles reforwarded or missent, undeliverable articles, return-receipts, post-office money orders, or advices of the issue of orders, and all other documents relative to the postal service, are exempt from all transit charges, whether territorial or maritime.

## III

Article 5 is modified as follows:

The 3d paragraph will hereafter read as follows:

2d. For postal cards, 10 centimes for a simple card or for each of the two parts of a postal card with paid reply.

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<sup>4</sup> See footnote 1, p. 97.

The second clause of the seventh paragraph commencing with the words: "As a temporary arrangement" is suppressed.

Paragraph 14 will hereafter read as follows:

4th. Lastly, to packets of commercial papers and prints of all kinds the weight of which exceeds 2 kilogrammes or the dimensions of which in any direction exceed 45 centimeters.

#### IV

There is inserted between articles 5 and 6 a new article reading as follows:

##### ARTICLE 5 *bis*

The sender of an article of correspondence may cause it to be withdrawn from the service, or cause the address to be changed, as long as this article has not been delivered to the addressee.

The request to be formulated for this purpose is transmitted by mail or by telegraph, at the expense of the sender, who has to pay:

1st for every request by mail, the rate applicable to a single registered letter;

2d for every request by telegraph, the charge for the telegram according to the ordinary rates.

The provisions of this article are not compulsory in countries, the legislation of which does not allow the sender to dispose of an article in course of transportation.

#### V

The last 5 paragraphs of article 6, after the words: "In case of the loss of a registered article," &c., are suppressed, and, after said article, a new article is added reading as follows:

##### ARTICLE 6 *bis*

In case of the loss of a registered article, and except in case of *force majeure*, the sender, or at his request, the addressee, is entitled to an indemnity of 50 francs.

The obligation to pay the indemnity is incumbent on the Administration under which the despatching office belongs. This Administration has the right to make a reclamation on the responsible administration, that is to say, on the Administration within whose territory or in whose service the loss has occurred.

Until the contrary is proved, the responsibility rests with the Administration which, after having received the article without making any remark, can not prove either its delivery to the addressee, or its regular transmission to the next Administration.



The payment of the indemnity by the despatching office should be made as soon as possible, and at the latest, within the period of one year dating from the day of the reclamation. The responsible office is bound to reimburse without delay to the despatching office the amount of the indemnity paid by it.

It is understood that the reclamation is only admitted within the period of one year from the time when the registered article was mailed; after this period has passed, the claimant has no right to any indemnity.

If the loss has occurred during transportation between the exchange offices of two neighboring countries, and it is impossible to ascertain on which of the two territories it has taken place, the two Administrations concerned bear the loss in equal proportions.

The Administrations cease to be responsible for registered articles, the addressees of which have given a receipt for them and have accepted them.

As a temporary measure, the Administrations of the countries beyond Europe, whose legislation is at present opposed to the principle of responsibility, are permitted to postpone the application of the preceding clause until the time when they shall have obtained, from the legislative power, authority to subscribe to it. Up to that time, the other Administrations of the Union are not bound to pay an indemnity for the loss, in their respective services, of registered articles addressed to or originating in the said countries.

## VI

A new article is inserted between articles 9 and 10, reading as follows:

### ARTICLE 9 *bis*

Articles of correspondence of every kind are, at the request of the senders, delivered at the residence of the addressees by a special carrier immediately after their arrival, in countries of the Union which consent to undertake this service in their reciprocal relations.

These articles, which are indorsed "express," are subject to a special charge for delivery at the residence; this charge is fixed at 30 centimes, and must be paid in full, and in advance, by the sender, over and above the ordinary postage. It is paid to the Administration of the country of origin.

If the article is destined for a locality where there is no post-office, the Administration of Posts of the country of destination may levy an additional charge, to the amount of the rate fixed for delivery by express in its domestic service, a deduction being made of the fixed rate paid by the sender, or of its equivalent in the money of the country which levies this additional charge.



“Express” articles upon which the entire charges which are payable in advance are not fully prepaid are delivered by the ordinary means.

## VII

Article 10 will, in future, read as follows:

### ARTICLE 10

No additional charge is levied for the reforwarding of postal matter within the interior of the Union.

Undeliverable correspondence does not give rise to a restitution of the transit charges due to intermediary administrations for the previous conveyance of said correspondence.

## VIII

The first three paragraphs of Article 11 are suppressed, and are replaced by the following provisions:

It is forbidden to the public to send by mail:

1st. Letters or packets containing pieces of money;

2nd. Any packets whatever containing articles liable to customs duty;

3rd. Gold or silver bullion, precious stones, jewelry, or other precious articles, but only in case the legislation of the countries concerned prohibits their being placed in the mails or their being forwarded.

## IX

Article 13 is modified as follows:

### ARTICLE 13

The service of letters with declared value, and the services of money orders, postal parcels, amounts to be collected, books of identity, &c., form the subject of special arrangements between the different countries or groups of countries of the Union.

## X

The last part of the last paragraph of Article 14, commencing with the words: “for the conditions of the delivery of letters by express”, is suppressed, and this paragraph will read in future as follows:

The Administrations interested are, however, permitted to come to mutual arrangements for the adoption of lower rates of postage, within a radius of 30 kilometers.

## XI

The first paragraph of Article 15 is worded as follows:

The present Convention involves no alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

## XII

Article 17 is modified as follows:

## ARTICLE 17

In case of disagreement between two or more members of the Union, as to the interpretation of the present Convention, or as to the responsibility of an Administration in case of the loss of a registered article, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

The decision of the arbitrators is given by the absolute majority of the votes.

In case the votes are equally divided, the arbitrators choose, in order to settle the difference, another Administration equally disinterested in the disputed question.

The provisions of the present article apply likewise to all the Agreements concluded in virtue of Article 13 of the Convention of June 1, 1878, modified by Article 1, Number IX, of the present Additional Act.

## XIII

The 2nd and 3d paragraphs of Article 20 will hereafter read as follows:

1st. Unanimity of votes, if they involve a modification of the stipulations of the present article, or of articles 2, 3, 4, 5, 5 *bis*, 6, 6 *bis*, 9, and 9 *bis* preceding;

2nd. Two-thirds of the votes, if they involve a modification of the stipulations of the Convention other than those of articles 2, 3, 4, 5, 5 *bis*, 6, 6 *bis*, 9, 9 *bis*, and 20;

## ARTICLE 2

1.—The present Additional Act will take effect on the 1st of April 1886, and will remain in force for the same period as the Convention concluded at Paris on the 1st of June, 1878.

2.—It shall be ratified as soon as possible. The Acts of ratification shall be exchanged at Lisbon.

In faith of which, the plenipotentiaries of the countries above enumerated have signed the present Additional Act at Lisbon, the twenty-first of March, one thousand eight hundred and eighty-five.

## For Germany:

SACHSE  
FRITSCH

## For the United States of America:

WILLIAM T. OTTO  
JAS. S. CRAWFORD

## For the Argentine Republic:

F. P. HANSEN

## For Austria:

DEWÉZ  
VARGES

## For Hungary:

GERVAY

## For Belgium:

F. GIFE

## For Bolivia:

JOAQUIN CASO

## For Brazil:

LUIS C. P. GUIMARÃES

## For Bulgaria:

R. IVANOFF

## For Chile:

M. MARTINEZ

## For the United States of Colombia:

CÉSAR CONTO

## For the Republic of Costa Rica:

## For Denmark and the Danish Colonies:

LUND

## For the Dominican Republic:

P. GOMES DA SILVA

## For Egypt:

W. F. HALTON

## For Ecuador:

ANTONIO FLORES

## For Spain and the Spanish Colonies:

S. ALVAREZ BUGALLAL  
A. HERCE  
LABOULAYE  
A. BESNIER

## For the French Colonies:

LABOULAYE

## For Great Britain and the English Colonies:

S. A. BLACKWOOD  
H. BUXTON FORMAN

## For Canada:

S. A. BLACKWOOD  
H. BUXTON FORMAN

## For British India:

H. E. M. JAMES

## For Greece:

EUGÈNE BOREL

## For Guatemala:

J. CARRERA

## For the Republic of Hayti:

LABOULAYE  
ANSAULT

## For the Kingdom of Hawaii:

EUGÈNE BOREL

## For the Republic of Honduras:

J. CARRERA

## For Italy:

J. B. TANTESIO

## For Japan:

YASUSHI NAMURA

## For the Republic of Liberia:

COMTE SENMARTI

## For Luxemburg:

CH. RISCHARD

## For Mexico:

L. BRETON Y VEDRA

## For Montenegro:

DEWÉZ  
VARGES

## For Nicaragua:

MANUEL J. ALVES DINIZ

## For Paraguay:

F. A. REBELLO

## For the Netherlands and the Netherlands Colonies:

HOFSTEDE  
B. SWEERTS DE LANDAS-WYBORGH

## For Peru:

## For Persia:

N. SEMINO

For Portugal:	For the Kingdom of Siam:
GUILHERMINO AUGUSTO DE BARROS	PRISDANG
ERNESTO MADEIRA PINTO	
For the Portuguese Colonies:	For Sweden:
GUILHERMINO AUGUSTO DE BARROS	W. ROOS
For Roumania:	For Norway:
JON GHICA	HARALD ASCHE
For Russia:	For Switzerland:
N. DE BESAK	ED. HÖHN
GEORGES DE POGGENPOHL	
	For Turkey:
For Salvador:	For Uruguay:
	ENRIQUE KUBLY
For Servia:	For Venezuela:
	J. L. PER'A CRESPO

### FINAL PROTOCOL

At the moment when the Conventions concluded by the Universal Postal Congress of Lisbon were to be signed, the undersigned plenipotentiaries have agreed as follows:

#### I

Peru, Salvador, Servia and Turkey, which form part of the Postal Union, being unrepresented at the Congress, the protocol will be left open for their adhesion to the Conventions which have been concluded at the Congress, or only to one or the other of these Conventions. The same applies to the Republic of Costa Rica, whose representative is not present at the session at which these Acts will be signed.

#### II

The British Colonies of Australia and the British Colonies of the Cape and of Natal will be allowed to adhere to these Conventions, or one or the other of them, and the protocol will be left open for this purpose.

#### III

The protocol will be left open for countries whose representatives have this day only signed the principal Convention, or only a certain number of the Conventions concluded by the Congress, for the purpose of allowing them to adhere to the other Conventions signed this day, or one or the other of them.

#### IV

The adhesions contemplated by Articles I, II, and III above, must be notified to the Portuguese Government by the Governments concerned, in diplomatic form. The term accorded to them for this notice will expire on the 1st of February, 1886.

## V

The representatives of the countries which, so far, have not declared their adhesion to one or the other of the following Conventions, viz:

The Convention of the 1st June 1878;

The Agreement dated June 1, 1878, relative to the exchange of letters with declared value;

The Agreement of June 4, 1878, relative to the exchange of money-orders;

The Convention of November 3, 1880, relative to the exchange of postal parcels without declaration of value;

Having been allowed to take part in the Additional Acts modifying and completing these Conventions and Agreements, their signature at the foot of one or the other of these Additional Acts implies on their part, subject to ratification, the adhesion in the name of their country, to the Convention or Agreement to which such additional Act relates, such adhesion to date from the date the latter takes effect.

## VI

In case one or several of the contracting parties to the Postal Conventions signed this day at Lisbon should not ratify one or the other of these Conventions, that Convention will be none the less valid for the States which have ratified it.

In faith of which the undersigned plenipotentiaries have drawn up the present final protocol, which shall have the same force and value as if its provisions were inserted in the text itself of the Conventions to which it relates; and they have signed it in one single instrument which shall be deposited in the Archives of the Portuguese Government, and a copy of which shall be delivered to each party.

Lisbon, the twenty-first of March, one thousand eight hundred and eighty-five.

For Germany:

SACHSE  
FRITSCH

For the United States of America:

WILLIAM T. OTTO  
JAS. S. CRAWFORD

For the Argentine Republic:

F. P. HANSEN

For Austria:

DEWÉZ  
VARGES

For Hungary:

GERVAY

For Belgium:

F. GIFE

For Bolivia:

JOAQUIN CASO

For Brazil:

LUIZ C. P. GUIMARÃES

For Bulgaria:

R. IVANOFF

For Chile:

M. MARTINEZ

For the United States of Colombia:

CÉSAR CONTO

For the Republic of Costa Rica:

For Denmark and the Danish Colonies:

LUND

For the Dominican Republic:  
P. GOMES DA SILVA

For Egypt:  
W. F. HALTON

For Ecuador:  
ANTONIO FLORES

For Spain and the Spanish Colonies:  
S. ALVAREZ BUGALLAL  
A. HERCE

For France:  
LABOULAYE  
A. BESNIER

For the French Colonies:  
LABOULAYE

For Great Britain and the English  
Colonies:  
S. A. BLACKWOOD  
H. BUXTON FORMAN

For Canada:  
S. A. BLACKWOOD  
H. BUXTON FORMAN

For British India:  
H. E. M. JAMES

For Greece:  
EUGÈNE BOREL

For Guatemala:  
J. CARRERA

For the Republic of Hayti:  
LABOULAYE  
ANSAULT

For the Kingdom of Hawaii:  
EUGÈNE BOREL

For the Republic of Honduras:  
J. CARRERA

For Italy:  
J. B. TANTESIO

For Japan:  
YASUSHI NAMURA

For the Republic of Liberia:  
COMTE SENMARTI

For Luxemburg:  
CH. RISCHARD

For Mexico:  
L. BRETON Y VEDRA

For Montenegro:  
DEWÉZ  
VARGES

For Nicaragua:  
MANUEL J. ALVES DINIZ

For Paraguay:  
F. A. REBELLO

For the Netherlands and Netherlands  
Colonies:  
HOFSTEDE  
B. SWEERTS DE LANDAS WYBORGH

For Peru:

For Persia:  
N. SEMINO

For Portugal:  
GUILHERMINO AUGUSTO DE BARROS  
ERNESTO MADEIRA PINTO

For the Portuguese Colonies:  
GUILHERMINO AUGUSTO DE BARROS

For Roumania:  
JON GHICA

For Russia:  
N. DE BESAK  
GEORGES DE POGGENPOHL

For Salvador:

For Servia:

For the Kingdom of Siam:  
PRISDANG

For Sweden:  
W. ROOS

For Norway:  
HARALD ASCHE

For Switzerland:  
ED. HÖHN

For Turkey:

For Uruguay:  
ENRIQUE KUBLY

For Venezuela:  
J. L. PER'A CRESPO

[For text of additional act modifying the regulations of 1878, see 25 Stat. 1352].

## INTERNATIONAL EXCHANGE OF OFFICIAL DOCUMENTS

*Convention signed at Brussels March 15, 1886*

*Senate advice and consent to ratification June 18, 1888*

*Ratified by the President of the United States July 19, 1888*

*Ratifications exchanged at Brussels January 14, 1889*

*Entered into force January 14, 1889*

*Proclaimed by the President of the United States January 15, 1889*

25 Stat. 1465; Treaty Series 381

### [TRANSLATION]

The President of the United States of America, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, Her Majesty the Queen Regent of Spain, His Majesty the King of Italy, His Majesty the King of Portugal and of the Algarves, His Majesty the King of Servia, The Federal Council of the Swiss Confederation, desiring to establish, on the bases adopted by the Conference which met at Brussels from the 10th to the 14th April 1883, a system of international exchanges of the official documents and of the scientific and literary publications of their respective States, have appointed for their Plenipotentiaries, to wit:

The President of the United States of America, Mr. Lambert Tree, Minister Resident of the United States of America at Brussels,

His Majesty the King of the Belgians, The Prince de Caraman, His Minister of Foreign Affairs, and the Chevalier de Moreau, His Minister of Agriculture, Industry and Public Works,

His Majesty the Emperor of Brazil, The Count de Villeneuve, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, Mr. de Tavira, Chargé d'Affaires ad-interim of Spain at Brussels,

His Majesty the King of Italy, the Marquis Maffei, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

His Majesty the King of Portugal and of the Algarves, the Baron de Sant' Anna, Envoy Extraordinary and Minister Plenipotentiary of His Very Faithful Majesty,

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

The Federal Council of the Swiss Confederation, Mr. Rivier, its special Plenipotentiary.

Who, after having communicated between themselves their full powers, which are found in good and due form, have agreed upon the following Articles:

#### ARTICLE 1

There shall be established in each of the contracting States, a bureau charged with the duty of the exchanges.

#### ARTICLE 2

The publications which the contracting States agree to exchange, are the following:

1st. The official documents, parliamentary and administrative, which are published in the country of their origin.

2nd. The works executed by order and at the expense of the Government.

#### ARTICLE 3

Each bureau shall cause to be printed a list of the publications that it is able to place at the disposal of the contracting States.

This list shall be corrected and completed each year and regularly addressed to all the bureaus of exchange.

#### ARTICLE 4

The bureaus of exchange will arrange between themselves the number of copies which they may be able eventually to demand and furnish.

#### ARTICLE 5

The transmissions shall be made directly from bureau to bureau. Uniform models and formulas will be adopted for the memoranda of the contents of the cases, as well as for all the administrative correspondence, requests, acknowledgments of reception, etc.

#### ARTICLE 6

For exterior transmissions, each State assumes the expense of packing and transportation to the place of destination. Nevertheless when the transmissions shall be made by sea, special arrangements will regulate the share of each State in the expense of transportation.

#### ARTICLE 7

The bureaus of exchange will serve, in an officious capacity, as intermediaries between the learned bodies and literary and scientific societies, etc.



of the contracting States for the reception and transmission of their publications.

It remains however well understood that, in such case, the duty of the bureaux of exchange will be confined to the free transmission of the works exchanged and that these bureaux will not in any manner take the initiative to bring about the establishment of such relations.

#### ARTICLE 8

These provisions apply only to the documents and works published after the date of the present Convention.

#### ARTICLE 9

The States which have not taken part in the present Convention are admitted to adhere to it on their request.

This adhesion will be notified diplomatically to the Belgian Government and by that Government to all the other signatory States.

#### ARTICLE 10

The present Convention will be ratified and the ratifications will be exchanged at Brussels, as soon as practicable. It is concluded for ten years, from the day of the exchange of ratifications, and it will remain in force beyond that time, so long as one of the Governments shall not have declared six months in advance that it renounces it.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done at Brussels in eight copies the 15th of March, 1886.

[For the United States:]

LAMBERT TREE

[SEAL]

[For Italy:]

MAFFEI

[SEAL]

[For Belgium:]

PR DE CARAMAN

[SEAL]

[For Portugal:]

BON DE SANT' ANNA

[SEAL]

CHVLIER D. MOREAU

[SEAL]

[For Serbia:]

I. MARINOVITCH

[SEAL]

[For Brazil:]

CTE DE VILLENEUVE

[SEAL]

[For the Swiss Confederation:]

ALPHONSE RIVIER

[SEAL]

[For Spain:]

JOSÉ MA DE TAVIRA

[SEAL]

## IMMEDIATE EXCHANGE OF OFFICIAL JOURNALS, PARLIAMENTARY ANNALS, AND DOCUMENTS

*Convention signed at Brussels March 15, 1886*

*Senate advice and consent to ratification June 18, 1888*

*Ratified by the President of the United States July 19, 1888*

*Ratifications exchanged at Brussels January 14, 1889*

*Entered into force January 14, 1889*

*Proclaimed by the President of the United States January 15, 1889*

25 Stat. 1469; Treaty Series 382

### [TRANSLATION]

The President of the United States of America, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, Her Majesty the Queen Regent of Spain, His Majesty the King of Italy, His Majesty the King of Portugal and of the Algarves, His Majesty the King of Servia, desiring to assure the immediate exchange of the Official Journal as well as of the parliamentary Annals and Documents of their respective States, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Mr. Lambert Tree, Minister Resident of the United States of America at Brussels,

His Majesty the King of the Belgians, The Prince de Caraman, His Minister of Foreign Affairs, and the Chevalier de Moreau, His Minister of Agriculture, Industry and Public Works,

His Majesty the Emperor of Brazil, The Count de Villeneuve, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, Mr. de Tavira, Chargé d'Affaires, ad interim, of Spain at Brussels,

His Majesty the King of Italy, The Marquis Maffei, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

His Majesty the King of Portugal and of the Algarves, the Baron de Sant'Anna, Envoy Extraordinary and Minister Plenipotentiary of His Very Faithful Majesty,

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Who, after having communicated between themselves their full powers, found in good and due form, have agreed upon the following Articles:

#### ARTICLE 1

Independently of the obligations which result from Article 2 of the General Convention of this day,<sup>1</sup> relative to the exchange of official documents and of scientific and literary publications, the respective Governments undertake to have transmitted to the legislative chambers of each contracting State, as fast as their publication, a copy of the Official Journal, as well as of the parliamentary Annals and Documents, which are given publicity.

#### ARTICLE 2

The States which have not taken part in the present Convention are admitted to adhere thereto on their request.

This adhesion will be notified diplomatically to the Belgian Government, and by that Government to all the other signatory States.

#### ARTICLE 3

The present Convention will be ratified and the ratifications will be exchanged at Brussels as soon as practicable. It is concluded for ten years from the day of the exchange of the ratifications and it will remain in force beyond that time, so long as one of the Governments shall not have declared six months in advance that it renounces it.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done at Brussels, in seven copies the 15th of March, 1886.

[For the United States:]

LAMBERT TREE

[SEAL]

[For Spain:]

JOSÉ MA DE TAVIRA

[SEAL]

[For Belgium:]

PR DE CARAMAN

[SEAL]

[For Italy:]

MAFFEI

[SEAL]

CHVLIER D. MOREAU

[SEAL]

[For Portugal:]

BON DE SANT' ANNA

[SEAL]

[For Brazil:]

CITE DE VILLENEUVE

[SEAL]

[For Serbia:]

I. MARINOVITCH

[SEAL]

<sup>1</sup> TS 381, *ante*, p. 107.

## PROTECTION OF SUBMARINE CABLES

*Declaration signed at Paris December 1, 1886*

*Senate advice and consent to ratification February 20, 1888*

*Ratified by the President of the United States March 1, 1888*

*Proclaimed by the President of the United States May 1, 1888*

*Entered into force May 1, 1888*

25 Stat. 1424; Treaty Series 380-2

[TRANSLATION]

### DECLARATION

The undersigned, Plenipotentiaries of the signatory Governments of the convention of March 14, 1884,<sup>1</sup> for the protection of submarine cables having recognized the expediency of defining the sense of the terms of Articles 2 and 4 of the said convention, have prepared by common accord the following declaration:

Certain doubts having arisen as to the meaning of the word "wilfully" inserted in Article 2 of the convention of the 14th of March, 1884, it is understood that the imposition of penal responsibility, mentioned in the said article, does not apply to cases of breaking or of injuries occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breakings or damages.

It is likewise understood that Article 4 of the convention has no other object and is to have no other effect than to charge the competent tribunals of each country with the determination, conformably to their laws and according to circumstances, of the question of the civil responsibility of the owner of a cable, who, by the laying or repairing of such cable, causes the breaking or injury of another cable, and also of the consequences of that responsibility, if it is found to exist.

Done at Paris, December 1, 1886, and March 23, 1887, for Germany.

[For the United States:]

ROBERT M. McLANE

[For Germany:]

MÜNSTER

[For Argentina:]

JOSÉ C. PAZ

[For Austria-Hungary:]

GOLUCHOWSKI

[For Belgium:]

BEYENS

[For Brazil:]

ARINOS

<sup>1</sup> TS 380, *ante*, p. 89.

[For Costa Rica:]	[For Turkey:]
R. FERNÁNDEZ	ESSAD
[For Denmark:]	[For the Netherlands:]
MOLTKE-HVITFELDT	A. DE STUERS
[For the Dominican Republic:]	[For Portugal:]
EMANUEL DE ALMEDA	COMTE DE VALBOM
[For Spain:]	[For Romania:]
J. L. ALBAREDA	V. ALECSANDRI
[For France:]	[For Russia:]
C. DE FREYCINET	KOTZEBUE
[For the United Kingdom:]	[For El Salvador:]
LYONS	E. PECTOR
[For Guatemala:]	[For Serbia:]
CRISANTO MEDINA	I. MARINOVITCH
[For Greece:]	[For Sweden and Norway:]
N. S. DELYANNI	C. LEWENHAUPT
[For Italy:]	[For Uruguay:]
L. L. MENABREA	JUAN J. DIAZ
[For Japan:]	
HARA	

## PROTECTION OF SUBMARINE CABLES

*Protocol signed at Paris July 7, 1887*

*Senate advice and consent to ratification February 20, 1888*

*Ratified by the President of the United States March 1, 1888*

*Proclaimed by the President of the United States May 1, 1888*

*Entered into force May 1, 1888*

25 Stat. 1425; Treaty Series 380-3

### [TRANSLATION]

#### FINAL PROTOCOL

The undersigned, Plenipotentiaries of the Governments, parties to the Convention of March 14, 1884,<sup>1</sup> for the protection of submarine cables, having met at Paris for the purpose of fixing, in pursuance of article 16 of that international instrument, a date for putting the said convention into execution, have agreed upon the following:

I. The International Convention of March 14, 1884, for the protection of submarine cables, shall go into operation on the 1st day of May, 1888, provided, however, that at that date those of the contracting Governments that have not yet adopted the measures provided for by article 12 of the said international instrument, shall have conformed to that stipulation.<sup>2</sup>

II. The measures which shall have been taken by the said States in execution of article 12 aforesaid, shall be made known to the other contracting Powers through the French Government, which is charged with the examination of the said measures.

III. The Government of the French Republic is likewise charged with the examination of the similar legislative and reglementary provisions which are to be adopted, in their respective countries, in pursuance of article 12, by such States as have not taken part in the Convention, and as may desire to avail themselves of the privilege of accession, for which provision is made in article 14.

In testimony whereof, the undersigned Plenipotentiaries have adopted this

<sup>1</sup> TS 380, *ante*, p. 89.

<sup>2</sup> For text of a notice from the French Foreign Office dated Mar. 30, 1888, stating that all parties had complied with the requirements of art. 12, see *Papers Relating to the Foreign Relations of the United States*, 1888, p. 568.

final protocol, which shall be considered as forming an integral part of the International Convention of March 14, 1884.

Done at Paris, July 7, 1887.

[For the United States:]  
ROBERT M. McLANE

[For Germany:]  
LEYDEN

[For Argentina:]  
JOSÉ C. PAZ

[For Austria-Hungary:]  
HOYOS

[For Belgium:]  
BEYENS

[For Brazil:]  
ARINOS

[For Costa Rica:]  
MANUEL M. DE PERALTA

[For Denmark:]  
MOLTKE-HVITFELDT

[For the Dominican Republic:]  
EMANUEL DE ALMEDA

[For France:]  
FLOURENS

[For Spain:]  
J. LOUIS ALBAREDA

[For the United Kingdom:]  
LYONS

[For Guatemala:]  
CRISANTO MEDINA

[For Greece:]  
N. S. DELYANNI

[For Italy:]  
L. L. MENABREA

[For Japan:]  
HARA

[For Turkey:]  
H. MISSAK

[For the Netherlands:]  
DE STUERS

[For Portugal:]  
COMTE DE VALBOM

[For Romania:]  
V. ALECSANDRI

[For Russia:]  
N. DE GIER

[For El Salvador:]  
J. F. MEDINA

[For Serbia:]  
I. MARINOVITCH

[For Sweden and Norway:]  
C. LEWENHAUPT

[For Uruguay:]  
JUAN J. DIAZ

## NEUTRALITY AND AUTONOMOUS GOVERNMENT IN SAMOA (GENERAL ACT OF BERLIN)

*General act signed at Berlin June 14, 1889*

*Senate advice and consent to ratification February 4, 1890*

*Ratified by the President of the United States February 21, 1890*

*Ratifications deposited at Berlin April 12, 1890*

*Entered into force April 12, 1890*

*Assented to by the Government of Samoa April 19, 1890*

*Proclaimed by the President of the United States May 21, 1890*

*Annulled February 16, 1900, by convention of December 2, 1899*<sup>1</sup>

26 Stat. 1497; Treaty Series 313

### GENERAL ACT

The President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India,

Wishing to provide for the security of the life, property and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with the Islands of Samoa; and desirous at the same time to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these Islands have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of Their Plenipotentiaries which was begun in Washington on June 25, 1887; and have named for Their present Plenipotentiaries the following:

The President of the United States of America:

Mr. John A. Kasson,

Mr. William Walter Phelps,

Mr. George H. Bates;

His Majesty the Emperor of Germany, King of Prussia:

Count Bismarck, Minister of State, Secretary of State for Foreign Affairs,

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<sup>1</sup> TS 314, *post*, p. 276.



Baron von Holstein, Actual Privy Councillor of Legation,  
Dr. Krauel, Privy Councillor of Legation;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India:

Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia,

Charles Stewart Scott, Esquire, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation,

Joseph Archer Crowe, Esquire, Her Majesty's Commercial Attaché for Europe,

who, furnished with full powers which have been found in good and due form, have successively considered and adopted:

First; A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said Islands, and providing for the immediate restoration of peace and order therein.

Second; A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act.

Third; A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

Fourth; A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto and for the registration of valid titles.

Fifth; A Declaration respecting the Municipal District of Apia, providing a local administration therefor and defining the jurisdiction of the Municipal Magistrate.

Sixth; A Declaration respecting taxation and revenue in Samoa.

Seventh; A Declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.

Eighth; General Dispositions.

#### ARTICLE I

*A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to the respective citizens and subjects of the Signatory Powers equality of rights in said Islands; and providing for the immediate restoration of peace and order therein.*

It is declared that the Islands of Samoa are neutral territory in which the citizens and subjects of the Three Signatory Powers have equal rights of residence, trade and personal protection. The Three Powers recognize the independence of the Samoan Government and the free right of the natives to elect their Chief or King and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the Islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said Islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July 1881, and was so recognized by the Three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the Three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

## ARTICLE II

### *A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act*

Considering that the following provisions of this General Act can not be fully effective without a modification of certain provisions of the treaties heretofore existing between the Three Powers, respectively, and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such treaty or treaties, the provisions of this Act shall prevail.

Considering further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the Three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the Three Governments through the medium of their respective Consuls in Samoa.

## ARTICLE III

### *A Declaration respecting the establishment of a Supreme Court of Justice for Samoa and defining its jurisdiction*

SECTION 1. A Supreme Court shall be established in Samoa to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees to be regulated by order of the Court.

SECTION 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the Three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination as herein provided. He shall receive an annual salary of six thousand

dollars (\$6,000.00) in gold, or its equivalent, to be paid the first year in equal proportions by the Three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the Three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council, until a successor shall be duly appointed and qualified.

SECTION 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and, if in the judgment of such authority there is sufficient cause for his removal, he shall be removed. If the majority of the Three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as herein-before provided.

SECTION 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act; and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

SECTION 5. The Chief Justice is authorized at his own discretion, and required upon written request of either party litigant, to appoint assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

SECTION 6. In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the Islands; or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

SECTION 7. In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

SECTION 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the Municipal District and for the collection of taxes without the District.

SECTION 9. Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction

1. All civil suits concerning real property situated in Samoa and all rights affecting the same.

2. All civil suits of any kind between natives and foreigners or between foreigners of different nationalities.

3. All crimes and offences committed by natives against foreigners or committed by such foreigners as are not subject to any consular jurisdiction; subject however to the provisions of section 4 Article V defining the jurisdiction of the Municipal Magistrate of the District of Apia.

SECTION 10. The practice and procedure of Common Law, Equity and Admiralty, as administered in the courts of England, may be—so far as applicable—the practice and procedure of this Court; but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate; or, in the case of Native Samoans and other Natives of the South Sea Islands, according to the laws and customs of Samoa.

SECTION 11. Nothing in this article shall be so construed as to affect existing consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any ex post facto or retroactive jurisdiction over crimes or offenses committed prior to the organization of the Court.

#### ARTICLE IV

*A Declaration respecting titles to land in Samoa and restraining the disposition thereof by natives; and providing for the investigation of claims thereto, and for the registration of valid titles*

SECTION 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the Islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage or otherwise shall be prohibited, subject to the following exceptions:

(a) Town lots and lands within the limits of the Municipal District as defined in this Act may be sold or leased by the owner for a just consideration when approved in writing by the Chief Justice of Samoa;

(b) Agricultural lands in the Islands may be leased for a just consideration and with carefully defined boundaries for a term not exceeding forty (40) years when such lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

SECTION 2. In order to adjust and settle all claims by aliens of titles to land or any interest therein in the Islands of Samoa, it is declared that a Commission shall be appointed to consist of three (3) impartial and competent persons, one to be named by each of the Three Treaty Powers; to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief-Executive of Samoa with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service, a compensation at the rate of three hundred dollars per month and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

SECTION 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice for the purpose of examination and registration; and that all claims not so presented will be held invalid and forever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English and Samoan Languages as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

SECTION 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report

(a) Whether the sale or disposition was made by the rightful owner or native entitled to make it.

(b) Whether it was for a sufficient consideration.

(c) The identification of the property affected by such sale or disposition.

SECTION 5. The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized and registered or rejected, in whole or part, as the case may require.

SECTION 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

SECTION 7. The Court shall make provision for a complete registry of all valid titles to land in the Islands of Samoa which are or may be owned by foreigners.

SECTION 8. All lands acquired before the 28th day of August 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired, but without prejudice to rights of third parties, if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

SECTION 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more, shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

SECTION 10. In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum to be ascertained by the Commission and approved by the Court as equitable and just.

SECTION 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:

(a) Claims based upon mere promises to sell, or options to buy.

(b) Where the deed, mortgage or other conveyance contained at the time it was signed no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

(c) Where no consideration is expressed in the conveyance, or if expressed has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

(d) Where the conveyance whether sale, mortgage or lease was made upon the consideration of a sale of fire arms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan law of



October 25, 1880, or contrary to the Municipal Regulations of January 1, 1880.

SECTION 12. The Land Commission may at its discretion through the Local Government of the District in which the disputed land is situated appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission to be by them reported to the Court.

#### ARTICLE V

*A Declaration respecting the Municipal District of Apia, providing a local administration therefor, and defining the jurisdiction of the Municipal Magistrate*

SECTION 1. The Municipal District of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa; thence following the course of the river upwards to the point at which the Alafuala road crosses said river; thence following the line of said road to the point where it reaches the River Vaisinago; and thence in a straight line to the point of beginning at Vailoa—embracing also the waters of the Harbour of Apia.

SECTION 2. Within the aforesaid District shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said District and owner of real estate or conductor of a profession or business in said District which is subject to a rate or tax not less in amount than \$5 per ann.

For the purpose of the election of members of the Council, the said District shall be divided into two, or three, electoral districts from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the Consular Representatives of the Three Treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by municipal ordinance.

The councillors shall hold their appointment for a term of two years and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman "pro tempore."

Consular Officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

SECTION 3. The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said District, including the appointment of a Municipal Magistrate and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said District of person and property, for the assessment and collection of the revenues therein as herein authorized; and to provide proper fines and penalties for the violation of the laws and ordinances which shall be in force in said District and not in conflict with this Act, including sanitary and police regulations. They shall establish pilot charges, port dues, quarantine and other regulations of the port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate and establish the fees and charges allowed to other civil officers of the District, excepting Clerk and Marshal of the Supreme Court.

All ordinances, resolutions and regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the Three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such regulations or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

SECTION 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons irrespective of nationality in case of infraction of any law, ordinance, or regulation passed by the Municipal Council in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of two hundred dollars or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of twenty dollars or a term of ten days imprisonment an appeal may be taken to the Supreme Court.

SECTION 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice and impartiality. He shall be agreed upon by the Three Powers; or, failing such agreement, he shall be selected from the nationality of Sweden, The Netherlands, Switzerland, Mexico or Brazil, and nominated by the Chief Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.



He may act under the joint instruction of the Three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of five thousand dollars (\$5,000.00), to be paid the first year in equal shares by the Three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the Receiver and Custodian of the revenues accruing under the provisions of this Act, and shall render quarterly reports of his receipts and disbursement to the King, and to the Municipal Council.

He shall superintend the Harbour and Quarantine regulations, and shall, as the Chief Executive officer be in charge of the administration of the laws and ordinances applicable to the Municipal District of Apia.

SECTION 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the local government of the Municipal District, under the provisions of this Act. Each Member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath, or affirmation that he will well and faithfully perform the duties of his office.

## ARTICLE VI

### *A Declaration respecting Taxation and Revenue in Samoa*

SECTION 1. The Port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares and merchandise landed on the Islands shall be there entered for examination; but coal and naval stores which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such treaty, and may be there landed as stipulated without such entry or examination.

SECTION 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the Islands, the following duties, taxes and charges may be levied and collected, without prejudice to the right of the native government to levy and collect other taxes in its discretion upon the natives of the Islands and their property, and with the consent of the Consuls of the Signatory Powers upon all property outside the Municipal District, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners.

*A. Import Duties*

	Doll. c.
1. On ale and porter and beer per dozen quarts.....	50
2. On spirits, per gallon.....	2 50
3. On wine except sparkling, per gallon.....	1 00
4. On sparkling wines per gallon.....	1 50
5. On tobacco per lb.....	50
6. On cigars per lb.....	1 00
7. On sporting arms, each.....	4 00
8. On gunpowder per lb.....	25
9. Statistical duty on all merchandise and goods imported, except as aforesaid, ad valorem.....	2 p.c.

*B. Export Duties*

On copra	} ad valorem.....	{	2½ p.c.
On cotton			
On coffee			
			2 p.c.

*C. Taxes to be annually levied*

1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head.....	1 00
2. Capitation tax on colored plantation laborers, other than Samoans, per head...	2 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property) each.....	4 00
4. On firearms, each.....	2 00
5. On dwelling houses (not including the dwelling houses of Samoan natives) and on land and houses used for commercial purposes, ad valorem.....	1 p.c.
6. Special taxes on traders as follows:	
Class I. On stores of which the monthly sales are \$2,000 or more, each store.	100 00
Class II. Below \$2,000 and not less than \$1,000.....	48 00
Class III. Below \$1,000 and not less than \$500.....	36 00
Class IV. Below \$500 and not less than \$250.....	24 00
Class V. Below \$250.....	12 00

*D. Occasional taxes*

1. On trading vessels exceeding 100 tons burden, calling at Apia, at each call....	10 00
2. Upon deeds of real estate, to be paid before registration thereof can be made, and, without payment of which, title shall not be held valid, upon the value of the consideration paid.....	½ p.c.
3. Upon other written transfers of property, upon the selling price.....	1 p.c.
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title paper, or otherwise by the written receipt of the proper tax collector.	
4. Unlicensed butchers in Apia shall pay upon their sales.....	1 p.c.

*E. License taxes*

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a License therefor, and for such License the following tax shall be paid in advance:

	Doll.
Tavern keeper.....	10 per month
Attorney, barrister or solicitor.....	60 per annum
Doctor of medicine or dentistry.....	30 " "
Auctioneer or commission agent.....	40 " "
Baker.....	12 " "
Banks or companies for banking.....	60 " "
Barber.....	6 " "
Blacksmith.....	5 " "
Boat-builder.....	6 " "
Butcher.....	12 " "
Cargo-boat or lighter.....	6 " "
Carpenter.....	6 " "
Photographer or artist.....	12 " "

E. *License taxes*—Continued

	Doll.
Engineer.....	12 per annum
“ assistants.....	6 “ “
“ apprentices.....	3 “ “
Hawker.....	1 “ “
Pilot.....	24 “ “
Printing press.....	12 “ “
Sailmaker.....	6 “ “
Shipbuilder.....	6 “ “
Shoemaker.....	6 “ “
Land surveyor.....	6 “ “
Tailor.....	6 “ “
Waterman.....	6 “ “
Salesmen, bookkeepers, clerks, paid not less than \$75 a month.....	3 “ “
Same when paid over \$75 a month.....	6 “ “
White laborers and domestics per head.....	5 “ “
Factory hands and independent workmen.....	5 “ “

SECTION 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the license taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration as provided by this Act.

SECTION 4. It is understood that “Dollars” and “Cents,” terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

## ARTICLE VII

*A declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use*

SECTION 1. *Arms and ammunition.* The importation into the Islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited except in the following cases:

(a) Guns and ammunition for sporting purposes, for which written license shall have been previously obtained from the President of the Municipal Council.

(b) Small arms and ammunition carried by travelers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific Islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at

the Customs (without payment of duty) and reported by the President of the Municipal Council to the Consuls of the Three Treaty Powers.

The Three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa.

SECTION 2. *Intoxicating Liquors.* No spirituous, vinous or fermented liquors, or intoxicating drinks whatever, shall be sold, given or offered to any native Samoan, or South Sea Islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the Islands.

## ARTICLE VIII

### *General dispositions*

SECTION 1. The provisions of this Act shall continue in force until changed by consent of the Three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime any special amendment may be adopted by the consent of the Three Powers with the adherence of Samoa.

SECTION 2. The present General Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

Done in triplicate at Berlin this fourteenth day of June, one thousand eight hundred and eighty-nine.

[For the United States:]

JOHN A. KASSON  
WM. WALTER PHELPS  
GEO. H. BATES

[For the United Kingdom:]

EDWARD B. MALET  
CHARLES S. SCOTT  
J. A. CROWE

[For Germany:]

H. BISMARCK  
HOLSTEIN  
R. KRAUEL

## PAN AMERICAN UNION <sup>1</sup>

*Special report adopted by the First International American Conference at Washington April 14, 1890*

*Amended by resolution of January 29, 1902,<sup>2</sup> of the Second International American Conference, as amended*

*Termination: Regulations (except those relating to personnel) repealed by resolution dated August 7, 1906<sup>3</sup> of the Third International American Conference; became obsolete December 13, 1951, upon entry into force of the Charter of the Organization of American States dated April 30, 1948<sup>4</sup>*

*Minutes of the International American Conference (Washington, 1890), p. 683;  
Senate Executive document 135, 51st  
Congress, 1st session*

### SPECIAL REPORT OF THE COMMITTEE ON CUSTOMS REGULATIONS

At the meeting of the Conference, held March 29, 1890, the following resolution was adopted:

"That the Governments here represented shall unite for the establishment of an American International Bureau for the collection, tabulation, and publication in the English, Spanish, and Portuguese languages of information as to the productions and commerce and as to the customs laws and regulations of their respective countries; such Bureau to be maintained in one of the countries for the common benefit and at the common expense, and to furnish to all the other countries such commercial statistics and other useful information as may be contributed to it by any of the American Republics. That the Committee on Customs Regulations be authorized and instructed to furnish to the Conference a plan of organization and a scheme for the practical work of the proposed Bureau."

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<sup>1</sup> The bureau established in 1890 by the First International American Conference was called the Commercial Bureau of the American Republics. The Second Conference changed the name to the International Bureau of the American Republics (*post*, p. 344), and the Fourth Conference changed it to the Pan American Union (*post*, p. 752).

<sup>2</sup> *Post*, p. 344.

<sup>3</sup> *Post*, p. 535.

<sup>4</sup> 2 UST 2394; TIAS 2361.

In accordance with said resolution the committee submits the following recommendations:

1. There shall be formed by the countries represented in this Conference an association under the title of "The International Union of American Republics" for the prompt collection and distribution of commercial information.

2. The International Union shall be represented by a Bureau to be established in the city of Washington, D.C., under the supervision of the Secretary of State of the United States and to be charged with the care of all translations and publications and with all correspondence pertaining to the International Union.

3. This Bureau shall be called "The Commercial Bureau of the American Republics", and its organ shall be a publication to be entitled "Bulletin of the Commercial Bureau of the American Republics."

4. The Bulletin shall be printed in the English, Spanish, and Portuguese languages.

5. The contents of the Bulletin shall consist of—

(a) The existing customs tariffs of the several countries belonging to the Union and all changes of the same as they occur, with such explanations as may be deemed useful.

(b) All official regulations which affect the entrance and clearance of vessels and the importation and exportation of merchandise in the ports of the represented countries; also all circulars of instruction to customs officials which relate to customs procedure or to the classification of merchandise for duty.

(c) Ample quotations from commercial and parcel-post treaties between any of the American Republics.

(d) Important statistics of foreign commerce and domestic products and other information of special interest to merchants and shippers of the represented countries.

6. In order to enable the Commercial Bureau to secure the utmost accuracy in the publication of the Bulletin, each country belonging to this Union shall send directly to the Bureau, without delay, two copies each of all official documents which may pertain to matters having relation to the objects of the Union, including customs tariffs, official circulars, international treaties or agreements, local regulations, and, so far as practical, complete statistics regarding commerce and domestic products and resources.

7. This Bureau shall at all times be available as a medium of communication and correspondence for persons applying for reasonable information in regard to matters pertaining to the customs tariffs and regulations and to the commerce and navigation of the American Republics.

8. The form and style of the Bulletin shall be determined by the Commercial Bureau and each edition shall consist of at least 1,000 copies. In order that diplomatic representatives, consular agents, boards of trade, and other preferred persons shall be promptly supplied with the Bulletin, each member of the Union may furnish the Bureau with addresses to which copies shall be mailed at its expense.

9. Every country belonging to the International Union shall receive its quota of each issue of the Bulletin and the quota of each country shall be in proportion to its population.

Copies of the Bulletin may be sold (if there be a surplus) at a price to be fixed by the Bureau.

10. While it shall be required that the utmost possible care be taken to insure absolute accuracy in the publications of the Bureau, the International Union will assume no pecuniary responsibility on account of errors or inaccuracies which may occur therein. A notice to this effect shall be conspicuously printed upon the first page of every successive issue of the Bulletin.

11. The maximum expense to be incurred for establishing the Bureau and for its annual maintenance shall be \$36,000, and the following is a detailed estimate of its organization, subject to such changes as may prove desirable:

One director in charge of Bureau, compensation	\$5,000
One secretary	3,000
One accountant	2,200
One clerk	1,800
One clerk and type-writer	1,600
One translator (Spanish and English)	2,500
One translator (Spanish and English)	2,000
One translator (Portuguese and English)	2,500
One messenger	800
One porter	600
	<hr/>
	22,000
	<hr/>

#### *Office expenses*

Rent of apartments, to contain one room for director, one room for secretary, one room for translators, one room for clerks, etc., and one room for library and archives	3,000
Lights, heat, cleaning, etc	500
	<hr/>
	3,500
	<hr/>

#### *Publication of bulletin*

Printing, paper, and other expenses	10,000
Postage, express, and miscellaneous expenses	500
	<hr/>
	10,500

12. The Government of the United States will advance to the International Union a fund of \$36,000, or so much of that amount as may be required, for the expenses of the Commercial Bureau during its first year, and a like sum for each subsequent year of the existence of this Union.



## SLAVE TRADE AND IMPORTATION INTO AFRICA OF FIREARMS, AMMUNITION, AND SPIRITU- OUS LIQUORS (GENERAL ACT OF BRUSSELS)

*General act signed at Brussels July 2, 1890*

*Ratifications deposited at Brussels July 2, 1891, and January 2, February 2, and March 30, 1892<sup>1</sup>*

*Senate advice and consent to ratification of general act and protocol of January 2, 1892, with a statement, January 11, 1892<sup>2</sup>*

*Ratified by the President of the United States January 19, 1892*

*Ratification of the United States deposited at Brussels, with a statement, February 2, 1892<sup>2</sup>*

*Entered into force August 31, 1891; for the United States April 2, 1892*

*Proclaimed by the President of the United States April 2, 1892*

*Provisions relating to duties on spirituous liquors revised by conventions of June 8, 1899,<sup>3</sup> and November 3, 1906<sup>4</sup>*

*Replaced, as between contracting parties to the later conventions, by the convention of September 10, 1919,<sup>5</sup> revising the general acts of Berlin and Brussels (except for the stipulations contained in article 1 of the 1919 convention) and by the convention of the same date on the subject of the liquor traffic in Africa<sup>6</sup>*

27 Stat. 886; Treaty Series 383

### GENERAL ACT

[TRANSLATION]

#### IN THE NAME OF GOD ALMIGHTY

The President of the United States of America; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Den-

<sup>1</sup> For texts of protocols of these dates recording ratifications, see pp. 161, 165, 169, and 170.

<sup>2</sup> For text of U.S. statement, see p. 169.

<sup>3</sup> TS 389, *post*, p. 226.

<sup>4</sup> TS 467, *post*, p. 551.

<sup>5</sup> TS 877, *post*, vol. 2.

<sup>6</sup> TS 779, *post*, vol. 2.



mark; His Majesty the King of Spain, and in his name her Majesty the Queen Regent of the Kingdom; His Majesty the Sovereign of the Independent State of the Congo; The President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxemburg, etc.; His Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves, etc., etc.; His Majesty the Emperor of all the Russias; His Majesty the King of Sweden and Norway, etc., etc.; His Majesty the Emperor of the Ottomans; and His Highness the Sultan of Zanzibar;

Being equally actuated by the firm intention of putting an end to the crimes and devastations engendered by the traffic in African slaves, of efficiently protecting the aboriginal population of Africa, and of securing for that vast continent the benefits of peace and civilization;

Wishing to give fresh sanction to the decisions already adopted in the same sense and at different times by the powers, to complete the results secured by them, and to draw up a body of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

Have resolved, in pursuance of the invitation addressed to them by the Government of His Majesty the King of the Belgians, in agreement with the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, to convene for this purpose a conference at Brussels, and have named as their plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Mr. Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians, and

Mr. Henry Shelton Sanford;

HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA, IN THE NAME OF THE GERMAN EMPIRE,

Frederic John, Count of Alvensleben, His Chamberlain and Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Göhring, His Privy Councillor of Legation, Consul-General of the German Empire at Amsterdam;

HIS MAJESTY THE EMPEROR OF AUSTRIA, KING OF BOHEMIA AND APOSTOLIC KING OF HUNGARY,

Rodolphe Count Khevenhüller-Metsch, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near his Majesty the King of the Belgians,

HIS MAJESTY THE KING OF THE BELGIANS,

Auguste Baron Lambermont, His Minister of State, His Envoy Extraordinary and Minister Plenipotentiary, and

- M. Emile Banning, Director General in the Department of Foreign Affairs of Belgium;
- HIS MAJESTY THE KING OF DENMARK,  
Mr. Frederic-George Schack de Brockdorff, Consul-General of Denmark at Antwerp;
- HIS MAJESTY THE KING OF SPAIN, AND IN HIS NAME HER MAJESTY THE QUEEN REGENT OF THE KINGDOM,  
Don José Gutierrez de Aguëra, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS MAJESTY THE SOVEREIGN-KING OF THE INDEPENDENT STATE OF THE CONGO,  
Mr. Edmund Van Eetvelde, Administrator-General of the Department of Foreign Affairs of the Independent State of the Congo, and  
Mr. Auguste Van Maldeghem, Councillor in the Belgian Court of Cassation;
- THE PRESIDENT OF THE FRENCH REPUBLIC,  
M. Albert Bourée, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians, and  
M. George Cogordan, Minister Plenipotentiary, Director of the Office of the Minister of Foreign Affairs of France;
- HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA,  
Lord Vivian, Peer of the United Kingdom, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and  
Sir John Kirk;
- HIS MAJESTY THE KING OF ITALY,  
Francis de Renzis, Baron of Montanaro, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and  
Mr. Thomas Catalani, His Envoy Extraordinary and Minister Plenipotentiary;
- HIS MAJESTY THE KING OF THE NETHERLANDS, GRAND DUKE OF LUXEMBURG,  
Louis Baron Gericke de Herwynen, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS IMPERIAL MAJESTY THE SHAH OF PERSIA,  
General Nazare Aga, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS MAJESTY THE KING OF PORTUGAL AND OF THE ALGARVES,  
Mr. Henrique de Macedo Pereira Coutinho, Member of His Council, Peer of the Kingdom, Minister and Honorary Secretary of State, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS,

Leon Prince Ouroussoff, Master of His Court, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. Frederic de Martens, His Actual Councillor of State, Permanent Member of the Council of Foreign Affairs of Russia;

HIS MAJESTY THE KING OF SWEDEN AND NORWAY,

Mr. Charles de Burenstam, His Chamberlain, His Minister Plenipotentiary near His Majesty the King of the Belgians and near His Majesty the King of the Netherlands;

HIS MAJESTY THE EMPEROR OF THE OTTOMANS,

Étienne Carathéodory Efendi, High Dignitary of His Empire, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS HIGHNESS THE SULTAN OF ZANZIBAR,

Sir John Kirk, and  
Mr. William Göhring;

Who, being furnished with full powers, which have been found to be in good and due form, have adopted the following provisions:

CHAPTER I. *Slave-trade countries.—Measures to be taken in the places of origin*

ARTICLE I

The powers declare that the most effective means of counteracting the slave-trade in the interior of Africa are the following:

1. Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior, by the powers to which the territories are subject, of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, with a view to substituting economical and rapid means of transportation for the present system of carriage by men.

4. Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

6. Organization of expeditions and flying columns, to keep up the com-

munication of the stations with each other and with the coast, to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of fire-arms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave-trade is carried on.

## ARTICLE II

The stations, the inland cruisers organized by each power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the slave-trade, have the following subsidiary duties:

1. To support and, if necessary, to serve as a refuge for the native population, whether placed under the sovereignty or the protectorate of the State to which the station is subject, or independent, and temporarily for all other natives in case of imminent danger; to place the population of the first of these categories in a position to co-operate for their own defense; to diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism, and human sacrifices.

2. To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centres of cultivation and of commercial settlements.

3. To protect, without distinction of creed, the missions which are already or that may hereafter be established.

4. To provide for the sanitary service and to extend hospitality and help to explorers and to all who take part in Africa in the work of repressing the slave-trade.

## ARTICLE III

The powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and engage to proceed gradually, as circumstances may permit, either by the means above indicated or by any other means that they may consider suitable, with the repression of the slave-trade, each State in its respective possessions and under its own direction. Whenever they consider it possible, they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

## ARTICLE IV

The States exercising sovereign powers or protectorates in Africa may in all cases delegate to companies provided with charters all or a portion of the engagements which they assume in virtue of Article III. They remain,

nevertheless, directly responsible for the engagements which they contract by the present act, and guarantee the execution thereof. The powers promise to encourage, aid and protect such national associations and enterprises due to private initiative as may wish to co-operate in their possessions in the repression of the slave-trade, subject to their receiving previous authorization, such authorization being revocable at any time, subject also to their being directed and controlled, and to the exclusion of the exercise of rights of sovereignty.

#### ARTICLE V

The contracting powers pledge themselves, unless this has already been provided for by laws in accordance with the spirit of the present article, to enact or propose to their respective legislative bodies, in the course of one year at the latest from the date of the signing of the present general act, a law rendering applicable, on the one hand, the provisions of their penal laws concerning grave offenses against the person, to the organizers and abettors of slave-hunting, to those guilty of mutilating male adults and children, and to all persons taking part in the capture of slaves by violence; and, on the other hand, the provisions relating to offenses against individual liberty, to carriers and transporters of, and to dealers in, slaves.

The accessories and accomplices of the different categories of slave captors and dealers above specified shall be punished with penalties proportionate to those incurred by the principals.

Guilty persons who may have escaped from the jurisdiction of the authorities of the country where the crimes or offenses have been committed shall be arrested either on communication of the incriminating evidence by the authorities who have ascertained the violation of the law, or on production of any other proof of guilt by the power in whose territory they may have been discovered, and shall be kept, without other formality, at the disposal of the tribunals competent to try them.

The powers shall communicate to one another, with the least possible delay, the laws or decrees existing or promulgated in execution of the present Article.

#### ARTICLE VI

Slaves liberated in consequence of the stoppage or dispersion of a convoy in the interior of the continent, shall be sent back, if circumstances permit, to their country of origin; if not, the local authorities shall facilitate, as much as possible, their means of living, and if they desire it, help them to settle on the spot.

#### ARTICLE VII

Any fugitive slave claiming, on the continent, the protection of the signatory powers, shall receive it, and shall be received in the camps and stations officially established by said powers, or on board of the vessels of the State

plying on the lakes and rivers. Private stations and boats are only permitted to exercise the right of asylum subject to the previous consent of the State.

#### ARTICLE VIII

The experience of all nations that have intercourse with Africa having shown the pernicious and preponderating part played by firearms in operations connected with the slave-trade as well as internal wars between the native tribes; and this same experience having clearly proved that the preservation of the African population whose existence it is the express wish of the powers to protect, is a radical impossibility, if measures restricting the trade in fire-arms and ammunition are not adopted, the powers decide, so far as the present state of their frontiers permits, that the importation of fire-arms, and especially of rifles and improved weapons, as well as of powder, ball and cartridges, is, except in the cases and under the conditions provided for in the following Article, prohibited in the territories comprised between the 20th parallel of North latitude and the 22d parallel of South latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean and its dependencies, including the islands adjacent to the coast within 100 nautical miles from the shore.

#### ARTICLE IX

The introduction of fire-arms and ammunition, when there shall be occasion to authorize it in the possessions of the signatory powers that exercise rights of sovereignty or of protectorate in Africa, shall be regulated, unless identical or stricter regulations have already been enforced, in the following manner in the zone defined in Article VIII:

All imported fire-arms shall be deposited, at the cost, risk and peril of the importers, in a public warehouse under the supervision of the State government. No withdrawal of fire-arms or imported ammunition shall take place from such warehouses without the previous authorization of the said government. This authorization shall, except in the cases hereinafter specified, be refused for the withdrawal of all arms for accurate firing, such as rifles, magazine guns, or breech-loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

In seaports, and under conditions affording the needful guarantees, the respective governments may permit private warehouses, but only for ordinary powder and for flint-lock muskets, and to the exclusion of improved arms and ammunition therefor.

Independently of the measures directly taken by governments for the arming of the public force and the organization of their defence, individual exceptions may be allowed in the case of persons furnishing sufficient guarantees that the weapon and ammunition delivered to them shall not be given, assigned or sold to third parties, and for travelers provided with a



declaration of their government stating that the weapon and ammunition are intended for their personal defence exclusively.

All arms, in the cases provided for in the preceding paragraph, shall be registered and marked by the supervising authorities, who shall deliver to the persons in question permits to bear arms, stating the name of the bearer and showing the stamp with which the weapon is marked. These permits shall be revocable in case proof is furnished that they have been improperly used, and shall be issued for five years only, but may be renewed.

The above rule as to ware-housing shall also apply to gunpowder.

Only flint-lock guns, with unrifled barrels, and common gunpowder known as trade powder, may be withdrawn from the warehouses for sale. At each withdrawal of arms and ammunition of this kind for sale, the local authorities shall determine the regions in which such arms and ammunition may be sold. The regions in which the slave-trade is carried on shall always be excluded. Persons authorized to take arms or powder out of the public warehouses, shall present to the State government, every six months, detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the warehouses.

#### ARTICLE X

The Governments shall take all such measures as they may deem necessary to insure as complete a fulfilment as possible of the provisions respecting the importation, sale and transportation of fire-arms and ammunition, as well as to prevent either the entry or exit thereof via their inland frontiers, or the passage thereof to regions where the slave-trade is rife.

The authorization of transit within the limits of the zone specified in Article VIII shall not be withheld when the arms and ammunition are to pass across the territory of the signatory or adherent power occupying the coast, towards inland territories under the sovereignty or protectorate of another signatory or adherent power, unless this latter power have direct access to the sea through its own territory. If this access be wholly interrupted, the authorization of transit can not be withheld. Any application for transit must be accompanied by a declaration emanating from the government of the power having the inland possessions, and certifying that the said arms and ammunition are not intended for sale, but are for the use of the authorities of such power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial power of the coast retains the right to stop, exceptionally and provisionally, the transit of improved arms and ammunition across its territory, if, in consequence of inland disturbances or other serious danger, there is ground for fearing lest the despatch of arms and ammunition may compromise its own safety.

## ARTICLE XI

The powers shall communicate to one another information relating to the traffic in fire-arms and ammunition, the permits granted, and the measures of repression in force in their respective territories.

## ARTICLE XII

The powers engage to adopt or to propose to their respective legislative bodies the measures necessary everywhere to secure the punishment of infringers of the prohibitions contained in Articles VIII and IX, and that of their accomplices, besides the seizure and confiscation of the prohibited arms and ammunition, either by fine or imprisonment, or by both of these penalties, in proportion to the importance of the infraction and in accordance with the gravity of each case.

## ARTICLE XIII

The signatory powers that have possessions in Africa in contact with the zone specified in Article VIII, bind themselves to take the necessary measures for preventing the introduction of fire-arms and ammunition across their inland frontiers into the regions of said zone, at least that of improved arms and cartridges.

## ARTICLE XIV

The system stipulated in Articles VIII to XIII, shall remain in force for twelve years. In case none of the contracting parties shall have given notice twelve months before the expiration of this period, of its intention to put an end to it, or shall have demanded its revision, it shall remain obligatory for two years longer, and shall thus continue in force from two years to two years.

CHAPTER II. *Caravan Routes and Transportation of Slaves by land*

## ARTICLE XV

Independently of the repressive or protective action which they exercise in the centres of the slave-trade, it shall be the duty of the stations, cruisers and posts, whose establishment is provided for in Article II, and of all other stations established or recognized by Article IV, by each government in its possessions, to watch, so far as circumstances shall permit, and in proportion to the progress of their administrative organization, the roads traveled in their territory by slave-dealers, to stop convoys on their march, or to pursue them wherever their action can be legally exercised.

## ARTICLE XVI

In the regions of the coasts known to serve habitually as places of passage or terminal points for slave-traffic coming from the interior, as well as at



the points of intersection of the principal caravan routes crossing the zone contiguous to the coast already subject to the control of the sovereign or protective powers, posts shall be established under the conditions and with the reservations mentioned in Article III, by the authorities to which the territories are subject, for the purpose of intercepting the convoys and liberating the slaves.

#### ARTICLE XVII

A strict watch shall be organized by the local authorities at the ports and places near the coast, with a view to preventing the sale and shipment of slaves brought from the interior, as well as the formation and departure landwards of bands of slave-hunters and dealers.

Caravans arriving at the coast or in its vicinity, as well as those arriving in the interior at a locality occupied by the territorial power, shall, on their arrival, be subjected to a minute inspection as to the persons composing them. Any such person being ascertained to have been captured or carried off by force, or mutilated, either in his native place or on the way, shall be set free.

#### ARTICLE XVIII

In the possessions of each of the contracting powers, it shall be the duty of the government to protect liberated slaves, to return them, if possible, to their country, to procure means of subsistence for them, and, in particular, to take charge of the education and subsequent employment of abandoned children.

#### ARTICLE XIX

The penal arrangements provided for by Article V shall be applicable to all offences committed in the course of operations connected with the transportation of and traffic in slaves on land whenever such offences may be ascertained to have been committed.

Any person having incurred a penalty in consequence of an offence provided for by the present general act, shall incur the obligation of furnishing security before being able to engage in any commercial transaction in countries where the slave-trade is carried on.

### CHAPTER III. *Repression of the Slave-trade by Sea*

#### SECTION I. *General provisions*

#### ARTICLE XX

The signatory powers recognize the desirability of taking steps in common for the more effective repression of the slave-trade in the maritime zone in which it still exists.

#### ARTICLE XXI

This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from

Beloochistan to Cape Tangalane (Quilimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of South latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had.

#### ARTICLE XXII

The signatory powers of the present general act, among whom exist special conventions for the suppression of the slave-trade, have agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search and of seizure of vessels at sea, to the above mentioned zone.

#### ARTICLE XXIII

The same powers also agree to limit the above mentioned right to vessels whose tonnage is less than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity thereof.

#### ARTICLE XXIV

All other provisions of the conventions concluded for the suppression of the slave-trade between the aforesaid powers shall remain in force provided they are not modified by the present general act.

#### ARTICLE XXV

The signatory powers engage to adopt efficient measures to prevent the unlawful use of their flag, and to prevent the transportation of slaves on vessels authorized to fly their colors.

#### ARTICLE XXVI

The signatory powers engage to adopt all measures necessary to facilitate the speedy exchange of information calculated to lead to the discovery of persons taking part in operations connected with the slave-trade.

#### ARTICLE XXVII

At least one international bureau shall be created; it shall be established at Zanzibar. The high contracting parties engage to forward to it all the documents specified in Article XLI, as well as all information of any kind likely to assist in the suppression of the slave-trade.

#### ARTICLE XXVIII

Any slave who has taken refuge on board a ship of war bearing the flag of one of the signatory powers, shall be immediately and definitively set free.

Such freedom, however, shall not withdraw him from the competent jurisdiction if he has been guilty of any crime or offense at common law.

#### ARTICLE XXIX

Any slave detained against his will on board of a native vessel shall have the right to demand his liberty. His release may be ordered by any agent of any of the signatory powers on whom the present general act confers the right of ascertaining the status of persons on board of such vessels, although such release shall not withdraw him from the competent jurisdiction if he has committed any crime or offense at common law.

#### SECTION II. *Regulation concerning the use of the flag and supervision by cruisers*

1. RULES FOR GRANTING THE FLAG TO NATIVE VESSELS, AND AS TO CREW LISTS AND MANIFESTS OF BLACK PASSENGERS ON BOARD.

#### ARTICLE XXX

The signatory powers engage to exercise a strict surveillance over native vessels authorized to carry their flag in the zone mentioned in Article XXI, and over the commercial operations carried on by such vessels.

#### ARTICLE XXXI

The term "native vessel" applies to vessels fulfilling one of the following conditions:

1. It shall present the outward appearance of native build or rigging.
2. It shall be manned by a crew of whom the captain and the majority of the seamen belong by origin to one of the countries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf.

#### ARTICLE XXXII

The authorization to carry the flag of one of the said powers shall in future be granted only to such native vessels as shall satisfy at the same time the three following conditions:

1. Fitters-out or owners of ships must be either subjects of or persons protected by the power whose flag they ask to carry.
2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to furnish *bona fide* security as a guaranty of the payment of such fines as may be incurred.
3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been sentenced to punishment for acts connected with the slave-trade.

## ARTICLE XXXIII

This authorization granted shall be renewed every year. It may at any time be suspended or withdrawn by the authorities of the power whose colors the vessel carries.

## ARTICLE XXXIV

The act of authorization shall contain the statements necessary to establish the identity of the vessel. The captain shall have the keeping thereof. The name of the native vessel and the amount of its tonnage shall be cut and painted in Latin characters on the stern, and the initial or initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

## ARTICLE XXXV

A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the power whose colors it carries. It shall be renewed at every fresh venture of the vessel, or, at the latest, at the end of a year, and in accordance with the following provisions:

1. The list shall be visaed at the departure of the vessel by the authority that has issued it.
2. No negro can be engaged as a seaman on a vessel without having previously been questioned by the authority of the power whose colors it carries, or, in default thereof, by the territorial authority, with a view to ascertaining the fact of his having contracted a free engagement.
3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.
4. The authorities who shall have questioned the men before their departure shall enter them on the list of the crew in which they shall be mentioned with a summary description of each of them alongside his name.
5. In order the more effectively to prevent any substitution, the seamen may, moreover, be provided with a distinctive mark.

## ARTICLE XXXVI

When the captain of a vessel shall desire to take negro passengers on board, he shall make his declaration to that effect to the authority of the power whose colors he carries, or in default thereof, to the territorial authority. The passengers shall be questioned, and after it has been ascertained that they embarked of their own free will, they shall be entered in a special manifest, bearing the description of each of them alongside of his name, and specially sex and height. Negro children shall not be taken as passengers unless they are accompanied by their relations, or by persons whose respectability is well known. At the departure, the passenger roll shall be visaed by the afore-

said authority after it has been called. If there are no passengers on board, this shall be specially mentioned in the crew-list.

#### ARTICLE XXXVII

At the arrival at any port of call or of destination, the captain of the vessel shall show to the authority of the power whose flag he carries, or, in default thereof, to the territorial authority, the crew-list, and, if need be, the passenger-roll previously delivered. The authority shall check the passengers who have reached their destination or who are stopping in a port of call, and shall mention their landing in the roll. At the departure of the vessel the same authority shall affix a fresh *visé* to the list and roll, and call the roll of the passengers.

#### ARTICLE XXXVIII

On the African coast and on the adjacent islands, no negro passengers shall be taken on board of a native vessel, except in localities where there is a resident authority belonging to one of the signatory powers.

Throughout the extent of the zone mentioned in Article XXI no negro passengers shall be landed from a native vessel except at a place in which there is a resident officer belonging to one of the high contracting powers, and unless such officer is present at the landing.

Cases of *vis major* that may have caused an infraction of these provisions shall be examined by the authority of the power whose colors the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

#### ARTICLE XXXIX

The provisions of Articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having a crew not exceeding ten men, and fulfilling one of the two following conditions:

1. That it be exclusively used for fishing within the territorial waters.
2. That it be occupied in the petty coasting trade between the different ports of the same territorial power, without going further than 5 miles from the coast.

These different boats shall receive, as the case may be, a special license from the territorial or consular authority, which shall be renewed every year, and subject to revocation as provided in Article XL, the uniform model of which license is annexed to the present general act<sup>7</sup> and shall be communicated to the international information office.

#### ARTICLE XL

Any act or attempted act connected with the slave-trade that can be legally shown to have been committed by the captain, fitter-out, or owner of a ship

<sup>7</sup> See p. 161.

authorized to carry the flag of one of the signatory powers, or having procured the license provided for in Article XXXIX, shall entail the immediate withdrawal of the said authorization or license. All violations of the provisions of Section 2 of Chapter III shall render the person guilty thereof liable to the penalties provided by the special laws and ordinances of each of the contracting powers.

#### ARTICLE XLI

The signatory powers engage to deposit at the international information office the specimen forms of the following documents:

1. License to carry the flag;
2. The crew-list;
3. The negro passenger list.

These documents, the tenor of which may vary according to the different regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:

1. As regards the authorization to carry the flag:

- (a) The name, tonnage, rig, and the principal dimensions of the vessel;
- (b) The register number and the signal letter of the port of registry;
- (c) The date of obtaining the license, and the office held by the person who issued it.

2. As regards the list of the crew:

- (a) The name of the vessel, of the captain and of the fitter-out or owner;
- (b) The tonnage of the vessel;
- (c) The register number and the port of registry, its destination, as well as the particulars specified in Article XXV [XXXV].

3. As regards the list of negro passengers:

The name of the vessel which conveys them, and the particulars indicated in Article XXXVI, for the proper identification of the passengers.

The signatory powers shall take the necessary measures so that the territorial authorities or their consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present article have reference only to papers intended for native vessels.

#### 2. THE STOPPING OF SUSPECTED VESSELS.

#### ARTICLE XLII

When the officers in command of war-vessels of any of the signatory powers have reason to believe that a vessel whose tonnage is less than 500 tons, and which is found navigating in the above-named zone, is engaged in the slave-

trade or is guilty of the fraudulent use of a flag, they may examine the ship's papers.

The present article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

#### ARTICLE XLIII

To this end, a boat commanded by a naval officer in uniform may be sent to board the suspected vessel after it has been hailed and informed of this intention.

The officers sent on board of the vessel which has been stopped shall act with all possible consideration and moderation.

#### ARTICLE XLIV

The examination of the ship's papers shall consist of the examination of the following documents:

1. As regards native vessels, the papers mentioned in Article XLI.
2. As regards other vessels, the documents required by the different treaties or conventions that are in force.

The examination of the ship's papers only authorizes the calling of the roll of the crew and passengers in the cases and in accordance with the conditions provided for in the following article.

#### ARTICLE XLV

The examination of the cargo or the search can only take place in the case of vessels sailing under the flag of one of the powers that have concluded, or may hereafter conclude the special conventions provided for in Article XXII, and in accordance with the provisions of such conventions.

#### ARTICLE XLVI

Before leaving the detained vessel, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and shall recite the facts.

The captain of the detained vessel, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

#### ARTICLE XLVII

The commander of a man-of-war who has detained a vessel under a foreign flag shall, in all cases, make a report thereof to his own government, and state the grounds upon which he has acted.



## ARTICLE XLVIII

A summary of this report, as well as a copy of the minute drawn up by the officer on board of the detained vessel, shall be sent, as soon as possible, to the international information office, which shall communicate the same to the nearest consular or territorial authority of the power whose flag the vessel in question has shown. Duplicates of these documents shall be kept in the archives of the bureau.

## ARTICLE XLIX

If, in performing the acts of supervision mentioned in the preceding articles, the officer in command of the cruiser is convinced that an act connected with the slave-trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave-trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent magistrate of the power whose flag has been used.

Each signatory power engages to appoint in the zone, and to make known to the international information office, the territorial or consular authorities or special delegates who are competent in the above-mentioned cases.

A suspected vessel may also be turned over to a cruiser of its own nation, if the latter consents to take charge of it.

## 3. OF THE EXAMINATION AND TRIAL OF VESSELS SEIZED.

## ARTICLE L

The magistrate referred to in the preceding article, to whom the arrested vessel has been turned over, shall proceed to make a full investigation, according to the laws and rules of his country, in the presence of an officer belonging to the foreign cruiser.

## ARTICLE LI

If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

## ARTICLE LII

If the examination shows an act connected with the slave-trade, proved by the presence on board of slaves destined for sale, or any other offense connected with the slave-trade for which provision is made by special convention, the vessel and cargo shall remain sequestered in charge of the magistrate who shall have conducted the inquiry.

The captain and crew shall be turned over to the tribunals designated by Articles LIV and LVI. The slaves shall be set at liberty as soon as judgment has been pronounced.



In the cases provided for by this article, liberated slaves shall be disposed of in accordance with the special conventions concluded, or to be concluded, between the signatory powers. In default of such conventions, the said slaves shall be turned over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate to them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

#### ARTICLE LIII

If it shall be proved by the inquiry that the vessel has been illegally arrested, there shall be clear title to an indemnity in proportion to the damages suffered by the vessel being taken out of its course.

The amount of this indemnity shall be fixed by the authority that has conducted the inquiry.

#### ARTICLE LIV

In case the officer of the capturing vessel does not accept the conclusions of the inquiry held in his presence, the matter shall be turned over to the tribunal of the nation whose flag the captured vessel has borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in Article LIII, and this shall be fixed by arbitration, as specified in the following article.

#### ARTICLE LV

The capturing officer and the authority which has conducted the inquiry shall each appoint a referee within forty-eight hours, and the two arbitrators shall have twenty-four hours to choose an umpire. The arbitrators shall, as far as possible, be chosen from among the diplomatic, consular, or judicial officers of the signatory powers. Natives in the pay of the contracting Governments are formally excluded. The decision shall be by a majority of votes, and be considered as final.

If the court of arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that of damages, shall be in accordance with the provisions of Article LVIII, paragraph 2.

#### ARTICLE LVI

The cases shall be brought with the least possible delay before the tribunal of the nation whose flag has been used by the accused. However, the consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their Government to pronounce judgment instead of the tribunal.

#### ARTICLE LVII

The procedure and trial of violations of the provisions of Chapter III shall always be conducted in as summary a manner as is permitted by the laws and

regulations in force in the territories subject to the authority of the signatory powers.

#### ARTICLE LVIII

Any decision of the national tribunal or authorities referred to in Article LVI, declaring that the seized vessel did not carry on the slave-trade, shall be immediately enforced, and the vessel shall be at perfect liberty to continue on its course.

In this case, the captain or owner of any vessel that has been seized without legitimate ground of suspicion, or subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the Governments directly interested, or by arbitration, and shall be paid within a period of six months from the date of the judgment acquitting the captured vessel.

#### ARTICLE LIX

In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offenses committed by them, and in accordance with Article V.

#### ARTICLE LX

The provisions of Articles L to LIX do not in any way affect the jurisdiction or procedure of existing special tribunals, or of such as may hereafter be formed to take cognizance of offenses connected with the slave-trade.

#### ARTICLE LXI

The high contracting parties engage to make known to one another, reciprocally, the instructions which they shall give, for the execution of the provisions of Chapter III, to the commanders of their men-of-war navigating the seas of the zone referred to.

#### CHAPTER IV. *Countries to which slaves are sent, whose institutions recognize the existence of domestic slavery*

#### ARTICLE LXII

The contracting powers whose institutions recognize the existence of domestic slavery, and whose possessions, in consequence thereof, in or out of Africa, serve, in spite of the vigilance of the authorities, as places of destination for African slaves, pledge themselves to prohibit their importation, transit and departure, as well as the trade in slaves. The most active and the strictest supervision shall be enforced at all places where the arrival, transit, and departure of African slaves take place.

## ARTICLE LXIII

Slaves set free under the provisions of the preceding article shall, if circumstances permit, be sent back to the country from whence they came. In all cases they shall receive letters of liberation from the competent authorities, and shall be entitled to their protection and assistance for the purpose of obtaining means of subsistence.

## ARTICLE LXIV

Any fugitive slave arriving at the frontier of any of the powers mentioned in Article LXII shall be considered free, and shall have the right to claim letters of release from the competent authorities.

## ARTICLE LXV

Any sale or transaction to which the slaves referred to in Articles LXIII and LXIV may have been subjected through circumstances of any kind whatsoever, shall be considered as null and void.

## ARTICLE LXVI

Native vessels carrying the flag of one of the countries mentioned in Article LXII, if there is any indication that they are employed in operations connected with the slave-trade, shall be subjected by the local authorities in the ports frequented by them to a strict examination of their crews and passengers both on arrival and departure. If African slaves are found on board, judicial proceedings shall be instituted against the vessel and against all persons who may be implicated. Slaves found on board shall receive letters of release through the authorities who have seized the vessels.

## ARTICLE LXVII

Penal provisions similar to those provided for by Article V shall be enacted against persons importing, transporting, and trading in African slaves, against the mutilators of male children or adults, and those who traffic in them, as well as against their associates and accomplices.

## ARTICLE LXVIII

The signatory powers recognize the great importance of the law respecting the prohibition of the slave-trade sanctioned by His Majesty the Emperor of the Ottomans on the 4th (16th) of December, 1889 (22 Rebi-ul-Akhir, 1307), and they are assured that an active surveillance will be organized by the Ottoman authorities, especially on the west coast of Arabia and on the routes which place that coast in communication with the other possessions of His Imperial Majesty in Asia.

## ARTICLE LXIX

His Majesty the Shah of Persia consents to organize an active surveillance in the territorial waters and those off the coast of the Persian Gulf and Gulf of Oman which are under his sovereignty, and on the inland routes which serve for the transportation of slaves. The magistrates and other authorities shall, to this effect, receive the necessary powers.

## ARTICLE LXX

His Highness the Sultan of Zanzibar consents to give his most effective support to the repression of crimes and offences committed by African slave-traders on land as well as at sea. The tribunals created for this purpose in the Sultanate of Zanzibar shall rigorously enforce the penal provisions mentioned in Article V. In order to render more secure the freedom of liberated slaves, both in virtue of the provisions of the present general act and of the decrees adopted in this matter by His Highness and his predecessors, a liberation office shall be established at Zanzibar.

## ARTICLE LXXI

The diplomatic and consular agents and the naval officers of the contracting powers shall, within the limits of existing conventions, give their assistance to the local authorities in order to assist in repressing the slave-trade where it still exists. They shall be entitled to be present at trials for slave-trading brought about at their instance, without, however, being entitled to take part in the deliberations.

## ARTICLE LXXII

Liberation offices, or institutions in lieu thereof, shall be organized by the governments of the countries to which African slaves are sent, for the purposes specified by Article XVIII.

## ARTICLE LXXIII

The signatory powers having undertaken to communicate to one another all information useful for the repression of the slave-trade, the Governments whom the present chapter concerns shall periodically exchange with the other Governments statistical data relating to slaves intercepted and liberated, and to the legislative and administrative measures which have been taken for suppressing the slave-trade.

CHAPTER V. *Institutions intended to insure the execution of the general act*SECTION I. *Of the international maritime office*

## ARTICLE LXXIV

In accordance with the provisions of Article XXVII, an international office shall be instituted at Zanzibar, in which each of the signatory powers may be represented by a delegate.

## ARTICLE LXXV

The office shall be constituted as soon as three powers have appointed their representatives.

It shall draw up regulations fixing the manner of exercising its functions. These regulations shall immediately be submitted to the approval of such signatory powers as shall have signified their intention of being represented in this office. They shall decide in this respect within the shortest possible time.

## ARTICLE LXXVI

The expenses of this institution shall be divided in equal parts among the signatory powers mentioned in the preceding article.

## ARTICLE LXXVII

The object of the office at Zanzibar shall be to centralize all documents and information of a nature to facilitate the repression of the slave-trade in the maritime zone. For this purpose the signatory powers engage to forward within the shortest time possible:

1. The documents specified in Article XLI;
2. Summaries of the reports and copies of the minutes referred to in Article XLVIII;
3. The list of the territorial or consular authorities and special delegates competent to take action as regards vessels seized according to the terms of Article XLIX;
4. Copies of judgments and condemnations in accordance with Article LVIII;
5. All information that may lead to the discovery of persons engaged in the slave-trade in the above-mentioned zone.

## ARTICLE LXXVIII

The archives of the office shall always be open to the naval officers of the signatory powers authorized to act within the limits of the zone defined by Article XXI, as well as to the territorial or judicial authorities, and to consuls specially designated by their Governments.

The office shall supply to foreign officers and agents authorized to consult its archives, translations into a European language of documents written in an Oriental language.

It shall make the communications provided for in Article XLVIII.

## ARTICLE LXXIX

Auxiliary officers in communication with the office at Zanzibar may be established in certain parts of the zone, in pursuance of a previous agreement between the interested powers.

They shall be composed of delegates of these powers, and established in accordance with Articles LXXV, LXXVI, and LXXVIII.

The documents and information specified in Article LXXVII, so far as they may relate to a part of the zone specially concerned, shall be sent to them directly by the territorial and consular authorities of the region in question, but this shall not exempt the latter from the duty of communicating the same to the office at Zanzibar, as provided by the same article.

#### ARTICLE LXXX

The office at Zanzibar shall prepare in the first two months of every year, a report of its own operations and of those of the auxiliary offices, during the past twelve months.

#### SECTION II. *Of the exchange between the Governments of documents and information relating to the slave-trade*

#### ARTICLE LXXXI

The powers shall communicate to one another, to the fullest extent and with the least delay that they shall consider possible:

1. The text of the laws and administrative regulations, existing or enacted by application of the clauses of the present general act;
2. Statistical information concerning the slave-trade, slaves arrested and liberated, and the traffic in fire-arms, ammunition, and alcoholic liquors.

#### ARTICLE LXXXII

The exchange of these documents and information shall be centralized in a special office attached to the foreign office at Brussels.

#### ARTICLE LXXXIII

The office at Zanzibar shall forward to it every year the report mentioned in Article LXXX, concerning its operations during the past year, and concerning those of the auxiliary offices that may have been established in accordance with Article LXXIX.

#### ARTICLE LXXXIV

The documents and information shall be collected and published periodically, and addressed to all the signatory powers. This publication shall be accompanied every year by an analytical table of the legislative, administrative, and statistical documents mentioned in Article LXXXI and LXXXIII.

## ARTICLE LXXXV

The office expenses as well as those incurred in correspondence, translation, and printing, shall be shared by all the signatory powers, and shall be collected through the agency of the department of the foreign office at Brussels.

SECTION III. *Of the protection of liberated slaves*

## ARTICLE LXXXVI

The signatory powers having recognized the duty of protecting liberated slaves in their respective possessions, engage to establish, if they do not already exist, in the ports of the zone determined by Article XXI, and in such parts of their said possessions as may be places for the capture, passage and arrival of African slaves, such offices and institutions as may be deemed sufficient by them, whose business shall specially consist in liberating and protecting them in accordance with the provisions of Articles VI, XVIII, LII, LXIII, and LXVI.

## ARTICLE LXXXVII

The liberation offices or the authorities charged with this service shall deliver letters of release and shall keep a register thereof.

In case of the denunciation of an act connected with the slave-trade, or one of illegal detention, or on application of the slaves themselves, the said offices or authorities shall exercise all necessary diligence to insure the release of the slaves and the punishment of the offenders.

The delivery of letters of release shall in no case be delayed, if the slave be accused of a crime or offence against the common law. But after the delivery of the said letters an investigation shall be proceeded with in the form established by the ordinary procedure.

## ARTICLE LXXXVIII

The signatory powers shall favor, in their possessions, the foundation of establishments of refuge for women and of education for liberated children.

## ARTICLE LXXXIX

Freed slaves may always apply to the offices for protection in the enjoyment of their freedom.

Whoever shall have used fraudulent or violent means to deprive a freed slave of his letters of release or of his liberty, shall be considered as a slave-dealer.

CHAPTER VI. *Measures to restrict the traffic in spirituous liquors*

## ARTICLE XC

Being justly anxious concerning the moral and material consequences to which the abuse of spirituous liquors subjects the native population, the signa-



tory powers have agreed to enforce the provisions of Articles XCI, XCII and XCIII within a zone extending from the 20th degree of North latitude to the 22d degree of South latitude, and bounded on the west by the Atlantic Ocean and on the east by the Indian Ocean and its dependencies, including the islands adjacent to the mainland within 100 nautical miles from the coast.

#### ARTICLE XCI

In the districts of this zone where it shall be ascertained that, either on account of religious belief or from some other causes, the use of distilled liquors does not exist or has not been developed, the powers shall prohibit their importation. The manufacture of distilled liquors shall be likewise prohibited there.

Each power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or protectorates, and shall be bound to make known the limits thereof to the other powers within the space of six months.

The above prohibition can only be suspended in the case of limited quantities intended for the consumption of the non-native population and imported under the regime and conditions determined by each Government.

#### ARTICLE XCII

The powers having possessions or exercising protectorates in those regions of the zone which are not subjected to the regime of the prohibition, and into which alcoholic liquors are at present either freely imported or pay an import duty of less than 15 francs per hectolitre at 50 degrees centigrade, engage to levy on such alcoholic liquors an import duty of 15 francs per hectolitre at 50 degrees centigrade, for three years after the present general act comes into force. At the expiration of this period the duty may be increased to 25 francs during a fresh period of three years. At the end of the sixth year it shall be submitted to revision, the average results produced by these tariffs being taken as a basis, for the purpose of then fixing, if possible, a minimum duty throughout the whole extent of the zone where the prohibition referred to in Article XCI is not in force.

The powers retain the right of maintaining and increasing the duties beyond the minimum fixed by the present article in those regions where they already possess that right.

#### ARTICLE XCIII

Distilled liquors manufactured in the regions referred to in Article XCII, and intended for inland consumption, shall be subject to an excise duty.

This excise duty, the collection of which the powers engage to secure, as



far as possible, shall not be less than the minimum import duty fixed by Article XCII.

#### ARTICLE XCIV

The signatory powers having possessions in Africa contiguous to the zone specified in Article XC engage to adopt the necessary measures for preventing the introduction of spirituous liquors within the territories of the said zone via their inland frontiers.

#### ARTICLE XCV

The powers shall communicate to one another, through the office at Brussels, and according to the terms of Chapter V, information relating to the traffic in alcoholic liquors within their respective territories.

### CHAPTER VII. *Final provisions*

#### ARTICLE XCVI

The present general act repeals all contrary stipulations of conventions previously concluded between the signatory powers.

#### ARTICLE XCVII

The signatory powers, without prejudice to the stipulations contained in Articles XIV, XXIII and XCII, reserve the right of introducing into the present general act, hereafter and by common consent, such modifications or improvements as experience may prove to be useful.

#### ARTICLE XCVIII

Powers who have not signed the present general act shall be allowed to adhere to it.

The signatory powers reserve the right to impose such conditions as they may deem necessary to their adhesion.

If no conditions shall be stipulated, adhesion implies acceptance of all the obligations and admission to all the advantages stipulated by the present general act.

The powers shall agree among themselves as to the steps to be taken to secure the adhesion of states whose cooperation may be necessary or useful in order to insure complete execution of the general act.

Adhesion shall be effected by a separate act. Notice thereof shall be given through the diplomatic channel to the Government of the King of the Belgians, and by that Government to all the signatory and adherent states.

## ARTICLE XCIX

The present general act shall be ratified within the shortest possible period, which shall not in any case exceed one year.

Each power shall address its ratification to the Government of the King of the Belgians, which shall give notice thereof to all the other powers that have signed the present general act.

The ratifications of all the powers shall remain deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications shall have been furnished, or at the latest one year after the signature of the present general act, their delivery shall be recorded in a protocol which shall be signed by the representatives of all the powers that have ratified.

A certified copy of this protocol shall be forwarded to all the powers interested.

## ARTICLE C

The present general act shall come into force in all the possessions of the contracting powers on the sixtieth day, reckoned from the day on which the protocol provided for in the preceding article shall have been drawn up.

In witness whereof, the respective plenipotentiaries have signed the present general act, and have thereto affixed their seals.

Done at Brussels the 2nd day of the month of July, 1890.

[For the United States:]

EDWIN H. TERRELL

[SEAL]

H. S. SANFORD

[SEAL]

[For Germany:]

ALVENSLEBEN

[SEAL]

GÖHRING

[SEAL]

[For Austria-Hungary:]

R. KHEVENHÜLLER

[SEAL]

[For Belgium:]

LAMBERMONT

[SEAL]

E. BANNING

[SEAL]

[For Denmark:]

SCHACK DE BROCKDORFF

[SEAL]

[For Spain:]

J. G. DE AGUËRA

[SEAL]

[For the Congo:]

EDM. VAN EETVELDE

[SEAL]

A. VAN MALDEGHEM

[SEAL]

[For France:]

A. BOURÉE

[SEAL]

G. COGORDAN

[SEAL]

[For the United Kingdom:]

VIVIAN

[SEAL]

JOHN KIRK

[SEAL]

[For Italy:]

F. DE RENZIS

[SEAL]

T. CATALANI

[SEAL]

[For the Netherlands:]

L. GERICKE

[SEAL]

[For Persia:]

NAZARE AGA

[SEAL]

[For Portugal:]

HENRIQUE DE MACEDO

[SEAL]

PEREIRA COUTINHO

[For Russia:]

L. OUROUSOFF

[SEAL]

MARTENS

[SEAL]

[For Sweden and Norway:]

BURENSTAM

[SEAL]

[For Turkey:]

ÉT. CARATHÉODORY

[SEAL]

[For Zanzibar:]

JOHN KIRK

[SEAL]

GÖHRING

[SEAL]

## ANNEX TO THE GENERAL ACT (ARTICLE XXXIX)

*License to ply the coasting trade on the East Coast of Africa in conformity with Article XXXIX*

Name of vessel, with description of form of build and rig	Nation- ality	Ton- nage	Port of register	Name of captain	Number of crew	Maximum number of passen- gers	Limits within which ves- sel is enti- tled to ply	General remarks

The present license must be renewed on the ———.  
 Rank of Official who has issued the permit: ———.

## PROTOCOL OF MEETING OF JULY 2, 1891

[TRANSLATION]

## PROTOCOL

of the meeting held at Brussels in the Department of Foreign Affairs on July 2, 1891, pursuant to Article XCIX of the General Act of the Brussels Conference, signed on July 2, 1890.

The following were present:

For Germany:

His Excellency the Count of Alvensleben, Minister of Germany at Brussels.

For Austria-Hungary:

His Excellency Count Khevenhüller-Metsch, Minister of Austria-Hungary at Brussels.

For Belgium:

Baron Lambermont, Minister of State.

Mr. Émile Banning, Director General in the Ministry of Foreign Affairs.

For Denmark:

Mr. F. G. Schack de Brockdorff, Consul General of Denmark at Antwerp.

For Spain:

His Excellency Gutierrez de Aguëra, Minister of Spain at Brussels.

For the Independent State of the Congo:

Mr. E. Van Eetvelde, Administrator General of the Department of Foreign Affairs of the Independent State of the Congo.

For the United States:

His Excellency Edwin H. Terrell, Minister of the United States of America at Brussels.

For Great Britain:

Mr. Martin Gosselin, Chargé d'Affaires of the Government of Her Britannic Majesty at Brussels.

For Italy:

His Excellency Baron de Renzis, Minister of Italy at Brussels.

For the Netherlands:

His Excellency Baron Gericke de Herwynen, Minister of the Netherlands at Brussels.

For Persia:

His Excellency General Nazare-Aga, Minister of Persia at Brussels.

For Russia:

His Excellency Prince Ouroussoff, Minister of Russia at Brussels.

For Sweden and Norway:

His Excellency de Burenstam, Minister of Sweden and Norway at Brussels.

For Turkey:

His Excellency Carathéodory Efendi, Minister of Turkey at Brussels.

For Zanzibar:

Mr. Martin Gosselin.

The undersigned met in the Ministry of Foreign Affairs at Brussels, for the purpose of carrying out Article XCIX of the General Act of the Brussels Conference.

Baron Lambermont, one of the Representatives of Belgium, read the aforesaid article and the penultimate paragraph of the Declaration.<sup>8</sup> He informed the Assembly that the Government of His Majesty the King of the Belgians had received the instruments of ratification of His Majesty the Emperor of Germany, King of Prussia; of His Majesty the King of the Belgians; of His Majesty the King of Denmark; of His Majesty the King of Spain, and, in his name, of Her Majesty the Queen Regent; of His Majesty the Sovereign-King of the Independent State of the Congo; of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; of His Majesty the King of Italy; of Her Majesty the Queen of the Netherlands, and, in her name, of Her Majesty the Queen Regent; of His Majesty the Shah of Persia; of His Majesty the King of Sweden and Norway; of His Highness the Sultan of Zanzibar.

The aforesaid ratifications were produced and, after examination, were found to be in good and due form. According to the provisions of Article XCIX, these documents will be deposited in the archives of the Government of the Kingdom of Belgium.

The Representatives of the above-mentioned Powers gave the Representatives of Belgium official confirmation of that deposit.

His Excellency Count Khevenhüller-Metsch stated that His Majesty the Emperor of Austria-Hungary, his august Sovereign, had signed the ratifications of the General Act and the Declaration of July 2, 1890, that they had

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<sup>8</sup> For English text of declaration of July 2, 1890, see Sir Edward Hertslet (ed.), *Commercial Treaties* (treaties between Great Britain and foreign powers), vol. XIX, p. 304.

been dispatched and would be deposited in the Ministry of Foreign Affairs of Belgium as soon as they arrived, in a day or two.

His Excellency Carathéodory Efendi stated that His Majesty the Emperor of the Ottomans, his august Sovereign, had also signed the ratifications and that they had been dispatched. His Excellency called attention to the reservation that his Government had made concerning the use of Turkish characters in the cases specified in Article XXXIV of the General Act; that reservation had been communicated to all the signatory Governments, and no objection to it had been raised.

The Representatives of the Powers acknowledged Their Excellencies' statements.

His Excellency Prince Ouroussoff stated that His Majesty the Emperor of all the Russias, his august Sovereign, had signed the act of ratification; however, His Excellency thought it advisable to postpone the deposit until such time as the execution of the General Act would be definitively ensured.

His Excellency Edwin H. Terrell stated that he was not officially authorized to speak at this meeting since he had not received any instructions from his Government in the matter. He had gone to this meeting only in response to the courteous invitation that had been sent to him.

However, he thought he could say that the question of the ratification of the Brussels General Act was still pending before the Senate of the United States, which was not now in session, but would meet early in December.

His Excellency added, unofficially, but merely for the information of the Representatives of the Powers, that, wishing to show its deep interest in the success of that great work, the Government of the United States had concluded an agreement with the State of the Congo<sup>9</sup> for the express purpose of making it possible for the other Signatory Powers to ratify the Brussels General Act.

There was read the following letter from His Excellency the Minister of the French Republic at Brussels to the Minister of Foreign Affairs of Belgium:

"Brussels, July 1, 1891.—Your Royal Highness:—I have the honor to confirm to Your Excellency the information that I gave orally to Baron Lambermont yesterday: After a lengthy discussion which lasted through the sessions held on the 24th and 25th of last month, the Chamber of Deputies of France decided to postpone the authorization to ratify 'the General act' and the 'Brussels Declaration' of July 2, as well as the Protocol of February 9 last. His Majesty's Government was aware of the part that the Cabinet had played in this serious discussion; it was certainly not the fault of its efforts that the conclusion was not entirely different. Furthermore, Your

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<sup>9</sup>A treaty of amity, commerce, and navigation, between the United States and the Congo, was signed at Brussels Jan. 24, 1891 (TS 60), *post*.

Excellency already knows that the considerations that influenced the decisions of the Chamber were based on the nature of the measures for the suppression of the slave trade by sea.

"Hence, it is self-evident that, much to our regret, we will not find it possible to effect, within the prescribed time limit, that is, by the 2d of this month, the ratification of the agreements prepared by the Conference.

"Consequently, my Government can see no reason for my attending the meeting, the notice of which Your Excellency has been good enough to send me, since those of my colleagues who are to participate in it either have already received the instruments of ratification or can announce that they will receive them very soon.

"I avail myself of this opportunity, etc. (S.) A. BOURÉE."

Baron Lambermont stated that the Chargé d'Affaires of Portugal at Brussels had informed the Belgian Government that, in view of the decision of the French Chamber, the Parliamentary Commission had decided, for its part, to postpone taking a vote on the law approving the Brussels General Act. The Portuguese Government did not think it could do otherwise than accept the opinion of the Parliamentary Commission; and, while affirming its humanitarian sentiments and good will it did not think that, under the present circumstances, there was any reason for it to be represented at the meeting on July 2.

In view of the situation created by the above-mentioned acts and statements, the Assembly, sincerely desiring to see a unanimous agreement reached between the Powers, decided that the time limit prescribed by Article XCIX of the General Act for the deposit of the ratifications should be extended to a time that would be fixed by mutual agreement as soon as the Powers whose Representatives either were not present at the meeting or lacked the necessary official powers signified their approval of the extension.

This Protocol will remain open to them for that purpose for a period of ten days.

Before adjourning, the Assembly expressed the desire that the Government of His Majesty the King of the Belgians request and receive the approvals mentioned in the preceding paragraph and take steps, after obtaining them, to bring about an understanding between the Powers with respect to the duration of the extension.

The Representatives of Belgium will communicate this two-fold desire to their Government and do not doubt that it will be granted.

In witness whereof, this Protocol has been drawn up, and a certified copy thereof will be sent by the Government of His Majesty the King of the Belgians to each of the other Powers that have ratified the General Act and the Declaration of July 2, 1890.

[For Germany:]  
ALVENSLEBEN

[For Austria-Hungary:]  
R. KHEVENHÜLLER

[For Belgium:]  
LAMBERMONT  
E. BANNING

[For Denmark:]  
SCHACK DE BROCKDORFF

[For Spain:]  
J. G. DE AGÜERA

[For the Congo:]  
EDM. VAN EETVELDE

[For the United States:]  
EDWIN H. TERRELL

[For France:]  
A. BOURÉE

[For the United Kingdom:]  
MARTIN GOSSELIN

[For Italy:]  
F. DE RENZIS

[For the Netherlands:]  
L. GERICKE

[For Persia:]  
NAZARE AGA

[For Portugal:]  
BON DE SENDAL

[For Russia:]  
L. OUROUSSOFF

[For Sweden and Norway:]  
BURENSTAM

[For Turkey:]  
ÉT. CARATHÉODORY

[For Zanzibar:]  
MARTIN GOSSELIN

## PROTOCOL OF MEETING OF JANUARY 2, 1892

[TRANSLATION]

### PROTOCOL

of the meeting held at Brussels in the Department of Foreign Affairs on January 2, 1892, pursuant to Article XCIX of the Brussels General Act and the Protocol of July 2, 1891.

The following were present:

For Germany:

Prince de la Tour et Taxis, Chargé d'Affaires of Germany at Brussels.

For Austria-Hungary:

His Excellency Count Khevenhüller-Metsch, Minister of Austria-Hungary at Brussels.

For Belgium:

Baron Lambermont, Minister of State.

Mr. É. Banning, Director in the Ministry of Foreign Affairs.

For Denmark:

Mr. F. G. Schack de Brockdorff, Consul General of Denmark at Antwerp.

For Spain:

His Excellency J. Gutierrez de Agüera, Minister of Spain at Brussels.

For the Independent State of the Congo:

Mr. Van Eetvelde, Secretary of State for the Interior, of the Independent State of the Congo.

For France:

His Excellency Albert Bourée, Minister of France at Brussels.



For Great Britain :

His Excellency Lord Vivian, Minister of Her Britannic Majesty at Brussels.  
Sir John Kirk.

For Italy :

His Excellency Baron de Renzis, Minister of Italy at Brussels.

For the Netherlands :

His Excellency Baron Gericke de Herwynen, Minister of the Netherlands at Brussels.

For Portugal :

His Excellency M. d'Antas, Minister of Portugal at Brussels.

For Russia :

His Excellency Prince Ouroussoff, Minister of Russia at Brussels.

For Sweden and Norway :

His Excellency de Burenstam, Minister of Sweden and Norway at Brussels.

For Turkey :

His Excellency Carathéodory Efendi, Minister of Turkey at Brussels.

For Zanzibar :

Sir John Kirk.

The undersigned met in the Ministry of Foreign Affairs at Brussels, in accordance with Article XCIX of the General Act of July 2, 1890, and pursuant to the Protocol of July 2, 1891, for the purpose of drawing up an act of deposit of the ratifications of the Signatory Powers that did not comply with this formality on July 2, 1891.

His Excellency Count Khevenhüller-Metsch informed the Assembly that the instrument of ratification by His Majesty the Emperor and Apostolic King of the General Act and the Declaration of July 2, 1890 had been deposited in the Ministry of Foreign Affairs of Belgium on July 3, 1891.

His Excellency Prince Ouroussoff deposited the instrument of ratification by His Majesty the Emperor of all the Russias of the General Act and the Declaration of July 2, 1890.

His Excellency Carathéodory Efendi deposited the instrument of ratification by His Majesty the Emperor of the Ottomans of the General Act and the Declaration of July 2, 1890.

His Excellency stated, in accordance with a communication that had been made known to the Signatory Powers, without giving rise to any objection on their part, that the Ottoman Imperial Government interpreted Article XXXIV of the General Act as meaning that the inscriptions prescribed by that article were to be made, as far as Ottoman vessels were concerned, in Turkish characters and numbers. The Sublime Porte, however, had no objection to the addition of a translation in Latin characters to the inscriptions in Turkish characters.

The statement made by the Minister of Turkey was acknowledged.



The deposit of the ratifications of their Sovereigns was also acknowledged to the Ministers of Austria-Hungary, Russia, and Turkey.

His Excellency A. Bourée deposited the instrument of ratification by the President of the French Republic of the General Act and the Declaration of July 2, 1890.

His Excellency stated that, in his ratification of the Brussels General Act, the President of the Republic had made a provisional reservation with respect to Articles XXI, XXII, and XXIII, as well as Articles XLII to LXI, until a subsequent understanding was reached.

The Representatives of the Powers acknowledged to the Minister of France the deposit of the ratification by the President of the French Republic, as well as the exception concerning Articles XXI, XXII, XXIII, and XLII to LXI.

It is understood that the Powers which have ratified the General Act in its entirety recognize that they are reciprocally bound with respect to all its clauses.

It is likewise understood that these Powers will be bound with regard to the Power which has ratified it partially only within the limits of the commitments made by it.

Lastly, it is clearly understood that, with regard to the Power which has ratified it partially, the matters forming the subject of Articles XLII to LXI shall continue, until a subsequent agreement, to be governed by the stipulations and agreements now in force.

Baron Lambermont, one of the Representatives of Belgium, communicated to the Assembly the following letter to the Minister of Foreign Affairs of Belgium from His Excellency the Minister of France:

“Legation of France in Belgium

“BRUSSELS, *December 31, 1891*

“Excellency:

“In the note verbale dated the 18th of this month, delivered on that day to the Minister of Foreign Affairs of France by Baron Beyens, the Belgian Government called the attention of the Government of the Republic to the conditions under which Articles XXX to XLI of the General Act of the Brussels Conference could be applied in certain French possessions. These articles concern the granting of the flag to native vessels, the crew list, and the manifest of negro passengers. In noting the importance of these articles and calling attention to the fact that they were due to the initiative of France, the Government of King Léopold pointed out that they were applicable only in the ports of the zone specified in Article XXI, with respect to which a reservation was being made by France. Consequently, it requested that the Representative of the Republic at Brussels be authorized to make known the intentions of the Cabinet in Paris in this matter.

“By order of my Government and in accordance with the wishes expressed

in the aforesaid note, I have the honor to inform Your Excellency that the provisions contained in Articles XXX to XLI of the Brussels General Act will be readily applied by the Government of the Republic in the territory of Obock and, as necessary, in the Island of Madagascar and the Comoro Islands.

"Accept, Excellency, the assurances of my high consideration.

(Signed) "A. BOURÉE

"His Excellency

Prince de Chimay,

Minister of Foreign Affairs, etc., etc., etc."

His Excellency Baron Gericke de Herwynen stated, in the name of his Government, that, in signing the Protocol today, he was obliged to call attention to the fact that the constitutional provisions governing the Netherlands require that this Protocol be approved by the States-General. Since it had not been possible to request its approval before January 2, the Government of the Queen Regent intended to take care of the matter at the next session of the First and Second Chambers.

The statement of the Minister of the Netherlands was acknowledged to him.

After examination, the ratifications by His Majesty the Emperor of Austria-Hungary, the President of the French Republic, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans were found to be in good and due form. According to the provisions of Article XCIX, these documents, together with the instruments of ratification delivered on July 2, 1891, will be deposited in the archives of the Government of the Kingdom of Belgium.

The Representatives of the Powers gave the Representative of Belgium official confirmation of that deposit.

His Excellency M. d'Antas stated that, since the circumstances had not permitted the Portuguese upper and lower chambers to make a decision on the General Act and the Declaration of July 2, 1890, he had been instructed by his Government to request that the Protocol remain open for the deposit of the ratifications by His Very Faithful Majesty until February 2, 1892.

The Assembly approved the extension of the time limit proposed by the Minister of Portugal.

In witness whereof, this Protocol has been drawn up, and a certified copy thereof will be transmitted by the Government of His Majesty the King of the Belgians to each of the other Powers that have signed the General Act and the Declaration of July 2, 1890.

Done at Brussels on January 2, 1892.

[For Germany:]  
PCE F. DE LA TOUR ET TAXIS

[For Austria-Hungary:]  
R. KHEVENHÜLLER

[For Belgium:]  
LAMBERMONT  
E. BANNING

[For Denmark:]  
SCHACK DE BROCKDORFF

[For Spain:]  
J. G. DE AGÜERA

[For the Congo:]  
EDM. VAN EETVELDE

[For France:]  
A. BOURÉE

For Persia:  
His Excellency General Nazare-Aga, Minister of Persia at Brussels  
NAZARE-AGA  
January 3, 1892

[For the United Kingdom:]  
VIVIAN

JOHN KIRK

[For Italy:]  
F. DE RENZIS

[For the Netherlands:]  
L. GERICKE

[For Portugal:]  
M. D'ANTAS

[For Russia:]  
L. OUROUSSOFF

[For Sweden and Norway:]  
BURENSTAM

[For Turkey:]  
ÉT. CARATHÉODORY

[For Zanzibar:]  
JOHN KIRK

## PROTOCOL OF U.S. DEPOSIT OF RATIFICATION

[TRANSLATION]

### PROTOCOL

February 2nd, 1892, conformably to article XCIX of the General Act of July 2nd, 1890, and to the unanimous decision of the signatory Powers which prorogued to February 2nd, 1892, for the United States the term provided for in the same article XCIX, the undersigned, Envoy Extraordinary and Minister plenipotentiary of the United States of America has deposited in the hands of the Minister of Foreign Affairs of Belgium the ratifications of the President of the United States of the said General Act.

At the request of His Excellency, the following resolution by which the Senate of the United States consented to the ratification of the President has been inserted in the present protocol:

Resolved, (two-thirds of the Senators present concurring therein,)

That the Senate advise and consent to the ratification of the General Act signed at Brussels, July 2, 1890, by the plenipotentiaries of the United States and other Powers, for the suppression of the African Slave-Trade, and for other purposes.

Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic, and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2, 1892.

Resolved further, as a part of this act ratification, That the United States of America, having neither possessions nor protectorates in Africa,

hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other Powers, or any approval of the wisdom, expediency or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of ratifications of this treaty on the part of the United States.

This resolution of the Senate of the United States having been preparatively and textually conveyed by the Government of His Majesty the King of the Belgians to the knowledge of all the signatory Powers of the General Act, the latter have given their assent to its insertion in the present Protocol which will remain annexed to the Protocol of January 2nd, 1892.

Acknowledgment of this is given to the Minister of the United States.

The ratifications of the President of the United States having been found in good and due form, acknowledgment of their deposit is equally given to His Excellency Mr. Edwin H. Terrell; they will be preserved in the archives of the Ministry of Foreign Affairs of Belgium.

At the moment of proceeding to the signature of the present Protocol, the Minister of Foreign Affairs of his Majesty the King of the Belgians made it known that the Representative of Russia, in the note expressing the assent of his Government, expressed the opinion that it would have been desirable that a translation into the French language accompany in the Protocol the English text of the resolutions of the Senate of the United States of America and that at all events the absence of this translation is not to form a precedent.

A certified copy of the present Protocol will be addressed by the Belgian Government to the signatory Powers of the General Act.

Done at Brussels, February 2nd, 1892.

*The Minister  
of Foreign Affairs*

THE PRINCE DE CHIMAY

*The Envoy Extraordinary and  
Minister Plenipotentiary of the United  
States of America*

EDWIN H. TERRELL

#### PROTOCOL OF PORTUGUESE DEPOSIT OF RATIFICATION

[TRANSLATION]

#### PROTOCOL

*recording the deposit of the ratifications by His Majesty the King of Portugal and the Algarves of the General Act and the Declaration of July 2, 1890*

On March 30, 1892, in accordance with Article XCIX of the General Act of July 2, 1890 and the unanimous decision of the Powers which extended to April 2, 1892 for Portugal the time limit specified in that article,

the undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Portugal and the Algarves, deposited with the Minister of Finance of Belgium, Acting Minister of Foreign Affairs, the ratifications by His Sovereign of the aforesaid General Act and the Declaration of the same date annexed thereto.

The ratifications having been found to be in good and due form, confirmation of their deposit was given to His Excellency M. d'Antas. They will be kept in the archives of the Ministry of Foreign Affairs of Belgium, in accordance with Article XCIX of the General Act.

Done at Brussels on March 30, 1892.

*Minister of Finance of Belgium, Acting  
Minister of Foreign Affairs*

A. BEERNAERT

*Envoy Extraordinary and Minister  
Plenipotentiary of His Majesty the  
King of Portugal and the Algarves*

M. D'ANTAS

## INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS

*Convention, regulations of execution, and procès-verbal of signature  
signed at Brussels July 5, 1890*

*Senate advice and consent to ratification December 13, 1890*

*Ratified by the President of the United States December 17, 1890*

*Proclaimed by the President of the United States December 17, 1890*

*Entered into force April 1, 1891*

*Specified provisions (arts. 8-10 of convention and arts. 7, 8, and 10 of  
regulations) and procès-verbal of signature replaced by protocol  
of December 16, 1949<sup>1</sup>*

26 Stat. 1518; Treaty Series 384

### [TRANSLATION]

#### CONVENTION CONCERNING THE FORMATION OF AN INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS

##### Between

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Chili, the Independent State of the Congo, the Republic of Costa Rica, Denmark and her colonies, France and her colonies, Great Britain and sundry British colonies, British India, the Dominion of Canada, the colonies of West Australia, the Cape of Good Hope, Natal, New South Wales, New Zealand, Queensland, Tasmania, Newfoundland and Victoria, Greece, Guatemala, the Republic of Hayti, Italy and her colonies, Mexico, the Netherlands and their colonies, Nicaragua, Paraguay, Peru, Portugal and her colonies, Roumania, Russia, Salvador, the Kingdom of Siam, Spain and her colonies, Switzerland, Turkey, the United States of America, Uruguay and Venezuela.

The undersigned, being duly authorized, have concluded the following convention, subject to the approval of their Governments:

ARTICLE 1st. An association under the title of "International Union for the publication of Customs Tariffs" shall be formed by the countries above enumerated, and by all such as may hereafter adhere to the present convention.

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<sup>1</sup> 8 UST 1669; TIAS 3922.

ART. 2. The object of the Union is to publish, at the common expense, and to make known, as speedily and accurately as possible, the customs tariffs of the various States of the globe and the modifications that may, in future, be made in those tariffs.

ART. 3. To this end, an International Bureau shall be organized at Brussels, whose duty it shall be to cause these tariffs, together with such legislative or executive provisions as may introduce modifications therein, to be translated and published.

ART. 4. This publication shall be made in a collection entitled: "International Customs Bulletin (organ of the International Union for the publication of Customs Tariffs)." The Commercial languages most in use shall be adopted for this purpose.

ART. 5. The persons composing the International Bureau shall be appointed through the agency of the Ministry of Foreign Affairs of Belgium, which shall advance the necessary funds and see that the institution is properly managed.

ART. 6. In communications addressed by the International Bureau to the adhering Governments, the French language shall be used.

ART. 7. A report concerning the labors and the financial condition of the International Bureau shall be annually addressed to the adhering Governments.

ART. 8. The annual budget of the expenditures of the International Bureau shall be fixed at the maximum of 125,000 francs.

The sum of 50,000 francs shall be placed, the first year, at the disposal of the Minister of Foreign Affairs of Belgium, to enable him to meet the expenses of the organization of the Bureau.

Such States and colonies as may hereafter avail themselves of the privilege of adhering, for which provision is made in article 14, shall pay their quotas of the said sum of 50,000 francs, on the basis of apportionment fixed in article 9.

States and colonies withdrawing from the Union at the expiration of the first term of seven years shall forfeit their rights as joint owners of the common fund.

In case of a liquidation, the common fund shall be divided among the States and colonies forming the Union on the basis of apportionment fixed by article 9.

ART. 9. With a view to the equitable adjustment of the quotas of the contracting States, those States shall be divided, according to the amount of their commerce, into six classes, the quota payable by each of which shall be in the proportion of a certain number of units, to wit:

1st class. Countries whose commerce regularly amounts to upwards of four thousand millions of francs: 55 units.

2nd class. Countries whose commerce regularly amounts to from two to four thousand millions of francs: 40 units.



3d class. Countries whose commerce regularly amounts to from five hundred millions to two thousand millions of francs: 25 units.

4th class. Countries whose commerce regularly amounts to from one hundred to five hundred millions of francs: 20 units.

5th class. Countries whose commerce regularly amounts to from fifty to one hundred millions of francs: 15 units.

6th class. Countries whose commerce regularly amounts to less than 50 millions of francs: 5 units.

ART. 10. In the case of countries whose language is not used by the International Bureau, the above figures shall be reduced two-fifths, respectively. The following reductions shall therefore be made:

The quota of the first class shall be reduced to 33 units.

The quota of the second class shall be reduced to 24 units.

The quota of the third class shall be reduced to 15 units.

The quota of the fourth class shall be reduced to 12 units.

The quota of the fifth class shall be reduced to 9 units.

The quota of the sixth class shall be reduced to 3 units.

ART. 11. The sum total of the annual expenditure, divided by the sum of the units assigned to the various contracting States, in pursuance of the foregoing provisions, shall give the unit of expenditure. This unit, multiplied by the number of units assigned to each of these States, shall show the amount of the quota payable by it for the support of the International Bureau.

ART. 12. In order to enable the Institution to edit the International Customs Bulletin as accurately as possible, the contracting parties shall send it, directly and without delay, two copies:

(a) of their customs law and their customs tariff, carefully brought up to date.

(b) of all provisions that shall ultimately modify said law and tariff.

(c) of the circulars and instructions that shall be addressed by the said Governments to their custom-houses concerning the application of the tariff or the classification of goods, and that can be made public.

(d) of their treaties of commerce, international conventions and domestic laws having a direct bearing upon the existing tariffs.

ART. 13. A set of regulations providing for the execution of this convention, having the same force as the convention itself, shall determine the manner of publication of the Bulletin of the Union in everything relating to the budget of the International Bureau and to the internal organization of the service.

ART. 14. The States and colonies that have not yet taken part in this convention shall have the privilege of acceding thereto hereafter.

Notice of accession shall be given, in writing, to the Belgian Government, which shall, in turn, communicate such notice to all the other contracting Governments. Accession shall imply adhesion to all the clauses contained in, and the enjoyment of all advantages provided for by, this convention.



ART. 15. This convention shall go into operation on the first day of April 1891, and shall remain in force for seven years.

If, twelve months before the expiration of the first seven years, no notice of a desire for the cessation of the effects of this convention shall have been given, the Union shall continue to exist for seven years longer, and so on, in periods of seven years each.

Notice of a desire for the cessation of the effects of this convention shall be addressed to the Belgian Government. Such notice shall have no effect save as regards the country giving it, and the convention shall remain in force so far as the other countries of the Union are concerned.

The Governments shall at all times be at liberty to make in this convention, by mutual agreement, such improvements as may be deemed expedient or necessary.

In testimony whereof, the undersigned have signed this Convention, and have thereunto affixed their seals.

Done at Brussels, July the fifth, one thousand eight hundred and ninety.

For the Argentine Republic, CARLOS CALVO Y CAPDEVILA [SEAL]	For the Dominion of Canada, CHARLES TUPPER [SEAL]
For Austria-Hungary, EPERJESY [SEAL]	For West Australia,
For Belgium, LAMBERMONT [SEAL] LÉON BIEBŮYCK [SEAL] KEBERS [SEAL]	For the Cape of Good Hope, MARTIN GOSSELIN [SEAL] A. E. BATEMAN [SEAL]
For Bolivia, JOAQUIN CASO [SEAL]	For Natal, MARTIN GOSSELIN [SEAL] A. E. BATEMAN [SEAL]
For Chili, N. PEÑA VICUÑA [SEAL]	For New South Wales, SAUL SAMUEL [SEAL]
For the Independent State of the Congo, EDM. VAN EETVELDE [SEAL]	For New Zealand, FRANCIS DILLON BELL [SEAL]
For the Republic of Costa Rica, MANUEL M. DE PERALTA [SEAL]	For Queensland,
For Denmark and her Colonies, SCHACK DE BROCKDORFF [SEAL]	For Tasmania, MARTIN GOSSELIN [SEAL] A. E. BATEMAN [SEAL]
For Spain and her Colonies, J. G. DE AGÜERA [SEAL]	For Newfoundland, MARTIN GOSSELIN [SEAL] A. E. BATEMAN [SEAL]
For the United States of America, EDWIN H. TERRELL, <i>ad referendum</i> [SEAL]	For Victoria, GRAHAM BERRY [SEAL]
For France and her Colonies, A. BOURÉE [SEAL]	For Greece, P. MULLE [SEAL]
For Great Britain and sundry British Colonies, MARTIN GOSSELIN [SEAL] A. E. BATEMAN [SEAL]	For Guatemala, ALEXIS CAPOUILLET [SEAL]
For British India, MARTIN GOSSELIN [SEAL] A. E. BATEMAN [SEAL]	For the Republic of Hayti, G. DE DEKEN [SEAL]
	For Italy and her Colonies, F. DE RENZIS [SEAL]

For Mexico, EDM. VAN DEN WYNGAERT	[SEAL]	For Roumania, J. VACARESCO	[SEAL]
For Nicaragua, J. F. MEDINA	[SEAL]	For Russia, G. KAMENSKY	[SEAL]
For Paraguay, HENRI OOSTENDORP	[SEAL]	For El Salvador, EMILE ELOY	[SEAL]
For the Netherlands and their Colonies, H. TESTA	[SEAL]	For Siam, FREDERICK VERNEY	[SEAL]
L. E. UYTENHOVEN	[SEAL]	For Switzerland, E. PACCAUD	[SEAL]
For Peru, JOAQUÍN LEMOINE	[SEAL]	For Turkey, ET. CARATHÉODORY	[SEAL]
For Portugal and her Colonies, HENRIQUE DE MACEDO	[SEAL]	For Uruguay, FCO. SUSVIELA GUARCH	[SEAL]
PEREIRA CONTINHO		For Venezuela, LUIS LOPEZ MENDEZ	[SEAL]
AUGUSTO CESAR FERREIRA DE MESQUITA	[SEAL]		

REGULATIONS FOR THE EXECUTION OF THE CONVENTION CREATING AN INTERNATIONAL BUREAU FOR THE PUBLICATION OF CUSTOMS TARIFFS

(Article 13 of the Convention)

ARTICLE 1st. The international Customs Bulletin shall be published in five languages, with German, English, Spanish, French and Italian.

ART. 2. Each State belonging to the Union shall have the privilege of causing to be translated and publishing at its own expense, the whole or any part of the Bulletin in any language that it may see fit, provided that such language be not one of those adopted by the International Bureau.

Each of the States of the Union shall likewise have the right to reproduce mere extracts from tariffs, or, by way of exception, portions of the Bulletin, either in a local official organ or in its parliamentary documents.

It is understood moreover, that each State is to be at liberty, as has hitherto been the case, to publish all the tariffs in the original language or in a translation, provided that the text published be not the work of the International Bureau.

ART. 3. The International Bureau pledges itself to take the utmost care in the translation of the customs laws and of the official publications that serve to interpret said laws, but it is understood that the Governments interested assume no responsibility with regard to the accuracy of these translations, and that, in case of dispute, the original text shall be their sole guide.

A notice to this effect shall be printed in large type at the foot of the first page of each number.

ART. 4. The size of the Bulletin shall be determined by the Bureau.

ART. 5. Each Government shall make known in which of the languages adopted by the International Bureau it desires to receive the copies of the Bulletin which are to be furnished to it in return for the amount payable by it for the support of the institution.

Any government may take a certain number of copies in one language, and the remainder in other languages.

ART. 6. The International Bureau can supply the Bulletin to no Governments save those belonging to the Union.

ART. 7. The amount of the quota payable by each State shall be returned to it in subscriptions to the Bulletin of the Union, computed at the rate of 15 francs each.

ART. 8. The expenditures are computed approximately as follows:

	Francs
(a) Salaries of the officers and employés of the International Bureau, including an addition thereto of 15 per cent.....	75,000
(b) Cost of printing and sending the Bulletin of the Union.....	30,000
(c) Rent and keeping in order of the building occupied by the International Bureau, fuel, light, material, office expenses, etc.....	20,000
Total .....	125,000

ART. 9. It shall be the duty of the Minister of Foreign Affairs of Belgium to take such measures as may be necessary for the organization of the International Bureau, and for putting it in working order, keeping within the limits fixed by the Convention and by these regulations.

ART. 10. The Superintendent of the International Bureau is hereby authorized, subject to the approval of the Minister of Foreign Affairs of Belgium, to use, during the current fiscal year, such sums, appropriated for the past year, as may not have been then used. These sums shall, the case arising, go to form a reserve fund for the payment of contingent expenses. The said reserve shall in no case exceed 25,000 francs. The surplus will, perhaps, render it possible to reduce the price of subscription to the Bulletin, without increasing the number of copies guaranteed by the contracting States; this surplus may also serve to meet the expense that would be occasioned by the addition of a new language to those enumerated in article 1.

This last measure shall not be carried out without the unanimous consent of the States and Colonies belonging to the Union.

Done at Brussels, July the 5th, one thousand eight hundred and ninety, to be appended to the Convention of this day's date.

For the Argentine Republic,  
CARLOS CALVO Y CAPDEVILA

For Austria-Hungary,  
EPERJESY

For Belgium,  
LAMBERMONT  
LÉON BIEBÜYCK  
KEBERS

For Bolivia,  
JOAQUIN CASO

For Chili,  
N. PEÑA VICUÑA

For the Independent State of the Congo,  
EDM. VAN EETVELDE

For the Republic of Costa Rica,  
MANUEL M. DE PERALTA

For Denmark and her Colonies,  
SCHACK DE BROCKDORFF

For Spain and her Colonies,  
J. G. DE AGÜERA

For the United States of America,  
EDWIN H. TERRELL—*ad referendum*

For France and her Colonies,  
A. BOURÉE

For Great Britain and sundry British Colonies, MARTIN GOSSELIN A. E. BATEMAN	For the Republic of Hayti, G. DE DEKEN
For British India, MARTIN GOSSELIN A. E. BATEMAN	For Italy and her Colonies, F. DE RENZIS
For the Dominion of Canada, CHARLES TUPPER	For Mexico, EDM. VAN DEN WYNGAERT
For West Australia,	For Nicaragua, J. F. MEDINA
For the Cape of Good Hope, MARTIN GOSSELIN A. E. BATEMAN	For Paraguay, HENRI OOSTENDORP
For Natal, MARTIN GOSSELIN A. E. BATEMAN	For the Netherlands and their Colonies, H. TESTA L. E. UYTENHOVEN
For Newfoundland, MARTIN GOSSELIN A. E. BATEMAN	For Peru, JOAQUÍN LEMOINE
For New South Wales, SAUL SAMUEL	For Portugal and her Colonies, HENRIQUE DE MACEDO PEREIRA CONTINHO AUGUSTO CESAR FERREIRA DE MESQUITA
For New Zealand, FRANCIS DILLON BELL	For Roumania, J. VACARESCO
For Queensland,	For Russia, G. KAMENSKY
For Tasmania, MARTIN GOSSELIN A. E. BATEMAN	For Salvador, EMILE ELOY
For Newfoundland, MARTIN GOSSELIN A. E. BATEMAN	For Siam, FREDERICK VERNEY
For Victoria, GRAHAM BERRY	For Switzerland, E. PACCAUD
For Greece, P. MULLE	For Turkey, ET. CARATHÉODORY
For Guatemala, ALEXIS CAPOUILLET	For Uruguay, FCO. SUSVIELA GUARCH
	For Venezuela, LUIS LOPEZ MENDEZ

#### PROCÈS-VERBAL OF SIGNATURE

The undersigned delegates, having met this day for the purpose of signing the Convention and regulations providing for the formation of an International Union for the publication of customs tariffs, have exchanged the following declarations:

1. As regards the classification of the countries of the Union according to the quotas payable by them for the support of the International Bureau (arts. 9, 10, and 11 of the Convention):

The delegates declare that, so long as the Convention shall remain in force, the adhering countries shall be classified as follows, and that the

quotas payable by them shall be in proportion to the number of units stated below:

FIRST CLASS		FOURTH CLASS—continued	
	Units		Units
England and her Colonies not specially hereinafter mentioned.....	55	Greece.....	12
Belgium.....	55	Japan.....	12
France and her Colonies.....	55	Mexico.....	20
Netherlands and their Colonies.....	33	New Zealand.....	20
Russia.....	33	Persia.....	12
United States of America.....	55	Queensland.....	20
		Roumania.....	12
		Uruguay.....	20
		Venezuela.....	20
SECOND CLASS		FIFTH CLASS	
Austria-Hungary.....	24	Bolivia.....	15
British India.....	40	Costa Rica.....	15
Italy and her Colonies.....	40	Guatemala.....	15
Spain and her Colonies.....	40	Hayti.....	15
THIRD CLASS		Natal.....	15
Argentine Republic.....	25	Peru.....	15
Brazil.....	15	Servia.....	9
Canada.....	25	Siam.....	9
Denmark and her Colonies.....	15	South African Republic.....	9
New South Wales.....	25		
Portugal and her Colonies.....	15	SIXTH CLASS	
Switzerland.....	25	Australia (West).....	5
Turkey.....	15	Dominican Republic.....	5
Victoria.....	25	Honduras (Republic).....	5
FOURTH CLASS		Independent State of Congo.....	3
Cape of Good Hope.....	20	Newfoundland.....	5
Chili.....	20	Nicaragua.....	5
Colombia.....	20	Paraguay.....	5
Ecuador.....	20	Salvador.....	5
Egypt.....	12	Tasmania.....	5

As to the amounts of the quotas that have appeared in the table of apportionment, they are reproduced below by way of information, as the contribution of each State can not be determined with absolute precision until all the adhesions shall have become definitive. It is nevertheless, understood that these figures shall in no case be increased while this convention remains in force.

	Amount payable	Number of sub-scriptions
FIRST CLASS		
England and her Colonies not specially hereinafter mentioned.....	6833	456
Belgium.....	6833	456
France and her Colonies.....	6833	456
Netherlands and their Colonies.....	4100	274
Russia.....	4100	274
United States of America.....	6833	456
SECOND CLASS		
Austria-Hungary.....	2982	199
British India.....	4970	332
Italy and her Colonies.....	4970	332
Spain and her Colonies.....	4970	332

	Amount payable	Number of sub- scriptions
THIRD CLASS		
Argentine Republic.....	3106	207
Brazil.....	1863	124
Canada.....	3106	207
Denmark and her Colonies.....	1863	124
New South Wales.....	3106	207
Portugal and her Colonies.....	1863	124
Switzerland.....	3106	207
Turkey.....	1863	124
Victoria.....	3106	207
FOURTH CLASS		
Cape of Good Hope.....	2485	166
Chili.....	2485	166
Colombia.....	2485	166
Ecuador.....	2485	166
Egypt.....	1491	100
Greece.....	1491	100
Japan.....	1491	100
Mexico.....	2485	166
New Zealand.....	2485	166
Persia.....	1491	100
Queensland.....	2485	166
Roumania.....	1491	100
Uruguay.....	2485	166
Venezuela.....	2485	166
FIFTH CLASS		
Bolivia.....	1863	124
Costa Rica.....	1863	124
Guatemala.....	1863	124
Hayti.....	1863	124
Natal.....	1863	124
Peru.....	1863	124
Servia.....	1118	75
Siam.....	1118	75
South African Republic.....	1118	75
SIXTH CLASS		
Australia (West).....	621	42
Dominican Republic.....	621	42
Honduras (Republic).....	621	42
Independent State of the Congo.....	372	25
Newfoundland.....	621	42
Nicaragua.....	621	42
Paraguay.....	621	42
Salvador.....	621	42
Tasmania.....	621	42

2. As regards the payment of the quotas of the contracting parties:

The delegates declare that it shall take place at Brussels during the first quarter of each fiscal year in coin that is a legal tender in Belgium.

3. As regards the date at which the Convention is to go into operation, which has been fixed at April 1st, 1891:

The delegates declare that it shall, if possible, be preceded by a notification

of definitive adhesion on the part of the Governments interested; that this formality is, nevertheless, not indispensable, and that the countries by whose representatives this Convention has been signed shall be kept on the list of adherents unless they shall, on or before April 1st, 1891, have formally expressed the intention of withdrawing.

In testimony whereof, the delegates have affixed their signatures to the present procès-verbal.

Done at Brussels, July the 5th, one thousand eight hundred and ninety.

For the Argentine Republic, CARLOS CALVO Y CAPDEVILA	For New South Wales, SAUL SAMUEL
For Austria-Hungary, EPERJESY	For New Zealand, FRANCIS DILLON BELL
For Belgium, LAMBERMONT LÉON BIEBÜYCK KEBERS	For Queensland,
For Bolivia, JOAQUIN CASO	For Tasmania, MARTIN GOSSELIN A. E. BATEMAN
For Chili, N. PEÑA VICUÑA	For Newfoundland, MARTIN GOSSELIN A. E. BATEMAN
For the Independent State of the Congo, EDM. VAN EETVELDE	For Victoria, GRAHAM BERRY
For the Republic of Costa Rica, MANUEL M. DE PERALTA	For Greece, P. MULLE
For Denmark and her Colonies, SCHACK DE BROCKDORFF	For Guatemala, ALEXIS CAPOUILLET
For Spain and her Colonies, J. G. DE AGUËRA	For the Republic of Hayti, G. DE DEKEN
For the United States of America, EDWIN H. TERRELL— <i>ad referendum</i>	For Italy and her Colonies, F. DE RENZIS
For France and her Colonies, A. BOURÉE	For Mexico, EDM. VAN DEN WYNGAERT
For Great Britain and sundry British Colonies, MARTIN GOSSELIN A. E. BATEMAN	For Nicaragua, J. F. MEDINA
For British India, MARTIN GOSSELIN A. E. BATEMAN	For Paraguay, HENRI OOSTENDORP
For the Dominion of Canada, CHARLES TUPPER	For the Netherlands and their Colonies, H. TESTA L. E. UYTENHOOVEN
For West Australia,	For Peru, JOAQUÍN LEMOINE
For the Cape of Good Hope, MARTIN GOSSELIN A. E. BATEMAN	For Portugal and her Colonies, HENRIQUE DE MACEDO PEREIRA CONTINHO
For Natal, MARTIN GOSSELIN A. E. BATEMAN	AUGUSTO CESAR FERREIRA DE MESQUITA



For Roumania,  
J. VACARESCO

For Russia,  
G. KAMENSKY

For Salvador,  
EMILE ELOY

For Siam,  
FREDERICK VERNEY

For Switzerland,  
E. PACCAUD

For Turkey,  
ET. CARATHÉODORY

For Uruguay,  
FCO. SUSVIELA GUARCH

For Venezuela,  
LUIS LOPEZ MENDEZ

## PROTECTION OF INDUSTRIAL PROPERTY

*Protocol (amendatory of the convention of March 20, 1883) signed at Madrid April 15, 1891*

*Senate advice and consent to ratification, with a reservation, March 2, 1892<sup>1</sup>*

*Ratified by the President of the United States, with a reservation, March 30, 1892<sup>1</sup>*

*Ratifications exchanged at Madrid June 15, 1892*

*Proclaimed by the President of the United States June 22, 1892*

*Entered into force July 15, 1892*

*Convention of 1883 replaced May 1, 1913, by convention of June 2, 1911,<sup>2</sup> as between contracting parties to the later convention; definitively October 10, 1925<sup>3</sup>*

27 Stat. 958; Treaty Series 385

[TRANSLATION]

### THIRD PROTOCOL

Protocol concerning the dotation of the International Bureau of the Union for the protection of Industrial Property between Belgium, Brazil, Spain, The United States of America, France, Great Britain, Guatemala, Italy, Norway, The Netherlands, Portugal, Sweden, Switzerland and Tunis.

The undersigned Plenipotentiaries of the Governments above named,

In view of the declaration adopted March 12, 1883, by the International Conference for the Protection of Industrial Property convened at Paris,

Have, with one accord and subject to ratification, concluded the following Protocol:

#### ARTICLE 1

The first paragraph of No. 6 of the final Protocol annexed to the International Convention of March 20, 1883,<sup>4</sup> for the Protection of Industrial Property is annulled and replaced by the following provision.

<sup>1</sup> The U.S. reservation reads as follows: "The share allotted to the United States to contribute to the dotation of the International Bureau is not to be augmented until the Congress of the United States shall have approved the augmentation."

<sup>2</sup> TS 579, *post*, p. 791.

<sup>3</sup> Date by which all parties to the 1883 convention had become parties to the 1911 convention.

<sup>4</sup> TS 379, *ante*, p. 80.

"The expenses of the International Bureau instituted by Article 13 shall be supported by the contracting States in common. They cannot in any event exceed the sum of sixty thousand francs per annum."

## ARTICLE 2

The present Protocol shall be ratified, and the ratifications thereof shall be exchanged at Madrid, within a period of six months at the latest.

It shall take effect one month after the exchange of ratifications, and shall have the same force and duration as the Convention of March 20, 1883, of which it shall be considered as forming an integral part.

In testimony whereof, the Plenipotentiaries of the States above named have signed the present Protocol at Madrid, the fifteenth day of April, one thousand eight hundred and ninety-one.

For Belgium	TH. DE BOUNDER DE MELS BROECK
" Brazil	LUIS F. D'ABREU
" Spain	S. MORET, MARQUIS DE AGUILAR, ENRIQUE CALLEJA, LUIS MARIANO DE LARRA
" The United States of America	E. BURD GRUBB
" France and Tunis	P. CAMBON
" Great Britain	FRANCIS CLARE FORD
" Guatemala	J. CARRERA
" Italy	MAFFEI
" Norway	ARILD HUITFELDT
" The Netherlands	GERICKE
" Portugal	COUNT DE CASAL RIBEIRO
" Sweden	ARILD HUITFELDT
" Switzerland	CH. E. LARDET
" "	MOREL

## CLAIMS AGAINST PORTUGAL REGARDING THE LOURENÇO MARQUES RAILROAD CONCESSION

*Protocol signed at Bern June 13, 1891*

*Entered into force June 13, 1891*

*Terminated July 21, 1900, upon fulfillment of its terms*<sup>1</sup>

Treaty Series 386

### [TRANSLATION]

### PROTOCOL

The President of the Swiss Confederation having notified the Governments of Great Britain, the United States of North America and Portugal that the Swiss Federal Council had taken into consideration the request made by those Governments that it be pleased to appoint three lawyers, selected among those of the greatest distinction, to constitute an Arbitration Tribunal charged with fixing the amount of the indemnity due by Portugal to the claimants of the other two countries on account of the rescission of the concession of the Lourenço Marques Railroad, and of the taking possession of that railroad by the Portuguese Government, the Undersigned, Envoys Extraordinary and Ministers Plenipotentiary of Great Britain, the United States of North America, and Portugal, accredited near the Swiss Confederation, duly authorized by their respective Governments, have agreed to the following:

### ARTICLE 1

The mandate which the three Governments have agreed to refer to the Arbitration Tribunal is, to fix, as it shall deem most just, the amount of the compensation due by the Portuguese Government to the claimants of the other two countries, in consequence of the rescission of the concession of the Lourenço Marques Railroad, and the taking possession of that railroad by the Portuguese Government, and thereby to settle the controversy existing between the three Governments on the subject.

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<sup>1</sup> Decision and final award of the Delagoa Bay court of arbitration were signed by the arbitrators Mar. 29, 1900 (1900 For. Rel. 903); the Portuguese Government paid the indemnity due the claimants on July 21, 1900, with interest from June 25, 1889, to July 21, 1900, in accordance with terms of the award (1900 For. Rel. 845; John Bassett Moore, *A Digest of International Law*, vol. VI, p. 649).

## ARTICLE 2

The Arbitration Tribunal will set the Governments of Great Britain and the United States of North America the term within which they must deliver to it the memoranda, conclusions and documents in support of the claims of their citizens.

These documents shall be transmitted in duplicate to the Portuguese Government, with the invitation to present its reply, its conclusions and the documents in support of them, likewise in duplicate, within the term which shall be set for it.

The Arbitration Tribunal shall itself, after hearing the parties or their representatives, and with their consent, fix the mode of procedure, especially the terms above-mentioned, and those to be set for the putting in of the replication and the rejoinder, the rules to be followed in hearing the parties or their representatives, the production of documents, the deliberation in its own bosom, the rendering of the judgment and the drawing up of the protocol.

Each of the three Governments undertakes to do all in its power to have the documents and information demanded by the Arbitration Tribunal, furnished to it in due form and within the terms fixed by it.

## ARTICLE 3

The Arbitration Tribunal shall have full authority to take cognizance of the conclusions presented to it by each of the parties, in their whole extent and in all their appurtenances or incidents; it shall render its judgment upon the substance of the cause, and shall pronounce, as it shall deem most just, upon the amount of the indemnity due by Portugal to the claimants of the other two countries, in consequence of the rescission of the concession of the Lourenço Marques Railroad, and of the taking possession of that railroad by that Government.

## ARTICLE 4

The judgment shall be final and without appeal.

The President of the Arbitration Tribunal shall deliver a certified copy of the decision to the Representatives of each of the three Governments.

The three Governments bind themselves beforehand, for themselves and for their respective citizens, to accept and carry out the decision, as a final settlement of all their differences upon this question. It is understood that, although it appertains to the Arbitration Tribunal to designate the private persons or the moral persons who are entitled to the indemnity, the amount of that indemnity shall be paid by the Portuguese Government to the other two Governments, in order that they may make distribution of it to the claimants. The receipt given by those two Governments shall constitute a complete and valid discharge of the Portuguese Government.

The amount of the indemnity shall be paid by the Portuguese Government to the other two Governments within the term of six months, counting from the rendering of the award.

#### ARTICLE 5

The President of the Arbitration Tribunal shall be requested to present an account of all the expenses occasioned by the arbitration, and the three Governments bind themselves to have them paid at such time as the President shall fix.

In testimony whereof, the undersigned have drawn up this protocol, and have affixed their signatures and their seals.

Done in triplicate at Berne, June 13, 1891.

[For the United Kingdom:]

CHARLES S. SCOTT

[SEAL]

[For Portugal:]

D. G. NOGUEIRA SOARES

[SEAL]

[For the United States:]

JOHN D. WASHBURN

[SEAL]

## UNIVERSAL POSTAL UNION

*Convention and final protocol signed at Vienna July 4, 1891*<sup>1</sup>  
*Ratified and approved by the Postmaster General of the United States*  
*May 24, 1892*  
*Approved by the President of the United States May 24, 1892*  
*Entered into force July 1, 1892*  
*Terminated by convention of June 15, 1897*<sup>2</sup>

28 Stat. 1078; Post Office Department print

[TRANSLATION]

### CONVENTION

Universal Postal Convention concluded between Germany and the German Protectorates, the United States of America, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, the Republic of Colombia, the Independent State of Congo, the Republic of Costa Rica, Denmark and the Danish Colonies, the Dominican Republic, Egypt, Ecuador, Spain and the Spanish Colonies, France and the French Colonies, Great Britain and various British Colonies, the British Colonies of Australasia, Canada and British India, Greece, Guatemala, the Republic of Haiti, the Kingdom of Hawaii, the Republic of Honduras, Italy, Japan, the Republic of Liberia, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Paraguay, the Netherlands and the Netherlands Colonies, Peru, Persia, Portugal and the Portuguese Colonies, Roumania, Russia, Salvador, Servia, the Kingdom of Siam, the South African Republic, Sweden, Switzerland, the Regency of Tunis, Turkey, Uruguay, and the United States of Venezuela.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Vienna, by virtue of Article 19 of the Universal Postal Convention concluded at Paris on the 1st of June 1878,<sup>3</sup> have by common consent, and subject to ratification, revised said Convention, as well as the Additional Act relating thereto concluded

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<sup>1</sup> For text of regulations for execution of the convention, see 28 Stat. 1102.

<sup>2</sup> *Post*, p. 206.

<sup>3</sup> *Ante*, p. 51.



at Lisbon on the 21st of March 1885,<sup>4</sup> in conformity with the following stipulations:

#### ARTICLE 1

The countries between which the present Convention is concluded, as well as those which may join it hereafter, form, under the title of *Universal Postal Union*, a single postal territory for the reciprocal exchange of articles of correspondence between their post-offices.

#### ARTICLE 2

The stipulations of this Convention extend to letters, to single post-cards and post-cards with paid reply, printed matter of every kind, commercial papers and samples of merchandise originating in one of the countries of the Union, and intended for another of those countries. They also apply to the exchange by mail of the articles above mentioned between the countries of the Union and the countries foreign to the Union, whenever the services of two of the contracting parties at least are used for that exchange.

#### ARTICLE 3

1.—The Postal Administrations of neighboring countries, or countries able to correspond directly with each other without using the intermediary of the services of a third Administration, determine, by mutual agreement, the conditions of the conveyance of mails which they exchange across the frontier, or from one frontier to the other.

2.—Unless there be a contrary arrangement, the direct maritime-conveyance performed between two countries by means of packets or vessels depending upon one of them, shall be considered as a third service, and this conveyance, as well as that performed between two offices of the same country by the intermediary of maritime or territorial services depending upon another country, is regulated by the stipulations of the following Article.

#### ARTICLE 4

1.—The right of transit is guaranteed throughout the entire territory of the Union.

2.—Consequently, the several Postal Administrations of the Union may send reciprocally, through the intermediary of one or of several of them, as well closed mails as correspondence in open-mail according to the needs of the traffic, and the convenience of the postal service.

3.—The correspondence exchanged, whether in open-mail or in closed mails between two Administrations of the Union, by means of the services of one or several other Administrations of the Union, is subject to the fol-

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<sup>4</sup> *Ante*, p. 97.

lowing transit charges, to be paid to each of the countries traversed, or whose services participate in the conveyance, viz:

1st. For territorial conveyance, 2 francs per kilogram of letters or post-cards, and 25 centimes per kilogram of other articles;

2nd. For maritime conveyance, 15 francs per kilogram of letters or post-cards, and 1 franc per kilogram of other articles;

4.—It is, however, understood—

1st. That wherever the transit is already gratuitous at present, or subject to more advantageous conditions, such condition is maintained, except in the case provided for in paragraph 3d, following;

2nd. That wherever the maritime transit charges are fixed at present at 5 francs per kilogram of letters or post-cards, and at 50 centimes per kilogram of other articles, these charges are maintained;

3d. That every maritime conveyance not exceeding 300 nautical miles is gratuitous, if the Administration concerned is already entitled, on account of mails or articles benefiting by this conveyance, to the remuneration applicable to territorial transit; in the contrary case, payment is made at the rate of 2 francs per kilogram of letters or post-cards, and 25 centimes per kilogram of other articles;

4th. That in the case of maritime conveyance effected by two or more Administrations, the expenses of the entire transportation cannot exceed 15 francs per kilogram of letters or post-cards and 1 franc per kilogram of other articles; these expenses are in such case shared between those Administrations *pro rata* for the distances traversed, without prejudice to other arrangements between the parties interested;

5th. That the rates specified in the present Article do not apply either to conveyance by means of services depending upon Administrations foreign to the Union, or to conveyance within the Union by means of extraordinary services specially established or maintained by one Administration, either in the interest, or at the request of one or several other Administrations. The conditions of these two categories of conveyance are regulated by mutual agreement between the Administrations interested.

5.—The expenses of transit are borne by the Administration of the country of origin.

6.—The general settlement of these expenses takes place on the basis of statements prepared every three years, during a period of 28 days to be determined on in the Regulations of execution referred to in Article 20 hereafter.

7.—The correspondence between the Postal Administrations, the reply halves of double post-cards returned to the country of origin, articles reforwarded or missent, undeliverable articles, return-receipts, money orders, and

all other documents relative to the postal service, are exempt from all transit charges, whether territorial or maritime.

#### ARTICLE 5

1.—The rates of postage for the conveyance of postal articles throughout the entire extent of the Union, including their delivery at the residence of the addressees in the countries of the Union where a delivery service is or shall be organized, are fixed as follows:

1st. For letters, 25 centimes in case of prepayment, and double that amount in the contrary case, for each letter and for every weight of 15 grams or fraction of 15 grams;

2nd. For post-cards, 10 centimes for a single card, or for each of the two halves of a post-card with paid reply.

Post-cards not prepaid are subject to the rate of postage for letters not prepaid.

3d. For printed matter of every kind, commercial papers, and samples of merchandise, 5 centimes for each article or packet bearing a particular address, and for every weight of 50 grams or fraction of 50 grams, provided that such article or packet does not contain any letter or manuscript note having the character of actual and personal correspondence, and that it be made up in such a manner as to admit of its being easily examined.

The charge on commercial papers cannot be less than 25 centimes per packet, and the charge on samples cannot be less than 10 centimes per packet.

2.—In addition to the rates fixed by the preceding paragraph, there may be levied:

1st. For every article subjected to maritime-transit charges of 15 francs per kilogram of letters or post-cards and 1 franc per kilogram of other articles, and in all the relations to which these transit charges are applicable, a uniform surtax which may not exceed 25 centimes per single rate for letters, 5 centimes per post-card, and 5 centimes per 50 grams or fraction of 50 grams for other articles.

2d. For every article conveyed by services depending on Administrations foreign to the Union, or by extraordinary services in the Union giving rise to special expenses, a surtax in proportion to these expenses.

3.—In case of insufficient prepayment, articles of correspondence of every kind are liable to a charge equal to double the amount of the deficiency, to be paid by the addressees, which charge however may not exceed that which is levied in the country of destination on correspondence not prepaid, of the same nature, weight and origin.

4.—Articles other than letters and post-cards must be prepaid at least in part.

5.—Packets of samples of merchandise may not contain any article having a salable value; they must not exceed 250 grams in weight, or measure more than 30 centimeters in length, 20 centimeters in breadth and 10 centimeters in depth, or if they are in the form of a roll, 30 centimeters in length and 15 centimeters in diameter. The Administrations of the countries interested are, however, authorized to adopt by common consent, for their reciprocal exchanges, limits of weight or size exceeding those fixed above.

6.—Packets of commercial papers and printed matter may not exceed 2 kilograms in weight or measure more in any direction than 45 centimeters. Packets in the form of a roll may, however, be admitted to the mails provided they do not exceed 10 centimeters in diameter, and 75 centimeters in length.

#### ARTICLE 6

1.—The articles specified in Article 5 may be registered.

2.—Every registered article is liable, at the charge of the sender:

1st. To the ordinary prepaid rate of postage upon the article, according to its nature;

2nd. To a fixed registration fee of 25 centimes at the maximum, including the issue of a receipt to the sender.

3.—The sender of a registered article may obtain an acknowledgment of delivery of said article by paying in advance a fixed fee of 25 centimes at the maximum.

#### ARTICLE 7

1.—Registered articles may be sent, marked with trade charges up to the amount of 500 francs, to be collected on delivery, in the mails exchanged between the countries whose Administrations agree to introduce this service. These articles are subject to the formalities and rates applicable to registered articles.

2.—The amount collected from the addressee must be transmitted to the sender by means of a money order, after deducting the fee chargeable for said money order, and a fee of 10 centimes for collection.

#### ARTICLE 8

1.—In case of the loss of a registered article, and except in case of *force majeure*, the sender, or, at his request, the addressee, is entitled to an indemnity of 50 francs.

2.—The obligation to pay the indemnity is incumbent on the Administration to which the dispatching office belongs. There is reserved to that Administration a remedy against the responsible Administration, that is to say, against the Administration within whose territory or in whose service the loss occurred.

3.—Until the contrary is proved, the responsibility rests with the Administration which, after having received the article without making any remark, cannot prove either its delivery to the addressee, or its regular transmission to the next Administration, as the case may be. As regards articles addressed *poste restante*, the responsibility ceases upon delivery to a person who has proved, according to the regulations in force in the country of destination, that his name and description are in conformity with the indications of the address.

4.—The payment of the indemnity by the dispatching office should be made as soon as possible, and at the latest within the period of one year dating from the day of the reclamation. The responsible office is bound to refund to the dispatching office without delay the amount of the indemnity paid by the latter. In the case where the responsible office has notified the dispatching office not to make the payment, the former must refund to the latter office the expenses which may result from such non-payment.

5.—It is understood that the reclamation is only entertained if made within the period of one year from the time when the registered article was mailed; after this period has passed, the claimant has no right to any indemnity.

6.—If the loss has occurred during transportation, and it is impossible to ascertain on the territory of which country the loss took place, the Administrations concerned bear the loss in equal proportions.

7.—The Administrations cease to be responsible for registered articles, the addressees of which have given a receipt for them and have accepted them.

#### ARTICLE 9

1.—The sender of an article of correspondence may cause it to be withdrawn from the service, or cause the address to be changed, as long as the article has not been delivered to the addressee.

2.—The request to be formulated for this purpose is transmitted by mail or by telegraph, at the expense of the sender, who must pay, as follows:

1st for every request by mail the charge applicable to a registered single letter;

2nd for every request by telegraph, the charge for the telegram according to the ordinary tariff.

3.—The provisions of this Article are not obligatory in countries the legislation of which does not allow the sender to dispose of an article in course of transportation.

#### ARTICLE 10

Those countries of the Union which have not the franc for their monetary unit fix their postage rates at the equivalents, in their respective currencies, of the rates determined by Articles 5 and 6 preceding. Such countries have the

option of rounding off the fractions in conformity with the Table inserted in the Regulations of execution<sup>5</sup> mentioned in Article 20 of the present Convention.

#### ARTICLE 11

1.—Prepayment of postage on every description of article can be effected only by means of postage-stamps valid in the country of origin for the correspondence of private individuals. Nevertheless, the reply-halves of post-cards with paid reply bearing postage-stamps of the country which issued these cards are likewise considered as duly prepaid.

2.—Official correspondence relative to the postal service, and exchanged between the Postal Administrations, is alone exempt from this obligation and admitted free.

3.—Correspondence mailed on the high seas in the letter-box of a vessel or by being handed to the captains of vessels may be prepaid by means of the postage-stamps and according to the postage-rates of the country to which said vessel belongs or on which it is dependent. If the mailing on board takes place during the stay of the vessel at one of the two terminal points of the voyage or at one of the intermediate ports of call, prepayment of postage is not valid unless it is effected by means of the postage-stamps and according to the postage-rates of the country in whose waters the vessel happens to be.

#### ARTICLE 12

1.—Each Administration keeps the whole of the sums which it collects in execution of the foregoing Articles 5, 6, 7, 10 and 11, except the payments due for money orders provided by paragraph 2 of Article 7.

2.—Consequently, there is no necessity on this head for any accounts between the several Administrations of the Union, except as regards the payments mentioned in paragraph 1 of the present Article.

3.—Neither the senders nor the addressees of letters and other postal articles can be called upon to pay, either in the country of origin or in that of destination, any postage or any postal fee other than those contemplated by the Articles above-mentioned.

#### ARTICLE 13

1.—Articles of correspondence of every kind are, at the request of the senders, delivered at the residence of the addressees by a special carrier immediately after their arrival, in the countries of the Union which consent to undertake this service in their reciprocal relations.

2.—These articles, which are endorsed "express", are subject to a special charge for delivery at the residence; this charge is fixed at 30 centimes, and must be paid in full and in advance, by the sender, over and above the

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<sup>5</sup> See footnote 1, p. 188.



ordinary postage. It belongs to the Administration of the country of origin.

3.—If the article is destined for a locality where there is no post office, the Postal Administration of the country of destination may levy an additional charge, to the amount of the rate fixed for delivery by special carrier in its domestic service, a deduction being made of the fixed rate paid by the sender, or of its equivalent in the money of the country which levies this additional charge.

4.—“Express” articles upon which the entire charges payable in advance are not fully prepaid, are delivered by the ordinary means.

#### ARTICLE 14

1.—No additional charge is levied for the reforwarding of postal articles within the interior of the Union.

2.—Undeliverable articles do not give rise to a restitution of the transit charges due to intermediary Administrations for the previous conveyance of said articles.

3.—Unpaid letters and post-cards, and insufficiently prepaid articles of every kind, when returned to the country of origin, owing to their being reforwarded or because they have become undeliverable, are liable, at the expense of the addressees or senders, to the same rates as similar articles addressed directly from the country of the first destination to the country of origin.

#### ARTICLE 15

1.—Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanders of naval squadrons or ships-of-war of the same country stationed abroad, through the intermediary of the territorial or maritime services depending on other countries.

2.—Articles of every kind enclosed in these mails must consist exclusively of those addressed to or sent by the officers and crews of the vessels for which the mails are destined or from which they are dispatched; the rates and conditions of dispatch applicable thereto are determined by the Postal Administration of the country to which the vessels belong, in accordance with its domestic regulations.

3.—Unless there be a contrary arrangement between the offices interested, the Post Office which dispatches or receives the mails in question is accountable to the intermediary Offices for the transit expenses calculated in conformity with the provisions of Article 4.

#### ARTICLE 16

1.—Circulation shall not be given:

a) to commercial papers, samples and printed matter which are not prepaid at least in part or which are not put up in such a manner as to permit the easy examination of the contents;



*b*) to articles of the same categories which exceed the limits of weight and size fixed by Article 5;

*c*) to samples of merchandise which have a salable value.

2.—If any of the articles mentioned in the preceding paragraph be given circulation, they should be returned to the office of origin, and, if possible, be delivered to the sender.

3.—It is forbidden:

1st to send by mail:

*a*) samples and other articles which, from their nature, may prove dangerous to the postal employés, soil or injure the correspondence;

*b*) explosive, inflammable or dangerous substances; animals and insects, living or dead, excepting the cases provided for in the Regulations of detail.

2nd to insert in ordinary or registered articles placed in the mails:

*a*) current coin;

*b*) articles liable to customs duty;

*c*) gold or silver bullion, precious stones, jewelry, and other precious articles, but only in case their insertion or transmission is prohibited by the legislation of the countries concerned.

4.—Articles coming under the prohibition of paragraph 3 preceding which have been forwarded erroneously, should be returned to the office of origin, except in cases where the Administration of the country of destination is authorized by its legislation or by its domestic regulations to dispose of them otherwise.

5.—There is, moreover, reserved to the Government of every country of the Union the right to refuse to convey over its territory, or to deliver, as well articles liable to the reduced rate in regard to which the laws, ordinances or decrees which regulate the conditions of their publication or circulation in that country have not been complied with, as correspondence of every kind which bears ostensibly inscriptions, designs, etc. forbidden by the legal enactments or regulations in force in the same country.

#### ARTICLE 17

1.—The Offices of the Union which have relations with countries outside the Union, admit all the other Offices of the Union, to take advantage of such relations for the exchange of postal articles with the said countries.

2.—The postal articles exchanged in open-mail between a country of the Union and a country foreign to the Union, through the intermediary of another country of the Union, is treated, as regards the conveyance beyond the limits of the Union, in conformity with the Conventions, Arrangements, or special provisions governing the postal relations between the latter country and the country foreign to the Union.

3.—With regard to the expenses of transit within the limits of the Union, articles originating in or addressed to a country foreign to the Union are assimilated to those from or for the country of the Union which maintains relations with the first mentioned country.

4.—With regard to the expenses of transit beyond the limits of the Union, articles addressed to a country foreign to the Union are subjected to the following transit charges, credited to the country of the Union which maintains relations with the country foreign to the Union:

a) for maritime transits beyond the Union, 20 francs per kilogram of letters or post-cards, and one franc per kilogram of other articles;

b) for territorial transits beyond the Union, if any, the charges per kilogram announced by the country of the Union which maintains relations with the country foreign to the Union serving as intermediary.

5.—In the case of maritime conveyance effected by two or more Administrations, the charges for the entire maritime transit, within and beyond the Union, may not exceed 20 francs per kilogram of letters or post-cards and 1 franc per kilogram of other articles; if the case demands it, these charges are shared between these Administrations *pro rata* for the distances traversed, without prejudice to other arrangements between the parties interested.

6.—The above-mentioned expenses of transit beyond the Union are payable by the Administration of the country of origin. They apply to all articles dispatched whether in open-mail or in closed mails. But in the case of closed mails dispatched from a country of the Union to a country foreign thereto, or from a country foreign to the Union to a country of the Union, a previous arrangement concerning the mode of payment of the transit expenses should be concluded between the Administrations interested.

7.—The general settlement of the transit expenses for articles exchanged between a country of the Union and a country foreign to it, through the intermediary of another country of the Union, takes place on the basis of statements which are prepared at the same time as the statements prepared by virtue of Article 4 preceding, for determining the expenses of transit within the Union.

8.—The rates to be levied in a country of the Union on articles addressed to or originating in a country foreign to the Union and using the intermediary of another country of the Union, can never be lower than the normal Union rates. These rates belong entirely to the country which levies them.

#### ARTICLE 18

The high contracting parties engage to adopt, or to propose to their respective legislatures, the necessary measures for punishing the fraudulent use, for the prepayment of postal articles, of counterfeit postage-stamps, or postage-stamps which have already been used. They likewise engage to adopt, or to propose to their respective legislatures, the necessary measures for prohibiting

and suppressing the fraudulent manufacture, sale, offering for sale, or distribution of embossed and adhesive stamps in use in the postal service, counterfeited or imitated in such a manner as to be mistakable for the embossed and adhesive stamps issued by the Administration of any one of the contracting countries.

#### ARTICLE 19

The services concerning letters and boxes with declared value, and those of money-orders, postal parcels, collection of bills and drafts, books of identity, subscription to newspapers, etc., form the subject of special arrangements between the different countries or groups of countries of the Union.

#### ARTICLE 20

1.—The Postal Administrations of the various countries composing the Union are competent to establish by mutual agreement, in Regulations of execution, all the measures of order and detail which are judged necessary.

2.—The several Administrations may, moreover, make among themselves the necessary arrangements on the subject of questions which do not concern the Union generally, provided that those arrangements are not contrary to the present Convention.

3.—The Administrations interested are, however, permitted to conclude mutual agreements for the adoption of lower rates of postage within a radius of 30 kilometers.

#### ARTICLE 21

1.—The present Convention involves no alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

2.—It does not restrict the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted Unions, with the view to the improvement of postal relations.

#### ARTICLE 22

1.—There is maintained, under the name of the *International Bureau of the Universal Postal Union*, a central office, which is conducted under the superintendence of the Swiss Postal Administration, and the expenses of which are borne by all the Administrations of the Union.

2.—This Bureau continues to be charged with the duty of collecting, collating, publishing and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known propositions for modifying the acts of the Congress; of giving notice of the changes adopted, and, in general, of undertaking such researches and labors as may be entrusted to it in the interest of the Postal Union.

## ARTICLE 23

1.—In case of disagreement between two or more members of the Union, as to the interpretation of the present Convention or as to the responsibility of an Administration in case of the loss of a registered article, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

2.—The decision of the arbitrators is given by an absolute majority of the votes.

3.—In case the votes are equally divided, the arbitrators choose, in order to settle the difference, another Administration equally disinterested in the disputed question.

4.—The provisions of the present Article apply equally to all the Agreements concluded by virtue of Article 19, preceding.

## ARTICLE 24

1.—Countries which have not taken part in the present Convention are admitted to adhere thereto upon their demand.

2.—Notice is given of this adhesion, through the diplomatic channel, to the Government of the Swiss Confederation, and by that Government to all the countries of the Union.

3.—It implies, as a right, accession to all the clauses and admission to all the advantages stipulated by the present Convention.

4.—It devolves upon the Government of the Swiss Confederation to determine, by mutual agreement with the Government of the country interested, the share to be contributed by the Administration of this latter country toward the expenses of the International Bureau, and, if necessary, the rates to be levied by that Administration in conformity with Article 10, preceding.

## ARTICLE 25

1.—Congresses of plenipotentiaries of the contracting countries or simple administrative conferences, according to the importance of the questions to be solved, are held when a demand for them is made or approved by two-thirds, at least, of the Governments or Administrations, as the case may be.

2.—Nevertheless, a Congress must be held at least once every five years.

3.—Each country may be represented either by one or several delegates, or by the delegation of another country. But it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the country which they represent.

4.—In the deliberations each country has one vote only.

5.—Each Congress fixes the place of meeting for the following Congress.

6.—For Conferences, the Administrations fix the places of meeting upon the proposal of the International Bureau.

## ARTICLE 26

1.—In the interval which elapses between the meetings, any Postal Administration of a country of the Union has the right to address to the other Administrations belonging to it, through the intermediary of the International Bureau, propositions concerning the regimen of the Union.

2.—Every proposition is subject to the following procedure:

A period of five months is allowed to the Administrations of the Union to examine the propositions, and to transmit to the International Bureau, if necessary, their observations, amendments, or counter-propositions which they may desire to submit. The replies are tabulated by the International Bureau and communicated to the Administrations with the invitation to pronounce either for or against the proposition. Those Administrations which have not transmitted their vote within a period of six months, counting from the date of the second circular of the International Bureau notifying them of the observations made, are considered as abstaining from voting.

3.—In order to become binding the propositions must obtain, as follows:

1st. Unanimity of votes, if they involve the addition of new Articles or a modification of the stipulations of the present Article and of Articles 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15 and 18;

2nd. Two-thirds of the votes, if they involve a modification of stipulations of the Convention other than those of Articles 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15, 18, and 26;

3d. Simply an absolute majority, if they affect the interpretation of the stipulations of the Convention, except in the case of dispute contemplated in Article 23 preceding.

4.—The binding decisions are sanctioned, in the first two cases, by a diplomatic declaration, which the Government of the Swiss Confederation is charged to prepare and transmit to all the Governments of the contracting countries, and, in the third case, by a simple notification from the International Bureau to all the Administrations of the Union.

5.—No modification or resolution adopted is binding until at least two months after its notification.

## ARTICLE 27

The following are considered as forming, for the application of Articles 22, 25 and 26 preceding, a single country, or a single Administration, as the case may be:

- 1st. The Empire of British India;
- 2nd. The Dominion of Canada;
- 3d. The whole of the British Colonies of Australasia;
- 4th. The whole of the Danish Colonies;
- 5th. The whole of the Spanish Colonies;
- 6th. The whole of the French Colonies;

7th. The whole of the Netherlands Colonies;

8th. The whole of the Portuguese Colonies.

### ARTICLE 28

The present Convention shall be put into execution on the 1st of July, 1892, and shall remain in force during an indefinite period; but each contracting party has the right to withdraw from the Union, by means of a notice given one year in advance by its Government to the Government of the Swiss Confederation.

### ARTICLE 29

1.—From the date on which the present Convention takes effect, all the stipulations of the Treaties, Conventions, Arrangements, or other Acts previously concluded between the various countries or Administrations, in so far as those stipulations are not in accordance with the terms of the present Convention, are abrogated, without prejudice to the rights reserved by Article 21 preceding.

2.—The present Convention shall be ratified as soon as possible. The acts of ratification shall be exchanged at Vienna.

3.—In faith of which, the plenipotentiaries of the above named countries have signed the present Convention at Vienna on the fourth of July, one thousand eight hundred and ninety-one.

For Germany and the German Protec-  
torates

DR. V. STEPHAN  
SACHSE  
FRITSCH

For the United States of America

N. M. BROOKS  
WILLIAM POTTER

For the Argentine Republic

CÁRLOS CALVO

For Austria

OBENTRAUT  
DR. HOFMANN  
DR. LILIENAU  
HABBERGER

For Hungary

P. HEIM  
S. SCHRIMPF

For Belgium

LICHTERVELDE

For Bolivia

For Brazil

LUIZ BETIM PAES LEME

For Bulgaria

P. M. MATTHIEFF

For Chili

For the Republic of Colombia  
G. MICHELSEN

For the Independent State of the Congo

STASSIN  
LICHTERVELDE  
GARANT  
DE CRAENE

For the Republic of Costa Rica

For Denmark and the Danish Colonies  
LUND

For the Dominican Republic

For Egypt

Y. SABA

For Ecuador

For Spain and the Spanish Colonies

FEDERICO BAS

For France

MONTMARIN  
I. DE SELVES  
ANSAULT

For the French Colonies

G. GABRIÉ

For Great Britain and various British Colonies	For the Netherlands
S. A. BLACKWOOD	HOFSTEDE
H. BUXTON FORMAN	BARON VAN DER FELTZ
For the British Colonies of Australasia	For the Netherlands Colonies
	JOHS. J. PERK
For Canada	For Peru
	D. C. URREA
For British India	For Persia
H. M. KISCH	GÉN'L. N. SEMINO
For Greece	For Portugal and the Portuguese Colonies
I. GEORGANTAS	GUILHERMINO AUGUSTO DE BARROS
For Guatemala	For Roumania
DR. GOTTHELF MEYER	COLONEL A. GORJEAN
For the Republic of Haiti	S. DIMITRESCU
For the Kingdom of Hawaii	For Russia
EUGÈNE BOREL	GÉNÉRAL DE BESAK
For the Republic of Honduras	A. SKALKOVSKY
	For Salvador
For Italy	LOUIS KEHLMANN
EMIDIO CHIARADIA	For Servia
FELICE SALIVETTO	SVETOZAR I. GVOZDITCH
For Japan	ET. W. POPOVITCH
INDO	For the Kingdom of Siam
FUJITA	LUANG SURIYA NUVAIR
For the Republic of Liberia	H. KEUCHENIUS
BN. DE STEIN	For the South African Republic
W. KOENTZER	
C. GOEDEL	For Sweden
For Luxemburg	E. VON KRUSENSTJERNA
MONGENAST	For Switzerland
For Mexico	ED. HÖHN
L. BRETON Y VEDRA	C. DELESSERT
For Montenegro	For the Regency of Tunis
OBENTRAUT	MONTMARIN
DR. HOFMANN	For Turkey
DR. LILIENAU	E. PETACCI
HABBERGER	A. FAHRI
For Nicaragua	For Uruguay
	FEDERICO SUSVIELA GUARCH
For Norway	JOSÉ G. BUSTO
THB. HEYERDAHL	For the United States of Venezuela
For Paraguay	CÁRLOS MATZENAUER

## [FINAL PROTOCOL]

At the moment of proceeding to sign the Conventions concluded by the Universal Postal Congress of Vienna, the undersigned plenipotentiaries have agreed as follows:



## I

In modification of the stipulation of Article 6 of the Convention, which fixes the maximum registration-fee at 25 centimes, it is agreed that the States outside of Europe are authorized to maintain this maximum at 50 centimes, including a receipt given to the sender.

## II

In modification of the stipulations of Article 8 of the Convention, it is agreed that, as a temporary measure, the Administrations of the countries outside of Europe, whose legislation is at present opposed to the principle of responsibility, retain the option of postponing the application of that principle until they shall have been able to obtain from the legislative power the authority to introduce it. Up to that time, the other Administrations of the Union are not bound to pay an indemnity for the loss, in their respective services, of registered articles addressed to or originating in the said countries.

## III

Bolivia, Chili, Costa Rica, the Dominican Republic, Ecuador, Haiti, Honduras and Nicaragua, which form part of the Postal Union, not having been represented at the Congress, the protocol remains open for their adhesion to the Conventions which have been concluded at the Congress, or only to one or the other of these Conventions.

The protocol also remains open to the British Colonies of Australasia, whose delegates at the Congress have declared the intention of those countries to enter the Universal Postal Union on the 1st of October 1891.

It also remains open to the South African Republic, whose delegate to the Congress has declared the intention of that country to adhere to the Universal Postal Union, reserving the right to hereafter fix the date of its entry into the Union.

Finally, with the view of facilitating the entry into the Universal Postal Union of other countries which are still outside the Union, the protocol remains equally open for them.

## IV

The protocol remains open to those countries whose representatives have signed this day the principal Convention only or only a certain number of the Conventions concluded by the Congress, for the purpose of allowing them to adhere to the other Conventions signed this day, or to one or the other of them.

## V

The adhesions contemplated by Article III preceding, must be notified to

the Imperial and Royal Government of Austria-Hungary, by the respective Governments, in diplomatic form. The term accorded to them for that notification will expire on the 1st of June 1892.

## VI

In case one or more of the contracting parties to the Postal Conventions signed this day at Vienna, shall not ratify one or the other of those Conventions, that Convention shall be none the less valid for the States which shall have ratified it.

In faith of which, the undersigned plenipotentiaries have drawn up the present final protocol, which shall have the same force and value as if its provisions were inserted in the text itself of the Conventions to which it relates, and they have signed it on a single copy which shall remain in the Archives of the Austrian Government, and a copy of which shall be delivered to each party.

Done at Vienna the fourth of July one thousand eight hundred and ninety-one.

For Germany and the German Protectorates DR. V. STEPHAN SACHSE FRITSCH	For the Independent State of the Congo STASSIN LICHTERVELDE GARANT DE CRAENE
For the United States of America N. M. BROOKS WILLIAM POTTER	For the Republic of Costa Rica
For the Argentine Republic CÁRLOS CALVO	For Denmark and the Danish Colonies LUND
For Austria OBENTRAUT DR. HOFMANN DR. LILIENAU HABBERGER	For the Dominican Republic
For Hungary P. HEIM S. SCHRIMPF	For Egypt Y. SABA
For Belgium LICHTERVELDE	For Ecuador
For Bolivia	For Spain and the Spanish Colonies FEDERICO BAS
For Brazil LUIZ BETIM PAES LEME	For France MONTMARIN I. DE SELVES ANSALUT
For Bulgaria P. M. MATTHEEFF	For the French Colonies G. GABRIÉ
For Chili	For Great Britain and various British Colonies S. A. BLACKWOOD H. BUXTON FORMAN
For the Republic of Colombia G. MICHELSEN	For the British Colonies of Australasia
	For Canada

For British India	For Peru
H. M. KISCH	D. C. URREA
For Greece	For Persia
I. GEORGANTAS	GENL. N. SEMINO
For Guatemala	For Portugal and the Portuguese Colonies
DR. GOTTHELF MEYER	GUILHERMINO AUGUSTO DE BARROS
For the Republic of Haiti	For Roumania
For the Kingdom of Hawaii	COLONEL A. GORJEAN
EUGÈNE BOREL	S. DIMITRESCU
For the Republic of Honduras	For Russia
For Italy	GÉNÉRAL DE BESAK
EMIDIO CHIARADIA	A. SKALKOVSKY
FELICE SALIVETTO	For Salvador
For Japan	LOUIS KEHLMANN
INDO	For Servia
FUJITA	SVETOZAR I. GVOZDITCH
For the Republic of Liberia	ET. W. POPOVITCH
BN. DE STEIN	For the Kingdom of Siam
W. KOENTZER	LUANG SURIYA NUVATR
C. GOEDEL	H. KEUCHENIUS
For Luxemburg	For the South African Republic
MONGENAST	For Sweden
For Mexico	E. VON KRUSENSTJERNA
L. BRETON Y VEDRA	For Switzerland
For Montenegro	ED. HÖHN
OBENTRAUT	C. DELESSERT
DR. HOFMANN	For the Regency of Tunis
DR. LILIENAU	MONTMARIN
HABBERGER	For Turkey
For Nicaragua	E. PETACCI
For Norway	A. FAHRI
THB. HEYERDAHL	For Uruguay
For Paraguay	FEDERICO SUSVIELA GUARCH
For the Netherlands	JOSÉ G. BUSTO
HOFSTEDE	For the United States of Venezuela
BARON VAN DER FELTZ	CÁRLOS MATZENAUER
For the Netherlands Colonies	
JOHS. J. PERK	

[For text of regulations for execution of the convention, see 28 Stat. 1102.]

## UNIVERSAL POSTAL UNION

*Convention and final protocol signed at Washington June 15, 1897*<sup>1</sup>  
*Ratified and approved by the Postmaster General of the United States*  
*November 16, 1897*  
*Approved by the President of the United States November 16, 1897*  
*Entered into force January 1, 1899*  
*Terminated by convention of May 26, 1906*<sup>2</sup>

30 Stat. 1629; Post Office Department print

[TRANSLATION]

*Universal Postal Convention concluded between Germany and the German Protectorates, The Greater Republic of Central America, the United States of America, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Chile, The Empire of China, the Republic of Colombia, the Independent State of Congo, the Kingdom of Korea, the Republic of Costa Rica, Denmark and the Danish Colonies, the Dominican Republic, Egypt, Ecuador, Spain and the Spanish Colonies, France, the French Colonies, Great Britain and various British Colonies, British India, the British Colonies of Australasia, Canada, the British Colonies of South Africa, Greece, Guatemala, the Republic of Haiti, the Republic of Hawaii, Italy, Japan, the Republic of Liberia, Luxemburg, Mexico, Montenegro, Norway, the Orange Free State, Paraguay, the Netherlands, the Netherlands Colonies, Peru, Persia, Portugal and the Portuguese Colonies, Roumania, Russia, Servia, the Kingdom of Siam, the South African Republic, Sweden, Switzerland, the Regency of Tunis, Turkey, Uruguay, and the United States of Venezuela.*

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Washington, by virtue of Article 25 of the Universal Postal Convention concluded at Vienna on

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<sup>1</sup> For text of regulations for execution of the convention, see 30 Stat. 1655.

<sup>2</sup> *Post*, p. 492.

the 4th of July 1891,<sup>3</sup> have by common consent, and subject to ratification, revised said Convention, in conformity with the following stipulations:

#### ARTICLE 1

The countries between which the present Convention is concluded, as well as those which may adhere to it hereafter, form, under the title of *Universal Postal Union*, a single postal territory for the reciprocal exchange of articles of correspondence between their post-offices.

#### ARTICLE 2

The stipulations of this Convention extend to letters, to single post-cards and post-cards with paid reply, prints of every kind, commercial papers and samples of merchandise originating in one of the countries of the Union, and intended for another of those countries. They also apply to the exchange by mail of the articles above mentioned between the countries of the Union and the countries foreign to the Union, whenever the services of two of the contracting parties at least are used for that exchange.

#### ARTICLE 3

1.—The Postal Administrations of neighboring countries, or countries able to correspond directly with each other without using the intermediary of the services of a third Administration, determine, by mutual agreement, the conditions of the conveyance of mails which they exchange across the frontier, or from one frontier to the other.

2.—Unless there be a contrary arrangement, the direct maritime-conveyance performed between two countries by means of packets or vessels depending upon one of them, shall be considered as a third service, and this conveyance, as well as that performed between two offices of the same country by the intermediary of maritime or territorial services depending upon another country, is regulated by the stipulations of the following Article.

#### ARTICLE 4

1.—The right of transit is guaranteed throughout the entire territory of the Union.

2.—Consequently, the several Postal Administrations of the Union may send reciprocally, through the intermediary of one or of several of them, as well closed mails as correspondence in open-mail according to the needs of the traffic, and the convenience of the postal service.

3.—The correspondence exchanged, whether in open-mail or in closed mails between two Administrations of the Union, by means of the services of one or several other Administrations of the Union, is subject to the following transit charges, to be paid to each of the countries traversed, or whose services participate in the conveyance, viz:

<sup>3</sup> *Ante*, p. 188.

1st. For territorial conveyance, 2 francs per kilogram of letters and post-cards, and 25 centimes per kilogram of other articles;

2nd. For maritime conveyance:

a. the territorial transit rates, if the distance traversed does not exceed 300 nautical miles. Nevertheless, the maritime conveyance on a route not exceeding 300 nautical miles is gratuitous if the Administration interested receives already, on account of mails or correspondence conveyed, the remuneration applicable to territorial transit;

b. 5 francs per kilogram of letters and post cards and 50 centimes per kilogram of other articles, for exchanges effected on a route exceeding 300 nautical miles, between countries of Europe, between Europe and the ports of Africa and Asia on the Mediterranean and the Black Sea or between any of these ports, and between Europe and North America. The same rates are applicable to conveyances secured within the entire jurisdiction of the Union between two ports of one and the same State, as well as between the ports of two States served by the same line of steamers when the maritime conveyance does not exceed 1500 nautical miles;

c. 15 francs per kilogram of letters and post cards and 1 franc per kilogram of other articles, for all conveyances not coming under the categories mentioned under "a" and "b" above. In the case of maritime conveyance effected by two or several Administrations, the charges for the entire conveyance cannot exceed 15 francs per kilogram of letters and post cards and 1 franc per kilogram of other articles. The charges are, in such cases, divided between the Administrations participating in the service *pro rata* for the distances traversed, without prejudice to other arrangements which may be made between the parties interested.

4.—The transit rates specified in the present Article do not apply either to conveyance by means of services depending upon Administrations foreign to the Union, or to conveyance within the Union by means of extraordinary services specially established or maintained by one Administration, either in the interest, or at the request of one or several other Administrations. The conditions of the last mentioned category of conveyance are regulated by mutual agreement between the Administrations interested.

Moreover, wherever the transit, either territorial or maritime, is at present gratuitous or subject to more advantageous conditions, that state of affairs is maintained.

5.—It is however understood:

1st that the charges for territorial transit shall be reduced, viz:

5%, during the first two years of the application of the present Convention;

10%, during the two following years;

15%, after four years;

2nd that countries whose receipts and expenditure for territorial transit together do not exceed the sum of 5,000 francs per year and whose expenditure exceeds their receipts for that transit, are exempt from any payment on this score;

3d that the maritime transit rates of 15 francs per kilogram of letters and post cards provided under the letter c of section 3 preceding shall be reduced, as follows, viz:

to 14 francs during the first two years of the application of the present Convention;

to 12 francs during the two following years;

to 10 francs after four years.

6.—The expenses of transit are borne by the Administration of the country of origin.

7.—The general settlement of these expenses takes place under the conditions to be determined on in the Regulations of execution<sup>4</sup> referred to in Article 20 hereafter.

8.—The official correspondence mentioned in Section 2 of Article 11 hereafter, the reply halves of double post-cards returned to the country of origin, articles reforwarded or missent, undeliverable articles, return-receipts, money orders, and all other documents relative to the postal service, are exempt from all transit charges, whether territorial or maritime.

#### ARTICLE 5

1.—The rates of postage for the conveyance of postal articles throughout the entire extent of the Union, including their delivery at the residence of the addressees in the countries of the Union where a delivery service is or shall be organized, are fixed as follows:

1st. For letters, 25 centimes in case of prepayment, and double that amount in the contrary case, for each letter and for every weight of 15 grams or fraction of 15 grams;

2nd. For post-cards, in case of prepayment, 10 centimes for a single card, or for each of the two halves of a post-card with paid reply, and double that amount in the contrary case.

3d. For prints of every kind, commercial papers, and samples of merchandise, 5 centimes for each article or packet bearing a particular address, and for every weight of 50 grams or fraction of 50 grams, provided that such article or packet does not contain any letter or manuscript note having the character of actual and personal correspondence, and that it be made up in such a manner as to admit of its being easily examined.

The charge on commercial papers cannot be less than 25 centimes per

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<sup>4</sup> See footnote 1, p. 206.



packet, and the charge on samples cannot be less than 10 centimes per packet.

2.—In addition to the rates fixed by the preceding section, there may be levied:

1st. For every article subject to maritime-transit charges of 15 francs per kilogram of letters or post-cards and 1 franc per kilogram of other articles, and in all the relations to which these transit charges are applicable, a uniform surtax which may not exceed 25 centimes per single rate for letters, 5 centimes per post-card, and 5 centimes per 50 grams or fraction of 50 grams for other articles;

2d. For every article conveyed by services depending on Administrations foreign to the Union, or by extraordinary services in the Union giving rise to special expenses, a surtax in proportion to these expenses.

When the rate of prepayment of a single post-card comprises one or the other of the surtaxes authorized by the two preceding sections, the same rate is applicable to each of the halves of a post-card with paid reply.

3.—In case of insufficient prepayment, articles of correspondence of every kind are liable to a charge equal to double the amount of the deficiency, to be paid by the addressees, which charge however may not exceed that which is levied in the country of destination on correspondence not prepaid, of the same nature, weight and origin.

4.—Articles other than letters and post-cards must be prepaid at least in part.

5.—Packets of samples of merchandise may not contain any article having a salable value; they must not exceed 350 grams in weight, or measure more than 30 centimeters in length, 20 centimeters in breadth and 10 centimeters in depth, or if they are in the form of a roll, 30 centimeters in length and 15 centimeters in diameter.

6.—Packets of commercial papers and prints may not exceed 2 kilograms in weight or measure more in any direction than 45 centimeters. Packets in the form of a roll may, however, be admitted to the mails provided they do not exceed 10 centimeters in diameter, and 75 centimeters in length.

#### ARTICLE 6

1.—The articles specified in Article 5 may be registered.

2.—Every registered article is liable, at the charge of the sender:

1st. To the ordinary prepaid rate of postage upon the article, according to its nature;

2nd. To a fixed registration fee of 25 centimes at the maximum, including the issue of a receipt to the sender.

3.—The sender of a registered article may obtain an acknowledgment of

the delivery of said article by paying at the moment of mailing a fixed fee of 25 centimes at the maximum. The same fee may be applied to requests for information relative to registered articles made subsequent to mailing, if the sender has not yet paid the special charge for obtaining a return receipt.

#### ARTICLE 7

1.—Registered articles marked with trade-charges, to be collected on delivery, may be sent, in the mails exchanged between the countries the Administrations of which agree to assure this service.

Articles marked with trade charges are subject to the formalities and rates applicable to registered articles.

The maximum trade charge is fixed, per article, at 1,000 francs, or the equivalent of that sum in the money of the country of destination. Each Administration, however, has the liberty to lower this maximum to 500 francs, per article or to the equivalent of that sum in its own currency.

2.—Unless there be a contrary arrangement, between the Administrations of the countries interested, the amount collected from the addressee must be transmitted to the sender by means of a money order, after deducting the fee for ordinary money orders and a charge of 10 centimes for the service of collection.

The amount of an undeliverable money order of this kind remains at the disposal of the Administration of the country of origin of the article marked with trade charges.

3.—For the loss of a registered article marked with trade charges the responsibility of the postal service is fixed under the conditions determined by Article 8 hereafter for registered articles not marked with trade charges. After the article has been delivered, the Administration of the country of destination is responsible for the amount of the trade charge and must, in case of complaint, prove that the sum collected has been transmitted to the sender, after deducting the fee and charge contemplated by Section 2.

#### ARTICLE 8

1.—In case of the loss of a registered article, and except in case of *force majeure*, the sender, or, at his request, the addressee, is entitled to an indemnity of 50 francs.

2.—The countries disposed to undertake risks arising from cases of *force majeure* are authorized to collect from the sender, on this account, a surtax not to exceed 25 centimes for each registered article.

3.—The obligation to pay the indemnity is incumbent on the Administration to which the dispatching office belongs. There is reserved to that Administration a remedy against the responsible Administration, that is to say, against the Administration on the territory or in the service of which the loss occurred.

In case of loss, under circumstances of *force majeure*, on the territory or in the service of a country undertaking the risks mentioned in the preceding section, of a registered article sent from another country, the country where the loss occurred is responsible for it to the dispatching Office, if the latter, on its part, undertakes risks in cases of *force majeure* over against its senders.

4.—Until the contrary be proved, the responsibility rests with the Administration which, having received the article without making any remark, cannot prove either the delivery to the addressee, or the regular transmission to the next Administration, as the case may be. As regards articles addressed *poste restante*, the responsibility ceases upon delivery to a person who has proved, according to the regulations in force in the country of destination, that his name and description correspond to those indicated in the address.

5.—The payment of the indemnity by the dispatching Office should be made as soon as possible, and at the latest within the period of one year dating from the day of the reclamation. The responsible Office is bound to refund to the dispatching Office without delay the amount of the indemnity paid by the latter.

The Office of origin is authorized to indemnify the sender on account of the intermediary Office or the Office of destination which, after regular application has been made, has allowed a year to elapse without attending to the matter. Moreover, in case an office whose responsibility has been duly established, has originally declined to pay the indemnity, it must take upon itself, in addition to the indemnity, the accessory charges resulting from the unwarranted delay in payment.

6.—It is understood that the application for an indemnity is entertained only if made within the period of one year from the time when the registered article was mailed; after this period has passed, the claimant has no right to any indemnity.

7.—If the loss has occurred during transportation, and it is impossible to ascertain on the territory or in the service of what country the loss took place, the Administrations concerned bear the loss in equal proportions.

8.—Administrations cease to be responsible for registered articles, for which the owners have given a receipt and have accepted them.

#### ARTICLE 9

1.—The sender of a letter or other article may cause it to be withdrawn from the mails, or cause the address to be changed, as long as the article has not been delivered to the addressee.

2.—The request to be formulated for this purpose is transmitted by mail or by telegraph, at the expense of the sender, who must pay, as follows:

1st for every request by mail the charge applicable to a registered single letter;

2nd for every request by telegraph, the charge for the telegram according to the ordinary tariff.

3.—The provisions of this Article are not obligatory in countries the legislation of which does not allow the sender to dispose of an article in course of transportation.

#### ARTICLE 10

Those countries of the Union which have not the franc for their monetary unit fix their postage rates at the equivalents, in their respective currencies, of the rates determined by the various Articles of the present Convention. Such countries have the option of rounding off the fractions in conformity with the Table inserted in the Regulations mentioned in Article 20 of the present Convention.

#### ARTICLE 11

1.—Prepayment of postage on every description of article can be effected only by means of postage-stamps valid in the country of origin for the correspondence of private individuals. It is not, however, permitted to make use, in the international service, of postage-stamps issued for a special and particular purpose, such as postage stamps called commemorative, of a temporary validity.

There are considered as duly prepaid reply post cards bearing postage stamps of the country which issued the cards, and the newspapers or packages of newspapers not bearing postage stamps but whose address shows the words "Abonnements-poste" ('postal subscription') and which are dispatched in virtue of the special arrangement for newspaper subscriptions, mentioned in Article 19 of the present Convention.

2.—Official correspondence relative to the postal service, exchanged between Postal Administrations, between these Administrations and the International Bureau, and between post offices of the countries of the Union, is exempt from prepayment by ordinary postage-stamps, and is alone admitted free.

3.—Correspondence mailed on the high seas in the letter-box of a vessel or by being handed to the captains of vessels may be prepaid by means of the postage-stamps and according to the postage-rates of the country to which said vessel belongs or on which it is dependent. If the mailing on board takes place during the stay of the vessel at one of the two terminal points of the voyage or at one of the intermediate ports of call, prepayment of postage can be effected only by means of the postage-stamps and according to the postage-rates of the country in waters of which the vessel happens to be.

#### ARTICLE 12

1.—Each Administration keeps the whole of the sums which it collects by virtue of the foregoing Articles 5, 6, 7, 10, and 11, except the payments due for the money orders provided by section 2 of Article 7.

2.—Consequently, there is no necessity under this head for any accounts between the several Administrations of the Union, except as regards the payments mentioned in section 1 of the present Article.

3.—Neither the senders nor the addressees of letters and other postal articles can be called upon to pay, either in the country of origin or in that of destination, any postage or any postal fee other than those contemplated by the Articles above-mentioned.

#### ARTICLE 13

1.—Articles of correspondence of every kind are, at the request of the senders, delivered at the residence of the addressees by a special messenger immediately on their arrival, in those countries of the Union which consent to undertake this service in their reciprocal relations.

2.—These articles, which are endorsed "express", are subject to a special charge for delivery at the residence; this charge is fixed at 30 centimes, and must be paid in full and in advance, by the sender, in addition to the ordinary postage. It belongs to the Administration of the country of origin.

3.—When an article is destined for a locality where there is no post-office, the Postal Administration of the country of destination may levy an additional charge, up to the amount of the rate fixed for delivery by special messenger in its domestic service, a deduction being made of the fixed rate paid by the sender, or its equivalent in the money of the country which levies this additional charge.

4.—"Express" articles upon which the entire charges payable in advance have not been fully prepaid, are delivered by the ordinary means.

#### ARTICLE 14

1.—No additional charge is levied for the reforwarding of postal articles within the interior of the Union.

2.—Undelivered articles do not give rise to a restitution of the transit charges due to intermediary Administrations for the previous conveyance of said articles.

3.—Unpaid letters and post-cards, and insufficiently prepaid articles of every kind, which are returned to the country of origin, owing to their being reforwarded or because they have become undeliverable, are liable, at the expense of the addressees or senders, to the same rates as similar articles addressed directly from the country of the first destination to the country of origin.

#### ARTICLE 15

1.—Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanders of naval squadrons or ships-of-war of the same country stationed abroad, through the intermediary of the territorial or maritime services depending on other countries.

2.—Articles of every kind enclosed in these mails must consist exclusively of those addressed to or sent by the officers and crews of the vessels for which the mails are destined or from which they are dispatched; the rates and conditions of dispatch applicable to them are determined by the Postal Administration of the country to which the vessels belong, in accordance with its domestic regulations.

3.—Unless there be a contrary arrangement between the Offices interested, the Post Office which dispatches or receives the mails in question is accountable to the intermediary Offices for the transit expenses calculated in conformity with the provisions of Article 4.

#### ARTICLE 16

1.—Circulation shall not be given to commercial papers, samples and prints which do not fulfill the conditions prescribed for articles of these categories by Article 5 of the present Convention and by the Regulations for its execution provided for in Article 20.

2.—If any of these articles be given circulation, they are sent back to the office of origin, and, if possible, returned to the sender.

3.—It is forbidden:

1st to send by mail:

a) samples and other articles which, from their nature, may prove dangerous to the postal employés, soil or injure the correspondence;

b) explosive, inflammable or dangerous substances; animals and insects, living or dead, excepting the cases provided for in the detailed Regulations.

2nd to insert in ordinary or registered articles placed in the mails:

a) current coin;

b) articles liable to customs duty;

c) gold or silver bullion, precious stones, jewelry, and other precious articles, but only in case their insertion or transmission is prohibited by the legislation of the countries concerned.

4.—Articles coming under the prohibition of section 3 preceding which have been forwarded erroneously, should be returned to the office of origin, except in cases where the Administration of the country of destination is authorized by its legislation or by its domestic regulations to dispose of them otherwise.

Explosive, inflammable or dangerous substances, however, are not returned to the office of origin; they are destroyed on the spot under the direction of the Administration which detects their presence.

5.—There is, moreover, reserved to the Government of every country of the Union the right to refuse to convey over its territory, or to deliver, as well articles liable to the reduced rate in regard to which the laws, ordinances



or decrees which regulate the conditions of their publication or circulation in that country have not been complied with, as correspondence of every kind which bears ostensibly inscriptions, designs, etc. forbidden by the legal enactments or regulations in force in the same country.

#### ARTICLE 17

1.—The Offices of the Union which have relations with countries situated outside the Union must lend their aid to all the other Offices of the Union for the transmission in open mail, through their intermediary, of articles of correspondence destined for or originating in such countries.

2.—As regards the transit charges on articles of every kind and responsibility in the matter of registered articles, the articles of correspondence in question are treated :

relative to their conveyance within the jurisdiction of the Union, in accordance with the stipulations of the present Convention ;

relative to their conveyance outside the limits of the Union, in accordance with the conditions notified by the Office of the Union which serves as intermediary.

Nevertheless, the charges for the entire maritime conveyance, within and without the Union, may not exceed 20 francs per kilogram of letters and post cards and 1 franc per kilogram of other articles; if necessary, these charges are divided, *pro rata* for the distances, between the Offices participating in the maritime conveyance.

The transit charges, territorial or maritime, outside as well as within the limits of the Union on the articles of correspondence to which the present Article applies, are ascertained in the same manner as the transit charges relative to articles of correspondence exchanged between countries of the Union.

3.—The transit charges on articles of correspondence destined for countries outside the Union are payable by the Office of the country of origin, which fixes the postage rates of prepayment in its service on said articles; these rates, however, may not be lower than the normal Union rates.

4.—The transit charges on articles of correspondence originating in countries outside the Union are not payable by the Office of the country of destination. That Office delivers without charge the articles which it has received fully prepaid; on the unpaid articles it levies a charge equal to double the prepaid rate applicable in its own service to similar articles destined for the country where said articles originate; and on insufficiently prepaid articles it levies a charge equal to double the amount of the insufficiency; the charge, however, may not exceed that which is levied on unpaid articles of the same nature, weight and origin.

5.—Articles dispatched from one country of the Union to a country outside the Union and vice-versa, through the intermediary of an Office of the



Union, may be transmitted, in both directions, in closed mails, if that mode of transmission is agreed to by the Offices of origin and destination of the mails, with the assent of the intermediary Office.

#### ARTICLE 18

The high contracting parties engage to adopt, or to propose to their respective legislatures, the necessary measures for punishing the fraudulent use, for the prepayment of postal articles, of counterfeit postage-stamps, or postage-stamps which have already been used. They likewise engage to adopt, or to propose to their respective legislatures, the necessary measures for prohibiting and suppressing the fraudulent manufacture, sale, offering for sale, or distribution of embossed and adhesive stamps in use in the postal service, counterfeited or imitated in such a manner as to be mistakable for the embossed and adhesive stamps issued by the Administration of any one of the contracting countries.

#### ARTICLE 19

The services concerning letters and boxes with declared value, and those of money-orders, postal parcels, collection of bills and drafts, books of identity, subscriptions to newspapers, etc., form the subject of special arrangements between the various countries or groups of countries of the Union.

#### ARTICLE 20

1.—The Postal Administrations of the various countries composing the Union are competent to establish by mutual agreement, in Regulations of execution, all the measures of order and detail which are judged necessary.

2.—The several Administrations may, moreover, make among themselves the necessary arrangements on the subject of questions which do not concern the Union generally, provided that those arrangements are not contrary to the present Convention.

3.—The Administrations interested are, however, permitted to conclude mutual agreements for the adoption of lower rates of postage within a radius of 30 kilometers.

#### ARTICLE 21

1.—The present Convention involves no alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

2.—It does not restrict the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted Unions, with a view to the reduction of postage rates or any other improvement of the postal relations.

## ARTICLE 22

1.—There is maintained, under the name of the *International Bureau of the Universal Postal Union*, a central office, which is conducted under the supervision of the Swiss Postal Administration; the expenses of which are borne by all the Administrations of the Union.

2.—This Bureau continues to be charged with the duty of collecting, collating, publishing and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known propositions for modifying the acts of the Congress; of giving notice of the changes adopted, and, in general, of taking up such researches and labors as may be entrusted to it in the interest of the Postal Union.

## ARTICLE 23

1.—In case of disagreement between two or more members of the Union, as to the interpretation of the present Convention or as to the responsibility of an Administration in case of the loss of a registered article, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

2.—The decision of the arbitrators is given by an absolute majority of the votes.

3.—In case the votes are equally divided, the arbitrators choose, in order to settle the difference, another Administration equally disinterested in the disputed question.

4.—The provisions of the present Article apply equally to all the Agreements concluded by virtue of Article 19, preceding.

## ARTICLE 24

1.—Countries which have not taken part in the present Convention are admitted to adhere thereto upon their demand.

2.—This adhesion is notified through the diplomatic channel, to the Government of the Swiss Confederation, and by that Government to all the countries of the Union.

3.—It implies, as a right, accession to all the clauses and admission to all the advantages stipulated by the present Convention.

4.—It devolves upon the Government of the Swiss Confederation to determine, by mutual agreement with the Government of the country interested, the share to be contributed by the Administration of this latter country toward the expenses of the International Bureau, and, if necessary, the rates to be levied by that Administration in conformity with Article 10, preceding.

## ARTICLE 25

1.—Congresses of plenipotentiaries of the contracting countries, or simple administrative conferences, according to the importance of the questions to be solved, are held when a demand for them is made or approved by two-thirds, at least, of the Governments or Administrations, as the case may be.

2.—Nevertheless, a Congress must be held at least once every five years.

3.—Each country may be represented either by one or several delegates, or by the delegation of another country. But it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the country which they represent.

4.—In the deliberations each country has one vote only.

5.—Each Congress fixes the place of meeting for the next Congress.

6.—For Conferences, the Administrations fix the places of meeting upon the proposal of the International Bureau.

## ARTICLE 26

1.—In the interval which elapses between the meetings, any Postal Administration of a country of the Union has the right to address to the other Administrations belonging to it, through the intermediary of the International Bureau, propositions concerning the regimen of the Union.

In order to be considered, each proposition must be supported by at least 2 Administrations, not counting the one from which the proposition emanates. When the International Bureau does not receive at the same time as the proposition, the necessary number of declarations of support, no notice is taken of the proposition.

2.—Every proposition is subject to the following procedure:

A period of six months is allowed to the Administrations of the Union to examine the propositions, and to transmit to the International Bureau their observations, if any. Amendments are not admitted. The replies are tabulated by the International Bureau and communicated to the Administrations with an invitation to pronounce either for or against the proposition. Those Administrations which have not transmitted their vote within a period of six months, counting from the date of the second circular of the International Bureau notifying them of the observations made, are considered as abstaining from voting.

3.—In order to become binding the propositions must obtain, as follows:

1st. Unanimity of votes, if they involve the addition of new provisions or any modification of the stipulations of the present Article and of Articles 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15, 18, 27, 28 and 29;

2nd. Two-thirds of the votes if they involve a modification of stipulations of the Convention other than those of Articles 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15, 18, 26, 27, 28 and 29;

3d. Simply an absolute majority, if they affect the interpretation of the stipulations of the Convention, except in the case of dispute contemplated in Article 23 preceding.

4.—Resolutions adopted are sanctioned, in the first two cases, by a diplomatic declaration, which the Government of the Swiss Confederation is charged to prepare and transmit to all the Governments of the contracting countries, and, in the third case, by a simple notification from the International Bureau to all the Administrations of the Union.

5.—No modification or resolution adopted is binding until at least three months after its notification.

#### ARTICLE 27

For the application of Articles 22, 25 and 26 preceding, the following are considered as forming a single country, or a single Administration, as the case may be:

- 1st. The whole of the German Colonies;
- 2nd. The Empire of British India;
- 3d. The Dominion of Canada;
- 4th. The whole of the British Colonies of Australasia;
- 5th. The whole of the other British Colonies;
- 6th. The whole of the Danish Colonies;
- 7th. The whole of the Spanish Colonies;
- 8th. The French Colonies and Protectorates in Indo-China;
- 9th. The whole of the other French Colonies;
- 10th. The whole of the Netherlands Colonies;
- 11th. The whole of the Portuguese Colonies.

#### ARTICLE 28

The present Convention shall be put into execution on the 1st of January, 1899, and shall remain in force during an indefinite period; but each contracting party has the right to withdraw from the Union, by means of a notice given one year in advance by its Government to the Government of the Swiss Confederation.

#### ARTICLE 29

1.—From the date on which the present Convention takes effect, all the stipulations of the Treaties, Conventions, Arrangements, or other Acts previously concluded between the various countries or Administrations, in so far as those stipulations are not in accordance with the terms of the present Convention, are abrogated, without prejudice to the rights reserved by Article 21 preceding.

2.—The present Convention shall be ratified as soon as possible. The Acts of ratification shall be exchanged at Washington.

3.—In faith of which, the plenipotentiaries of the above named countries have signed the present Convention at Washington on the fifteenth of June, one thousand eight hundred and ninety-seven.

For Germany and the German

Protectorates

FRITSCH

NEUMANN

For the Greater Republic of Central  
America

N. BOLET PERAZA

For the United States of America

GEORGE S. BATCHELLER

EDWARD ROSEWATER

JAS. N. TYNER

N. M. BROOKS

A. D. HAZEN

For the Argentine Republic

M. GARCIA MEROU

For Austria

DR. NEUBAUER

HABBERGER

STIBRAL

For Belgium

LICHTERVELDE

STERPIN

A. LAMBIN

For Bolivia

T. ALEJANDRO SANTOS

For Bosnia-Herzegovina

DR. KAMLER

For Brazil

A. FONTOURA XAVIER

For Bulgaria

IV. STOYANOVITCH

For Chile

R. L. IRARRÁZAVAL

For the Empire of China

For the Republic of Colombia

CLIMACO CALDERON

For the Independent State of the Congo

LICHTERVELDE

STERPIN

A. LAMBIN

For the Kingdom of Korea

CHUN POM YE

For Colonel Ho Sang Min:

JOHN W. HOYT

JOHN W. HOYT

For the Republic of Costa Rica

J. B. CALVO

For Denmark and the Danish colonies

C. SVENDSEN

For the Dominican Republic

For Egypt

Y. SABA

For Ecuador

L. F. CARBO

For Spain and the Spanish colonies

ADOLFO ROZABAL

CARLOS FLOREZ

For France

ANSAULT

For the French colonies

ED. DALMAS

For Great Britain and various British  
colonies

S. WALPOLE

H. BUXTON FORMAN

C. A. KING

For British India

H. M. KISCH

For the British colonies of Australasia

JOHN GAVAN DUFFY

For Canada

WM. WHITE

For the British colonies of South Africa

S. R. FRENCH

SPENCER TODD

For Greece

ED. HÖHN

For Guatemala

J. NOVELLA

For the Republic of Haiti

J. N. LEGER

For the Republic of Hawaii

For Hungary

PIERRE DE SZALAY

G. DE HENNYEY

For Italy	For Persia
E. CHIARADIA	MIRZA ALINAGHI KHAN
G. C. VINCI	MUSTECHARUL-VEZAREH
E. DELMATI	For Portugal and the Portuguese colonies
For Japan	SANTO-THYRSO
KENJIRO KOMATSU	For Roumania
KWANKICHI YUKAWA	C. CHIRU
For the Republic of Liberia	R. PREDA
CHAS. HALL ADAMS	For Russia
For Luxemburg	SÉVASTIANOF
For Mr. Havelaar:	For Servia
VAN DER VEEN	PIERRE DE SZALAY
For Mexico	G. DE HENNYEY
A. M. CHAVEZ	For the Kingdom of Siam
I. GARFÍAS	ISAAC TOWNSEND SMITH
M. ZAPATA-VERA	For the South African Republic
For Montenegro	ISAAC VAN ALPHEN
DR. NEUBAUER	For Sweden
HABBERGER	F. H. SCHLYTERN
STIBRAL	For Switzerland
For Norway	J. B. PIDA
THB. HEYERDAHL	A. STÄGER
For the Orange Free State	C. DELESSERT
For Paraguay	For the Regency of Tunis
JOHN STEWART	THIÉBAUT
For the Netherlands	For Turkey
For Mr. Havelaar:	MOUSTAPHA
VAN DER VEEN	A. FAHRI
VAN DER VEEN	For Uruguay
For the Netherlands colonies	PRUDENCIO DE MURGUIONDO
JOHS. J. PERK	For the United States of Venezuela
For Peru	JOSÉ ANDRADE
ALBERTO FALCON	ALEJANDRO YBARRA

## FINAL PROTOCOL

At the moment of proceeding to sign the Conventions concluded by the Universal Postal Congress of Washington, the undersigned plenipotentiaries have agreed as follows:

### I

Official notice is taken of the declaration made by the British delegation, in the name of its Government, to the effect that it has assigned to the British Colonies and Protectorates of South Africa the vote which Article 27, 5th, of the Convention attributes to the whole of the other British Colonies.

### II

In modification of the stipulation of Article 6 of the Convention, which fixes the maximum registration-fee at 25 centimes, it is agreed that the States

outside of Europe are authorized to maintain this maximum at 50 centimes, including a receipt given to the sender.

### III

In modification of the stipulations of Article 8 of the Convention, it is agreed that, as a temporary measure, the Administrations of the countries outside of Europe, whose legislation is at present opposed to the principle of responsibility, retain the option of postponing the application of that principle until they shall have been able to obtain from the legislative power the authority to introduce it. Up to that time, the other Administrations of the Union are not bound to pay an indemnity for the loss, in their respective services, of registered articles addressed to or originating in the said countries.

### IV

The Dominican Republic, which forms part of the Postal Union, not having been represented at the Congress, the protocol remains open to it in order that it may adhere to the Conventions which have been concluded at the Congress, or only to one or the other of them.

The protocol likewise remains open to the Empire of China, whose delegates at the Congress have declared the intention of that country to enter the Universal Postal Union on a date to be fixed hereafter.

It also remains open to the Orange Free State, whose representative has declared the intention of that country to adhere to the Universal Postal Union.

### V

The protocol remains open to those countries whose representatives have signed this day the principal Convention only or only a certain number of the Conventions concluded by the Congress, for the purpose of allowing them to adhere to the other Conventions signed this day, or to one or the other of them.

### VI

The adhesions contemplated by Article IV preceding, must be notified to the Government of the United States of America by the respective Governments, in diplomatic form. The term accorded to them for that notification will expire on the 1st of October 1898.

### VII

In case one or more of the contracting parties to the Postal Conventions signed this day at Washington, shall not ratify one or the other of those Conventions, this Convention shall be none the less valid for the States which shall have ratified it.



In faith of which, the undersigned plenipotentiaries have drawn up the present final protocol, which shall have the same force and value as if its provisions were inserted in the text itself of the Conventions to which it relates, and they have signed it on a single copy which shall remain in the Archives of the Government of the United States of America, and a copy of which shall be delivered to each party.

Done at Washington the fifteenth of June one thousand eight hundred and ninety-seven.

For Germany and the German

Protectorates

FRI TSCH

NEUMANN

For the Greater Republic of Central  
America

N. BOLET PERAZA

For the United States of America

GEORGE S. BATCHELLER

EDWARD ROSEWATER

JAS. N. TYNER

N. M. BROOKS

A. D. HAZEN

For the Argentine Republic

M. GARCIA MEROU

For Austria

DR. NEUBAUER

HABBERGER

STIBRAL

For Belgium

LICHTERVELDE

STERPIN

A. LAMBIN

For Bolivia

T. ALEJANDRO SANTOS

For Bosnia-Herzegovina

DR. KAMLER

For Brazil

A. FONTOURA XAVIER

For Bulgaria

IV. STOYANOVITCH

For Chile

R. L. IRARRÁZAVAL

For the Empire of China

For the Republic of Colombia

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For Egypt

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For Spain and the Spanish colonies

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CARLOS FLOREZ

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For Great Britain and various British  
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C. A. KING

For British India

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For the British colonies of Australasia

JOHN GAVAN DUFFY

For Canada

WM. WHITE

For the British colonies of South Africa

S. R. FRENCH

SPENCER TODD

For Greece

ED. HÖHN

For Guatemala

J. NOVELLA

For the Republic of Haiti

J. N. LEGER

For the Republic of Hawaii

For Hungary

PIERRE DE SZALAY  
G. DE HENNYEY

For Italy

E. CHIARADIA  
G. C. VINCI  
E. DELMATI

For Japan

KENJIRO KOMATSU  
KWANKICHI YUKAWA

For the Republic of Liberia

CHAS. HALL ADAMS

For Luxemburg

For Mr. Havelaar:  
VAN DER VEEN

For Mexico

A. M. CHAVEZ  
I. GARFÍAS  
M. ZAPATA-VERA

For Montenegro

DR. NEUBAUER  
HABBERGER  
STIBRAL

For Norway

THB. HEYERDAHL

For the Orange Free State

For Paraguay

JOHN STEWART

For the Netherlands

For Mr. Havelaar:  
VAN DER VEEN  
VAN DER VEEN

For the Netherlands colonies

JOHS. J. PERK

For Peru

ALBERTO FALGON

For Persia

MIRZA ALINAGHI KHAN  
MUSTEGHARUL-VEZAREH

For Portugal and the Portuguese colonies

SANTO-THYRSO

For Roumania

C. CHIRU  
R. PREDÄ

For Russia

SÉVASTIANOF

For Servia

PIERRE DE SZALAY  
G. DE HENNYEY

For the Kingdom of Siam

ISAAC TOWNSEND SMITH

For the South African Republic

ISAAC VAN ALPHEN

For Sweden

F. H. SCHLYTERN

For Switzerland

J. B. PIODA  
A. STÄGER  
C. DELESSERT

For the Regency of Tunis

THIÉBAUT

For Turkey

MOUSTAPHA  
A. FAHRI

For Uruguay

PRUDENCIO DE MURGUIONDO

For the United States of Venezuela

JOSÉ ANDRADE  
ALEJANDRO YBARRA

[For text of regulations for execution of the convention, see 30 Stat. 1655.]

## LIQUOR TRAFFIC IN AFRICA: DUTIES

*Convention signed at Brussels June 8, 1899*

*Protocol of deposit of ratifications signed at Brussels June 8, 1900*

*Senate advice and consent to adherence December 14, 1900*

*Adherence declared by the President of the United States February 1, 1901*

*Proclaimed by the President of the United States February 6, 1901*

*Adherence of the United States deposited at Brussels February 15, 1901*

*Entered into force July 8, 1900; for the United States February 15, 1901*

*Replaced December 2, 1907, by convention of November 3, 1906<sup>1</sup>*

31 Stat. 1915; Treaty Series 389

### [TRANSLATION]

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom; His Majesty the King-Sovereign of the Independent State of the Congo; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the Emperor of All the Russias; his Majesty the King of Sweden and Norway, etc.; and His Majesty the Emperor of the Ottomans;

Wishing to provide for the execution of Article XCII of the General Act of Brussels,<sup>2</sup> which prescribes the revision of the Regulations on the importation of spirituous liquors into certain regions of Africa;

Have resolved to assemble a Conference for the purpose at Brussels, and have named as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia, in the name of the German Empire, M. Frederic-Jean, Count of Alvensleben, his Chamberlain and Privy Councillor, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians; and M. Guillaume Göhring, his Councillor of Legation;

<sup>1</sup> TS 467, *post*, p. 551.

<sup>2</sup> General act dated July 2, 1890 (TS 383), *ante*, p. 134.

His Majesty the King of the Belgians, M. Auguste, Baron Lambermont, his Minister of State, his Envoy Extraordinary and Minister Plenipotentiary; and M. Auguste Van Maldeghem, Councillor of the Court of Cassation of Belgium;

His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom, M. W. Ramirez de Villa-Urrutia, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King-Sovereign of the Independent State of the Congo, M. Paul de Smet de Nacyer, his Minister of State, Member of the Chamber of Representatives of Belgium; and M. Hubert Droogmans, Secretary-General of the Finance Department of the Independent State of the Congo;

The President of the French Republic, M. A. Gérard, Envoy Extraordinary and Minister Plenipotentiary of the French Republic to His Majesty the King of the Belgians;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Francis Plunkett, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians; and Mr. H. Farnall, of the Foreign Office;

His Majesty the King of Italy, M. R. Cantagalli, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Her Majesty the Queen of the Netherlands, Jonkheer Rudulphe de Pestel, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King of Portugal and the Algarves, M. Antoine-Marie, Count of Tovar, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the Emperor of All the Russias, M. N. de Giers, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King of Sweden and Norway, M. Auguste-L.-Fersen, Count Gyldenstolpe, his Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the Emperor of the Ottomans, Étienne Carathéodory Efendi, High Dignitary of his Empire, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Who, furnished with powers in good and due form, have adopted the following provisions:—

#### ARTICLE I

From the coming into force of the present Convention, the import duty on spirituous liquors, as that duty is regulated by the General Act of Brussels, shall be raised throughout the zone where there does not exist the system of total prohibition provided by Article XCI of the said General Act, to the

rate of 70 fr. the hectolitre at 50 degrees centigrade for a period of six years.

It may, exceptionally, be at the rate of 60 fr. only the hectolitre at 50 degrees centigrade in the Colony of Togo and in that of Dahomey.

The import duty shall be augmented proportionally for each degree above 50 degrees centigrade; it may be diminished proportionally for each degree below 50 degrees centigrade.

At the end of the above-mentioned period of six years, the import duty shall be submitted to revision, taking as a basis the results produced by the preceding rate.

The Powers retain the right of maintaining and increasing the duty beyond the minimum fixed by the present Article in the regions where they now possess that right.

#### ARTICLE II

In accordance with Article XCIII of the General Act of Brussels, distilled drinks made in the regions mentioned in Article XCII of the said General Act, and intended for consumption, shall pay an excise duty.

This excise duty, the collection of which the Powers undertake to insure as far as possible, shall not be lower than the minimum import duty fixed by Article I of the present Convention.

#### ARTICLE III

It is understood that the powers who signed the General Act of Brussels, or who have adhered to it, and who are not represented at the present Conference, preserve the right of adhering to the present Convention.

#### ARTICLE IV

The present Convention shall be ratified within the shortest possible period, and such period shall not in any case exceed one year.

Each Power shall address its ratification to the Government of His Majesty the King of the Belgians, which shall give notice thereof to all the other powers signatory of the present Convention. The ratifications of all the Powers shall be deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications have been produced, or at latest one year after the signature of the present Convention, their deposit shall be recorded in a Protocol which shall be signed by the Representatives of all the Powers who shall have ratified.

A certified copy of this Protocol shall be addressed to all the Powers interested.

#### ARTICLE V

The present Convention shall come into force in all the possessions of the Contracting Powers situated in the zone defined by Article XC of the General Act of Brussels on the thirtieth day after the date of the preparation of the Protocol of Deposit mentioned in the preceding Article.

In faith whereof the respective Plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done at Brussels, the eighth day of the month of June, eighteen hundred and ninety-nine.

[For Germany:]

ALVENSLEBEN  
GÖHRING

[For Belgium:]

BON LAMBERMONT  
A. VAN MALDEGHEM

[For Spain:]

W. R. DE VILLA-URRUTIA

[For the Congo:]

P. DE SMET DE NAEYER  
H. DROOGMANS

[For France:]

A. GÉRARD

[For the United Kingdom:]

F. R. PLUNKETT  
H. FARNALL

[For Italy:]

R. CANTAGALLI

[For the Netherlands:]

R. DE PESTEL

[For Portugal:]

CTE DE TOVAR

[For Russia:]

N. DE GIER

[For Sweden and Norway:]

AUG. F. GLYDENSTOLPE

[For Turkey:]

ÉT. CARATHÉODORY

## PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (HAGUE, I)

*Convention signed at The Hague July 29, 1899*

*Senate advice and consent to ratification February 5, 1900*

*Ratified by the President of the United States, with a reservation, April 7, 1900*<sup>1</sup>

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated September 4, 1900*

*Entered into force September 4, 1900*

*Proclaimed by the President of the United States November 1, 1901*

*Replaced by convention of October 18, 1907,<sup>2</sup> on the same subject, as between contracting parties to the later convention*

32 Stat. 1779; Treaty Series 392

### [TRANSLATION]

#### CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen-Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

<sup>1</sup> For text of U.S. reservation, made at time of signature and maintained in the President's ratification, see footnote 4, p. 245.

<sup>2</sup> TS 536, *post*, p. 577.



Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Sharing the opinion of the august Initiator of the International Peace Conference that it is expedient to record in an international Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous of concluding a Convention to this effect, have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Count de Münster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary:

His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary.

Mr. Alexander Okolicsanyi d'Okolicsna, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Belgians:

His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Representatives.

Count De Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The Chevalier Descamps, Senator.

His Majesty the Emperor of China:

Mr. Yang Yü, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

His Majesty the King of Denmark:

His Chamberlain Fr. E. de Billc, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen-Regent of the Kingdom:

His Excellency the Duke of Tetuan, formerly Minister of Foreign Affairs.

Mr. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

Mr. Arthur de Bager, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United States of America:

His Excellency Mr. Andrew D. White, Ambassador of the United States at Berlin.

Mr. Seth Low, President of Columbia University, New York.

Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Captain Alfred T. Mahan.

Captain William Crozier.

The President of the United Mexican States:

Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic:

Mr. Léon Bourgeois, formerly President of the Council, formerly Minister of Foreign Affairs, Member of the Chamber of Deputies.

Mr. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India:

His Excellency the Right Honorable Baron Pauncefoot of Preston, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at Washington.

Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

Mr. N. Delyanni, formerly President of the Council, formerly Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Italy:

His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom.

Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Commander Guido Pompilj, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan:

Mr. I. Motono, His Envoy Extraordinary and Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro:

His Excellency the present Privy Councillor De Staal, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands:

Jonkheer A. P. C. van Karnebeek, formerly Minister of Foreign Affairs, Member of the Second Chamber of the States-General.

General J. C. C. den Beer Poortugael, formerly Minister of War, Member of the Council of State.

Mr. T. M. C. Asser, Member of the Council of State.

Mr. E. N. Rahusen, Member of the First Chamber of the States-General.

His Imperial Majesty the Shah of Persia:

His Aid-de-Camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Stockholm.

His Majesty the King of Portugal and of the Algarves, etc.:

Count de Macedo, Peer of the Kingdom, formerly Minister of the Navy and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid.

Mr. d'Ornellas de Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania:

Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin.

Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency the present Privy Councillor De Staal, His Ambassador at London.

Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor.

His present Councillor of State De Basily, Chamberlain, Director of the First Department of the Imperial Ministry of Foreign Affairs.

His Majesty the King of Servia:

Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Phya Suriya Nuvatr, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris.

Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at London.

His Majesty the King of Sweden and Norway:

Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

The Swiss Federal Council:

Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pacha, Formerly Minister of Foreign Affairs, Member of His Council of State.

Noury Bey, Secretary-General at the Ministry of Foreign Affairs.

His Royal Highness the Prince of Bulgaria:

Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg.

Major Christo Hessaptchieff, Military Attaché at Belgrade.

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

## TITLE I. ON THE MAINTENANCE OF THE GENERAL PEACE

### ARTICLE 1

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

## TITLE II. ON GOOD OFFICES AND MEDIATION

### ARTICLE 2

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

### ARTICLE 3

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and

as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

#### ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

#### ARTICLE 5

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

#### ARTICLE 6

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never have binding force.

#### ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

#### ARTICLE 8

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

## TITLE III. ON INTERNATIONAL COMMISSIONS OF INQUIRY

## ARTICLE 9

In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

## ARTICLE 10

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry Convention, are decided by the Commission itself.

## ARTICLE 11

The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article 32 of the present convention.

## ARTICLE 12

The powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

## ARTICLE 13

The International Commission of Inquiry communicates its Report to the conflicting Powers, signed by all the members of the Commission.

## ARTICLE 14

The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

## TITLE IV. ON INTERNATIONAL ARBITRATION

CHAPTER I. *On the System of Arbitration*

## ARTICLE 15

International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

## ARTICLE 16

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

## ARTICLE 17

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

## ARTICLE 18

The Arbitration Convention implies the engagement to submit loyally to the Award.

## ARTICLE 19

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II. *On the Permanent Court of Arbitration*

## ARTICLE 20

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

## ARTICLE 21

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

## ARTICLE 22

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration



arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

#### ARTICLE 23

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

#### ARTICLE 24

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference, must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

#### ARTICLE 25

The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

## ARTICLE 26

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.

## ARTICLE 27

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

## ARTICLE 28

A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employéés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the administration, and the expenses.

## ARTICLE 29

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

CHAPTER III. *On Arbitral Procedure*

## ARTICLE 30

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following Rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

## ARTICLE 31

The Powers who have recourse to arbitration sign a special Act (*compromis*), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the award.

## ARTICLE 32

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

## ARTICLE 33

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

## ARTICLE 34

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire it appoints its own President.

## ARTICLE 35

In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

## ARTICLE 36

The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at The Hague.

The place thus fixed cannot, except in case of necessity, be changed by the Tribunal without the assent of the parties.

## ARTICLE 37

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defense of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

## ARTICLE 38

The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

## ARTICLE 39

As a general rule the arbitral procedure comprises two distinct phases: preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the Tribunal and to the opposite party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Article 49.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

## ARTICLE 40

Every document produced by one party must be communicated to the other party.

## ARTICLE 41

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

## ARTICLE 42

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

## ARTICLE 43

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

## ARTICLE 44

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

## ARTICLE 45

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

## ARTICLE 46

They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and can not form the subject of any subsequent discussion.

## ARTICLE 47

The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

## ARTICLE 48

The Tribunal is authorized to declare its competence in interpreting the *compromis* as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

## ARTICLE 49

The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

## ARTICLE 50

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

## ARTICLE 51

The deliberations of the Tribunal take place in private. Every decision is taken by a majority of members of the Tribunal.

The refusal of a member to vote must be recorded in the *procès-verbal*.

## ARTICLE 52

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the Tribunal.

Those members who are in the minority may record their dissent when signing.

## ARTICLE 53

The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

## ARTICLE 54

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitively and without appeal.

## ARTICLE 55

The parties can reserve in the *compromis* the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The *compromis* fixes the period within which the demand for revision must be made.

## ARTICLE 56

The award is only binding on the parties who concluded the *compromis*.

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the *compromis* they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

## ARTICLE 57

Each party pays its own expenses and an equal share of those of the Tribunal.

*General provisions*

## ARTICLE 58

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

## ARTICLE 59

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

## ARTICLE 60

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.<sup>3</sup>

## ARTICLE 61

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

For Germany:

MUNSTER DERNEBURG [SEAL]

For Belgium:

A. BEERNAERT [SEAL]

CTE. DE GRELLE ROGIER [SEAL]

CHR. DESCAMPS [SEAL]

For Austria-Hungary:

WELSERSHEIMB [SEAL]

OKOLICSANYI [SEAL]

For China:

YANG YU [SEAL]

<sup>3</sup> For arrangement enabling states not represented at the First Peace Conference of 1899 to adhere to the present convention, see protocol of June 14, 1907, *post*, p. 575.

The Administrative Council of the Permanent Court of Arbitration, at its meeting on Mar. 3, 1960, having consulted all parties to the Hague conventions on pacific settlement of international disputes, in conformity with provisions of article 60, decided that after Mar. 15, 1960, the Netherlands Government would invite members of the United Nations which did not participate in the activities of the Permanent Court of Arbitration to declare (1) whether they considered themselves as contracting parties to the 1899 or 1907 Hague conventions on pacific settlement, or, if this were not the case, (2) whether they were



For Denmark:		For Japan:	
F. BILLE	[SEAL]	I. MOTONO	[SEAL]
For Spain:		For Luxemburg:	
EL DUQUE DE TETUAN	[SEAL]	EYSCHEN	[SEAL]
W. R. DE VILLA URRUTIA	[SEAL]	For Montenegro:	
ARTURO DE BAGUER	[SEAL]	STAAL	[SEAL]
For the United States of America:		For the Netherlands:	
ANDREW D. WHITE	[SEAL]	V. KARNEBEEK	[SEAL]
SETH LOW	[SEAL]	DEN BEER POORTUGAEL	[SEAL]
STANFORD NEWEL	[SEAL]	T. M. C. ASSER	[SEAL]
A. T. MAHAN	[SEAL]	E. N. RAHUSEN	[SEAL]
WILLIAM CROZIER	[SEAL]		
Under reserve of the declaration made at the plenary sitting of the Con- ference on the 25th of July, 1899. <sup>4</sup>		For Persia:	
For the United Mexican States:		MIRZA RIZA KHAN, ARFA- UD-DOVLEH	[SEAL]
A. DE MIER	[SEAL]	For Portugal:	
J. ZENIL	[SEAL]	CONDE DE MACEDO	[SEAL]
For France:		AGOSTINHO D'ORNELLAS	[SEAL]
LÉON BOURGEOIS	[SEAL]	DE VASCONCELLOS	
G. BIHOUD	[SEAL]	CONDE DE SELIR	[SEAL]
D'ESTOURNELLES DE CONSTANT	[SEAL]		
For Great Britain and Ireland:		For Roumania:	
PAUNCEFOTE	[SEAL]	A. BELDIMAN	[SEAL]
HENRY HOWARD	[SEAL]	J. N. PAPINIU	[SEAL]
For Greece:		Under the reserves formulated in Articles 16, 17 and 19 of the present Convention (15, 16 and 18 of the project presented by the Committee on Examination) and recorded in the procès-verbal of the sitting of the Third Commission of July 20, 1899. <sup>6</sup>	
N. DELYANNI	[SEAL]		
For Italy:			
NIGRA	[SEAL]		
A. ZANNINI	[SEAL]		
G. POMPILJ	[SEAL]		

willing to adhere to these conventions or to one of them. Several members of the United Nations responded to the invitation.

<sup>4</sup> Text of U.S. reservation (maintained at ratification):

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

<sup>6</sup> Text (translation) of Romanian reservations (maintained at ratification):

"The Royal Government of Roumania, being completely in favor of the principle of *facultative* arbitration, of which it appreciates the great importance in international relations, nevertheless does not intend to undertake, by Article 15 [art. 16 of convention], an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

"It can not therefore vote for this article, except under that reservation.

"The Royal Government of Roumania declares that it can not adhere to Article 16 [art. 17 of convention] except with the express reservation, entered in the procès-verbal, that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

"The Royal Government of Roumania declares that in adhering to Article 18 [art. 19] of the Convention, it makes no engagement in regard to obligatory arbitration."

For Russia:

STAAL	[SEAL]
MARTENS	[SEAL]
A. BASILY	[SEAL]

For Servia:

CHEDO MIYATOVITCH	[SEAL]
-------------------	--------

Under the reserves recorded in the  
procès-verbal of the Third Commis-  
sion of July 20, 1899.<sup>6</sup>

For Siam:

PHYA SURIYA NUVATR	[SEAL]
VISUDDHA	[SEAL]

For the United Kingdoms of

Sweden and Norway:

BILDT	[SEAL]
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For Switzerland:

ROTH	[SEAL]
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For Turkey:

TURKHAN	[SEAL]
MEHEMED NOURY	[SEAL]

Under reserve of the declaration made  
in the plenary sitting of the Confer-  
ence of July 25, 1899.<sup>7</sup>

For Bulgaria:

D. STANCIOFF	[SEAL]
MAJOR HESSAPTCHIEFF	[SEAL]

<sup>6</sup> Text (translation) of Serbian reservations (maintained at ratification):

"In the name of the Royal Government of Servia, we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third States to use these means except with the extreme reserve which proceedings of this delicate nature require.

"We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as to impress upon them the character of intervention."

<sup>7</sup> Text (translation) of Turkish reservation (does not appear in instrument of ratification):

"The Turkish delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions:

"1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is purely facultative and could not in any case assume an obligatory character or degenerate into intervention;

"2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods without its abstention or refusal to have recourse to them being considered by the signatory States as an unfriendly act.

"It goes without saying that in no case could the means in question be applied to questions concerning interior regulation."

## LAWS AND CUSTOMS OF WAR ON LAND (HAGUE, II)

*Convention signed at The Hague July 29, 1899, with annex of regulations*

*Procès-verbal of first deposit of ratifications at The Hague dated September 4, 1900*

*Senate advice and consent to ratification March 14, 1902*

*Ratified by the President of the United States March 19, 1902*

*Ratification of the United States deposited at The Hague April 9, 1902*

*Entered into force September 4, 1900; for the United States April 9, 1902*

*Proclaimed by the President of the United States April 11, 1902*

*Sections II and III of the regulations supplemented by convention of August 12, 1949,<sup>1</sup> relative to protection of civilians in time of war, as between contracting parties to both conventions; chapter II of the regulations complemented by conventions of July 27, 1929,<sup>2</sup> and August 12, 1949,<sup>3</sup> relative to treatment of prisoners of war, as between contracting parties*

*Replaced by convention of October 18, 1907,<sup>4</sup> on the same subject, as between contracting parties to the later convention*

32 Stat. 1803; Treaty Series 403

[TRANSLATION]

### CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince

<sup>1</sup> 6 UST 3516; TIAS 3365.

<sup>2</sup> TS 846, *post*, vol. 2.

<sup>3</sup> 6 UST 3316; TIAS 3364.

<sup>4</sup> TS 539, *post*, p. 631.

of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency Count de Munster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary; Mr. Alexander Okolicsanyi d'Okolicsna, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of the Belgians: His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Representatives; Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Chevalier Descamps, Senator.

His Majesty the King of Denmark: His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom: His Excellency the Duke of Tetuan, former Minister for Foreign Affairs; Mr. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels; Mr. Arthur de Baguer, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

The President of the United States of America: Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at the Hague.

The President of the United Mexican States: Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic: Mr. Léon Bourgeois, former President of the Council, former Minister for Foreign Affairs, Member of the Chamber of Deputies; Mr. George Bihourd, Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: His Excellency the Right Honorable Baron Pauncefoot of Preston, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at Washington; Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of the Hellenes: Mr. N. Delyanni, former President of the Council, former Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Italy: His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at the Hague; Commander Guido Pompili, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro: His Excellency Mr. de Staal, Privy Councillor, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands: the Jonkheer A. P. C. van Karnebeek, former Minister of Foreign Affairs, Member of the Second Chamber of the States General; General J. C. C. den Beer Poortugael, former Minister of War, Member of the Council of State; Mr. T. M. C. Asser, Member of the Council of State; Mr. E. N. Rahusen, Member of the First Chamber of the States General.

His Imperial Majesty the Shah of Persia: His Aid-de-Camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Stockholm.

His Majesty the King of Portugal and of the Algarves, etc.: Count de Macedo, Peer of the Kingdom, former Minister of Marine and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid; Mr. d'Ornellas et Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg; Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of Roumania: Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin; Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the Emperor of all the Russias: His Excellency Mr. de Staal, Privy Councillor, His Ambassador at London; Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily, His Councillor of State, Chamberlain, Director of the First Department of the Imperial Ministry for Foreign Affairs.

His Majesty the King of Servia: Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at the Hague.

His Majesty the King of Siam: M. Phya Suriya Nuvatr, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris; M. Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at the Hague and at London.

His Majesty the King of Sweden and Norway: the Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

His Majesty the Emperor of the Ottomans: His Excellency Turkhan Pasha, former Minister of Foreign Affairs, Member of His Council of State; Noury Bey, Secretary General in the Ministry of Foreign Affairs.

His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg; Major Christo Hessaptchieff, Military Attaché at Belgrade.

Who, after communication of their full powers, found in good and due form, have agreed on the following:

## ARTICLE 1

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

## ARTICLE 2

The provisions contained in the Regulations mentioned in Article 1 are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

## ARTICLE 3

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the Contracting Powers.

## ARTICLE 4

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

## ARTICLE 5

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

For Germany:

MÜNSTER DERNEBURG [SEAL]

For Austria-Hungary:

WELSERSHEIMB [SEAL]

OKOLICSANYI [SEAL]

For Belgium:

A. BEERNAERT [SEAL]

CITE DE GRELLE ROGIER [SEAL]

CHR DESCAMPS [SEAL]

For Denmark:

F. BILLE [SEAL]

For Spain:

EI DUQUE DE TETUAN [SEAL]

W. R. DE VILLA URRUTIA [SEAL]

ARTURO DE BAGUER [SEAL]

For the United States of America:

STANFORD NEWEL [SEAL]



For the United Mexican States:		For Persia:	
M. DE MIER	[SEAL]	MIRZA RIZA KHAN, ARFA-UD-	[SEAL]
J. ZENIL	[SEAL]	DOVLEH	
For France:		For Portugal:	
LÉON BOURGEOIS	[SEAL]	CONDE DE MACEDO	[SEAL]
G. BIHOUD	[SEAL]	AGOSTINHO D'ORNELLAS DE	[SEAL]
D'ESTOURNELLES DE	[SEAL]	VASCONCELLOS	
CONSTANT		CONDE DE SELIR	[SEAL]
For Great Britain and Ireland:		For Roumania:	
PAUNCEFOTE	[SEAL]	A. BELDIMAN	[SEAL]
HENRY HOWARD	[SEAL]	J. N. PAPINIU	[SEAL]
For Greece:		For Russia:	
N. DELYANNI	[SEAL]	STAAL	[SEAL]
For Italy:		MARTENS	[SEAL]
NIGRA	[SEAL]	A. BASILY	[SEAL]
A. ZANNINI	[SEAL]	For Serbia:	
G. POMPILJ	[SEAL]	CHEDO MIYATOVITCH	[SEAL]
For Japan:		For Siam:	
I. MOTONO	[SEAL]	PHYA SURIA NUVATR	[SEAL]
For Luxemburg:		VISUDDHA	[SEAL]
EYSCHEN	[SEAL]	For the United Kingdoms	
For Montenegro:		of Sweden and Norway:	
STAAL	[SEAL]	BILDT	[SEAL]
For the Netherlands:		For Turkey:	
V. KARNEBEEK	[SEAL]	TURKHAN	[SEAL]
DEN BEER POORTUGAEL	[SEAL]	MEHEMED NOURY	[SEAL]
T. M. C. ASSER	[SEAL]	For Bulgaria:	
E. N. RAHUSEN	[SEAL]	D. STANCIOFF	[SEAL]
		MAJOR HESSAPTCHEFF	[SEAL]

## ANNEX

## REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

## SECTION I.—ON BELLIGERENTS

CHAPTER I.—*On the Qualifications of Belligerents*

## ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

## ARTICLE 2

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article 1, shall be regarded a belligerent, if they respect the laws and customs of war.

## ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War*

## ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

## ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

## ARTICLE 6

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

## ARTICLE 7

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

#### ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

#### ARTICLE 9

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

#### ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honor, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

#### ARTICLE 11

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

#### ARTICLE 12

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

#### ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the

enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

#### ARTICLE 14

A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of interments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

#### ARTICLE 15

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of interment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

#### ARTICLE 16

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

#### ARTICLE 17

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

## ARTICLE 18

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

## ARTICLE 19

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

## ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded*

## ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22nd August, 1864,<sup>5</sup> subject to any modifications which may be introduced into it.

## SECTION II.—ON HOSTILITIES

CHAPTER I.—*On means of injuring the Enemy, Sieges, and Bombardments*

## ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

## ARTICLE 23

Besides the prohibitions provided by special Conventions, it is especially *prohibited*:

- (a.) To employ poison or poisoned arms;
- (b.) To kill or wound treacherously individuals belonging to the hostile nation or army;
- (c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;
- (d.) To declare that no quarter will be given;
- (e.) To employ arms, projectiles, or material of a nature to cause superfluous injury;

<sup>5</sup> TS 377, *ante*, p. 7.

(f.) To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

(g.) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

#### ARTICLE 24

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered *allowable*.

#### ARTICLE 25

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

#### ARTICLE 26

The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

#### ARTICLE 27

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

#### ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

### CHAPTER II.—*On Spies*

#### ARTICLE 29

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

## ARTICLE 30

A spy taken in the act cannot be punished without previous trial.

## ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce*

## ARTICLE 32

An individual is considered a *parlementaire* who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

## ARTICLE 33

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

## ARTICLE 34

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations*

## ARTICLE 35

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honor.

When once settled, they must be scrupulously observed by both the parties.

CHAPTER V.—*On Armistices*

## ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.



## ARTICLE 37

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

## ARTICLE 38

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

## ARTICLE 39

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war, with the population and with each other.

## ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

## ARTICLE 41

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

## SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY

## ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

## ARTICLE 43

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

## ARTICLE 44

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

## ARTICLE 45

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

## ARTICLE 46

Family honors and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

## ARTICLE 47

Pillage is formally prohibited.

## ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

## ARTICLE 49

If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

## ARTICLE 50

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

## ARTICLE 51

No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

## ARTICLE 52

Neither requisitions in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

## ARTICLE 53

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, dépôts of arms,

means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as dépôts of arms and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

#### ARTICLE 54

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

#### ARTICLE 55

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

#### ARTICLE 56

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

#### SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES

#### ARTICLE 57

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

#### ARTICLE 58

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

## ARTICLE 59

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

## ARTICLE 60

The Geneva Convention applies to sick and wounded interned in neutral territory.

## ADAPTATION TO MARITIME WARFARE OF PRINCIPLES OF GENEVA CONVENTION OF 1864 (HAGUE, III)

*Convention signed at The Hague July 29, 1899*

*Senate advice and consent to ratification May 4, 1900*

*Ratified by the President of the United States August 3, 1900*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated September 4, 1900*

*Entered into force September 4, 1900*

*Proclaimed by the President of the United States November 1, 1901*

*Replaced by convention of October 18, 1907,<sup>1</sup> on the same subject, as between contracting parties to the later convention*

32 Stat. 1827; Treaty Series 396

[TRANSLATION]

### CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

<sup>1</sup> TS 543, *post*, p. 694.

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864,<sup>2</sup> have decided to conclude a convention to this effect:

They have, in consequence, appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency Count Munster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary; Mr. Alexander Okoliesanyi d'Okoliesna, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Belgians: His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Deputies; Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at The Hague; the Chevalier Descamps, Senator.

His Majesty the Emperor of China: Mr. Yang Yu, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

His Majesty the King of Denmark: His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom: His Excellency the Duke of Tetuan, formerly Minister for Foreign Affairs; M. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels; M. Arthur de Bager, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United States of America: Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United Mexican States: Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic: M. Léon Bourgeois, formerly President of the Council, ex-Minister of Foreign Affairs, Member of the Chamber of Deputies; M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague; Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes: Mr. N. Delyanni, formerly President of the Council, ex-Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

<sup>2</sup> TS 377, *ante*, p. 7.

His Majesty the King of Italy: His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at The Hague; Commander Guido Pompilj, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro: His Excellency Mr. de Staal, Privy Councillor, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands: Jonkheer A. P. C. van Karnebeek, formerly Minister for Foreign Affairs, Member of the Second Chamber of the States General; General J. C. C. den Beer Poortugael, formerly Minister of War, Member of the Council of State; Mr. T. M. C. Asser, Member of the Council of State; Mr. E. N. Rahusen, Member of the First Chamber of the States General.

His Imperial Majesty the Shah of Persia: His Aid-de-Camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Stockholm.

His Majesty the King of Portugal and of the Algarves, etc: Count Macedo, Peer of the Kingdom, formerly Minister of the Navy and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid; Mr. d'Ornellas et Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg; Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania: Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin; Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of all the Russias: His Excellency Mr. de Staal, Privy Councillor, His Ambassador at London; Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily, His Councillor of State, Chamberlain, Director of the First Department of the Imperial Ministry of Foreign Affairs.

His Majesty the King of Servia: Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam: M. Phya Suriya Nuvatr, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris; M. Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at London.

His Majesty the King of Sweden and Norway: Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.



The Swiss Federal Council: Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

His Majesty the Emperor of the Ottomans: His Excellency Turkhan Pasha, formerly Minister for Foreign Affairs, Member of His Council of State; Noury Bey, Secretary-General in the Ministry for Foreign Affairs.

His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg; Major Christo Hessaptchieff, Military Attaché at Belgrade;

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

#### ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

#### ARTICLE 2

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

#### ARTICLE 3

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent powers at the commencement of or during hostilities, and in any case before they are employed.

#### ARTICLE 4

The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose. These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital-ships the orders they give them.

#### ARTICLE 5

The military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

#### ARTICLE 6

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

#### ARTICLE 7

The religious, medical, or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

#### ARTICLE 8

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

## ARTICLE 9

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

## ARTICLE 10

(Excluded)<sup>3</sup>

## ARTICLE 11

The rules contained in the above Articles are binding only on the Contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

## ARTICLE 12

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

## ARTICLE 13

The non-Signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

## ARTICLE 14

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of

<sup>3</sup> In the original French this article was identical with art. 15 of the convention of Oct. 18, 1907 (TS 543), *post*, p. 705.

which duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Germany:		For Luxemburg:	
MUNSTER DERNEBURG	[SEAL]	EYSCHEN	[SEAL]
(Under reserve of article 10.)			
For Austria-Hungary:		For Montenegro:	
WELSERSHEIMB	[SEAL]	STAAL	[SEAL]
OKOLICSANYI	[SEAL]		
For Belgium:		For the Netherlands:	
A. BEERNAERT	[SEAL]	V. KARNEBEEK	[SEAL]
CTE DE GRELLE ROGIER	[SEAL]	DEN BEER POORTUGAEL	[SEAL]
CHR DESCAMPS	[SEAL]	T. M. C. ASSER	[SEAL]
		E. N. RAHUSEN	[SEAL]
For China:		For Persia:	
YANG YU	[SEAL]	MIRZA RIZA KHAN, ARFA-	[SEAL]
		UD-DOVLEH	
For Denmark:		For Portugal:	
F. BILLE	[SEAL]	CONDE DE MACEDO	[SEAL]
		AGOSTINHO D'ORNELLAS	[SEAL]
For Spain:		DE VASCONCELLOS	
EL DUQUE DE TETUAN	[SEAL]	CONDE DE SELIR	[SEAL]
W. R. DE VILLA URRUTIA	[SEAL]		
ARTURO DE BAGUER	[SEAL]	For Roumania:	
		A. BELDIMAN	[SEAL]
For the United States of America:		J. N. PAPINIU	[SEAL]
STANFORD NEWEL	[SEAL]		
(Under reserve of article 10.)		For Russia:	
For the United Mexican States:		STAAL	[SEAL]
A. DE MIER	[SEAL]	MARTENS	[SEAL]
J. ZENIL	[SEAL]	A. BASILY	[SEAL]
For France:		For Servia:	
LÉON BOURGEOIS	[SEAL]	CHEDO MIYATOVITCH	[SEAL]
G. BIHOUD	[SEAL]		
D'ESTOURNELLES DE CON-	[SEAL]	For Siam:	
STANT		PHYA SURIYA NU VATR	[SEAL]
		VISUDDHA	[SEAL]
For Great Britain and Ireland:		For the United Kingdoms of	
HENRY HOWARD	[SEAL]	Sweden and Norway:	
(Under reserve of article 10.)		BILDT	[SEAL]
For Greece:		For Switzerland:	
N. DELYANNI	[SEAL]	ROTH	[SEAL]
For Italy:		For Turkey:	
NIGRA	[SEAL]	TURKHAN	[SEAL]
A. ZANNINI	[SEAL]	MEHEMED NOURY	[SEAL]
G. POMPILJ	[SEAL]	(Under reserve of article 10.)	
For Japan:		For Bulgaria:	
I. MOTONO	[SEAL]	D. STANCIOFF	[SEAL]
		MAJOR HESSAPTCHEFF	[SEAL]

## PROHIBITING LAUNCHING OF PROJECTILES AND EXPLOSIVES FROM BALLOONS (HAGUE, IV, 1)

*Declaration signed at The Hague July 29, 1899*

*Senate advice and consent to ratification February 5, 1900*

*Ratified by the President of the United States April 7, 1900*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated September 4, 1900*

*Entered into force September 4, 1900*

*Proclaimed by the President of the United States November 1, 1901*

*Expired September 4, 1905; a new declaration on the same subject was signed on October 18, 1907*<sup>1</sup>

32 Stat. 1839; Treaty Series 393

[TRANSLATION]

### DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,<sup>2</sup>

Declare that:

The Contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A procès-verbal shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

<sup>1</sup> TS 546, *post*, p. 739.

<sup>2</sup> For text, see *American Journal of International Law*, Supp. 1, p. 95; *British and Foreign State Papers*, vol. 58, p. 16.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it forthwith communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and by it forthwith communicated to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Germany:

MÜNSTER DERNEBURG [SEAL]

For Austria-Hungary:

WELSERSHHEIMB [SEAL]

OKOLICSANYI [SEAL]

For Belgium:

A. BEERNAERT [SEAL]

CTE. DE GRELLE ROGIER [SEAL]

CHR. DESCAMPS [SEAL]

For China:

YANG YU [SEAL]

For Denmark:

F. BILLE [SEAL]

For Spain:

EL DUQUE DE TETUAN [SEAL]

W. R. DE VILLA URRUTIA [SEAL]

ARTURO DE BAGUER [SEAL]

For the United States of America:

ANDREW D. WHITE [SEAL]

SETH LOW [SEAL]

STANFORD NEWEL [SEAL]

A. T. MAHAN [SEAL]

WILLIAM CROZIER [SEAL]

For the United States of Mexico:

A. DE MIER [SEAL]

J. ZENIL [SEAL]

For France:

LEON BOURGEOIS [SEAL]

G. BIHOUD [SEAL]

D'ESTOURNELLES DE [SEAL]

CONSTANT

For Greece:

N. DELVANNI [SEAL]

For Italy:

NIGRA [SEAL]

A. ZANNINI [SEAL]

G. POMPILJ [SEAL]

For Japan:

I. MOTONO [SEAL]

For Luxembourg:

EYSCHEN [SEAL]

For Montenegro:

STAAL [SEAL]

For the Netherlands:

V. KARNEBEEK [SEAL]

DEN BEER POORTUGAEL [SEAL]

T. M. C. ASSER [SEAL]

E. N. RAHUSEN [SEAL]

For Persia:

MIRZA RIZA KHAN, [SEAL]

ARFA-UD-DOVLEH

For Portugal:

CONDE DE MACEDO [SEAL]

AGOSTINHO D'ORNELLAS DE [SEAL]

VASCONCELLOS

CONDE DE SELIR [SEAL]

For Roumania:

A. BELDIMAN [SEAL]

J. N. PAPINIU [SEAL]

For Russia:

STAAL [SEAL]

MARTENS [SEAL]

A. BASILY [SEAL]

For Servia:

GHEDO MIYATOVITCH [SEAL]

For Siam:

PHYA SURIYA NUVATR

[SEAL]

VISUDDHA

[SEAL]

For the United Kingdoms of

Sweden and Norway:

BILDT

[SEAL]

For Switzerland:

ROTH

[SEAL]

For Turkey:

TURKHAN

[SEAL]

M. NOURY

[SEAL]

ABDULLAH

[SEAL]

R. MEHEMMED

[SEAL]

For Bulgaria:

D. STANCIOFF

[SEAL]

MAJOR HESSAPTCHIEFF

[SEAL]



## SETTLEMENT OF CLAIMS IN SAMOA

*Convention signed at Washington November 7, 1899*

*Senate advice and consent to ratification February 21, 1900*

*Ratified by the President of the United States March 5, 1900*

*Ratifications exchanged at Washington March 7, 1900*

*Entered into force March 7, 1900*

*Proclaimed by the President of the United States March 8, 1900*

*Terminated by an arbitral decision rendered on October 14, 1902, by the King of Sweden and Norway*<sup>1</sup>

31 Stat. 1875; Treaty Series 315

### CONVENTION RELATING TO THE SETTLEMENT OF CERTAIN CLAIMS IN SAMOA BY ARBITRATION

The President of the United States of America, His Majesty the German Emperor, King of Prussia, in the name of the German Empire, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of effecting a prompt and satisfactory settlement of the claims of the citizens and subjects of their respective countries resident in the Samoan Islands on account of recent military operations conducted there, and having resolved to conclude a Convention for the accomplishment of this end by means of arbitration, have appointed as their respective plenipotentiaries:

The President of the United States of America, The Honorable John Hay, Secretary of State of the United States;

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<sup>1</sup> TS 415; for text, see II Malloy 1591 or 1902 For. Rel. 444. The King's decision read, in part: "We are of opinion that . . . His Britannic Majesty's Government and the United States Government are responsible, under the Convention of the 7th of November, 1899, for losses caused by said military action; while reserving for a future decision the question as to the extent to which the two Governments, or each of them, may be considered responsible for such losses."

No decision was ever rendered on the reserved question because the United States and Great Britain later agreed that each would pay half of the sums found due to the subjects of other governments, and each would take care of the losses found due its own subjects. In the final settlement the United States and Great Britain paid, in equal moieties, \$40,000.00 to Germany; \$6,782.26 to France; \$1,520.00 to Denmark; \$750.00 to Sweden; and \$450.00 to Norway (*American Journal of International Law*, 1913, vol. 7, pp. 769-771).

His Majesty the German Emperor, King of Prussia, His Minister in Extraordinary Mission, *Dr. Jur.* Mumm von Schwarzenstein, Privy Councillor of Legation; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Mr. Reginald Tower, Her Britannic Majesty's Chargé d'Affaires *ad interim*;

Who, after having communicated to each other their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE I

All claims put forward by American citizens or Germans or British subjects respectively, whether individuals or companies, for compensation on account of losses which they allege that they have suffered in consequence of unwarranted military action, if this be shown to have occurred, on the part of American, German or British officers between the first of January last and the arrival of the Joint Commission in Samoa shall be decided by arbitration in conformity with the principles of International Law or considerations of equity.

#### ARTICLE II

The three Governments shall request His Majesty the King of Sweden and Norway to accept the office of Arbitrator. It shall also be decided by this arbitration whether, and eventually to what extent, either of the three Governments is bound, alone or jointly with the others, to make good these losses.

#### ARTICLE III

Either of the three Governments may, with the consent of the others, previously obtained in every case, submit to the King for arbitration, similar claims of persons not being natives, who are under the protection of that Government, and who are not included in the above mentioned categories.

#### ARTICLE IV

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 German Emperor, King of Prussia; and by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; and the ratifications shall be exchanged at Washington four months from the date hereof, or earlier if possible.

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

Done in triplicate at Washington the seventh day of November, one thousand eight hundred and ninety-nine.

[For the United States:]

JOHN HAY

[SEAL]

[For the United Kingdom:]

REGINALD TOWER

[SEAL]

[For Germany:]

A V MUMM

[SEAL]

## ADJUSTMENT OF JURISDICTION IN SAMOA

*Convention signed at Washington December 2, 1899*

*Senate advice and consent to ratification January 16, 1900*

*Ratified by the President of the United States February 13, 1900*

*Ratifications exchanged at Washington, Berlin, and London February 16, 1900*

*Proclaimed by the President of the United States February 16, 1900*  
*Entered into force February 16, 1900*

*Termination in part: The German Samoan islands became a mandate of New Zealand on May 7, 1919,<sup>1</sup> Germany having renounced rights and titles to them, effective August 4, 1914 (arts. 22, 119, and 288, treaty of peace with Germany signed at Versailles June 28, 1919<sup>2</sup>)*

31 Stat. 1878; Treaty Series 314

The President of the United States of America, His Imperial Majesty the German Emperor, King of Prussia, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, desiring to adjust amicably the questions which have arisen between them in respect to the Samoan group of Islands, as well as to avoid all future misunderstanding in respect to their joint or several rights and claims of possession or jurisdiction therein, have agreed to establish and regulate the same by a special convention; and whereas the Governments of Germany and Great Britain have, with the concurrence of that of the United States, made an agreement regarding their respective rights and interests in the aforesaid group, the three Powers before named in furtherance of the ends above mentioned have appointed respectively their Plenipotentiaries as follows:

The President of the United States of America, The Honorable John Hay, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, His Ambassador Extraordinary and Plenipotentiary, Herr von Holleben; and

Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Right Honorable Lord Pauncefoot of Preston, G. C. B., G.C.M.G., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary:

<sup>1</sup> Subsequently these islands were administered by New Zealand, first under a League of Nations mandate, then as a United Nations Trust Territory. On Jan. 1, 1962, Western Samoa acquired the status of an independent state.

<sup>2</sup> *Post*, vol. 2.

who, after having communicated each to the other their respective full powers which were found to be in proper form, have agreed upon and concluded the following articles:

#### ARTICLE I

The General Act concluded and signed by the aforesaid Powers at Berlin on the 14th day of June, A. D. 1889,<sup>3</sup> and all previous treaties, conventions and agreements relating to Samoa, are annulled.

#### ARTICLE II

Germany renounces in favor of the United States of America all her rights and claims over and in respect to the Island of Tutuila and all other islands of the Samoan group east of Longitude 171° west of Greenwich.

Great Britain in like manner renounces in favor of the United States of America all her rights and claims over and in respect to the Island of Tutuila and all other islands of the Samoan group east of Longitude 171° west of Greenwich.

Reciprocally, the United States of America renounce in favor of Germany all their rights and claims over and in respect to the Islands of Upolu and Savaii and all other Islands of the Samoan group west of Longitude 171° west of Greenwich.

#### ARTICLE III

It is understood and agreed that each of the three signatory Powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group privileges and conditions equal to those enjoyed by the sovereign Power, in all ports which may be open to the commerce of either of them.

#### ARTICLE IV

The present Convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications.

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

Done in triplicate, at Washington, the second day of December, in the year of Our Lord one thousand eight hundred and ninety-nine.

[For the United States:]

JOHN HAY

[SEAL]

[For the United Kingdom:]

PAUNCFOTE.

[SEAL]

[For Germany:]

HOLLEBEN

[SEAL]

<sup>3</sup> TS 313, *ante*, p. 116.

## COMMERCIAL RIGHTS IN CHINA ("OPEN DOOR" POLICY)

*Declarations by France, Germany, the United Kingdom, Italy, Japan,  
and Russia accepting United States proposal for "open door"  
policy in China, September 6, 1899–March 20, 1900*

1899 For. Rel. 128

### CORRESPONDENCE WITH FRANCE

*The Secretary of State (John Hay) to the American Chargé d'Affaires  
at Paris (Henry Vignaud)*

No. 664.]

DEPARTMENT OF STATE,  
Washington, September 6, 1899.

SIR: I have to inclose, for your confidential information, copies of instructions I have sent under this date to the United States ambassadors at London, Berlin, and St. Petersburg in reference to the desire of this Government that the Governments of Great Britain, Germany, and Russia make formal declaration of an "open-door" policy in the territories held by them in China.

I am, etc.,

JOHN HAY.

#### *Inclosures.*

To London, No. 205, September 6, 1899.

To Berlin, No. 927, September 6, 1899.

To St. Petersburg, No. 82, September 6, 1899.

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*Mr. Hay to the American Ambassador at Paris (Horace Porter)*

[TELEGRAM]

DEPARTMENT OF STATE,  
Washington, November 21, 1899.

Informally submit to French Government form of declaration outlined in inclosures with instruction No. 664 of September 6, and ask whether France will join.

HAY.

*The French Foreign Minister (Théophile Delcassé) to Mr. Porter*

[TRANSLATION]

## FOREIGN AFFAIRS.

(Received at United States Embassy at Paris December 16, 1899)

MY DEAR AMBASSADOR: I find your note awaiting me on my return. The declarations which I made in the Chamber on the 24th of November last, and which I have had occasion to recall to you since then, show clearly the sentiments of the Government of the Republic. It desires throughout the whole of China and, with the quite natural reservation that all the powers interested give an assurance of their willingness to act likewise, is ready to apply, in the territories which are leased to it, equal treatment to the citizens and subjects of all nations, especially in the matter of customs duties and navigation dues, as well as transportation tariffs on railways.

I beg you, my dear ambassador, to accept, etc.,

DELCASSÉ.

## CORRESPONDENCE WITH GERMANY

*Mr. Hay to the American Ambassador at Berlin (Andrew D. White)*

No. 927.]

DEPARTMENT OF STATE,  
Washington, September 6, 1899.

SIR: At the time when the Government of the United States was informed by that of Germany that it had leased from His Majesty the Emperor of China the port of Kiao-chao and the adjacent territory in the province of Shantung, assurances were given to the ambassador of the United States at Berlin by the Imperial German minister for foreign affairs that the rights and privileges insured by treaties with China to citizens of the United States would not thereby suffer or be in anywise impaired within the area over which Germany had thus obtained control.

More recently, however, the British Government recognized by a formal agreement with Germany the exclusive right of the latter country to enjoy in said leased area and the contiguous "sphere of influence or interest" certain privileges, more especially those relating to railroads and mining enterprises; but as the exact nature and extent of the rights thus recognized have not been clearly defined, it is possible that serious conflicts of interest may at any time arise not only between British and German subjects within said area, but that the interests of our citizens may also be jeopardized thereby.

Earnestly desirous to remove any cause of irritation and to insure at the same time to the commerce of all nations in China the undoubted benefits which should accrue from a formal recognition by the various powers claiming "spheres of interest" that they shall enjoy perfect equality of treatment for their commerce and navigation within such "spheres," the Government



of the United States would be pleased to see His German Majesty's Government give formal assurances, and lend its cooperation in securing like assurances from the other interested powers, that each, within its respective sphere of whatever influence—

First. Will in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise 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 leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

The liberal policy pursued by His Imperial German Majesty in declaring Kiao-chao a free port and in aiding the Chinese Government in the establishment there of a custom-house are so clearly in line with the proposition which this Government is anxious to see recognized that it entertains the strongest hope that Germany will give its acceptance and hearty support.

The recent ukase of His Majesty the Emperor of Russia declaring the port of Ta-lien-wan open during the whole of the lease under which it is held from China to the merchant ships of all nations, coupled with the categorical assurances made to this Government by His Imperial Majesty's representative at this capital at the time and since repeated to me by the present Russian ambassador, seem to insure the support of the Emperor to the proposed measure. Our ambassador at the Court of St. Petersburg has in consequence been instructed to submit it to the Russian Government and to request their early consideration of it. A copy of my instruction on the subject to Mr. Tower is herewith inclosed for your confidential information.

The commercial interests of Great Britain and Japan will be so clearly served by the desired declaration of intentions, and the views of the Governments of these countries as to the desirability of the adoption of measures insuring the benefits of equality of treatment of all foreign trade throughout China are so similar to those entertained by the United States, that their acceptance of the propositions herein outlined and their cooperation in advocating their adoption by the other powers can be confidently expected. I inclose herewith copy of the instruction which I have sent to Mr. Choate on the subject.

In view of the present favorable conditions, you are instructed to submit the above considerations to His Imperial German Majesty's Minister for Foreign Affairs, and to request his early consideration of the subject.

Copy of this instruction is sent to our ambassadors at London and at St. Petersburg for their information.

I have, etc.,

JOHN HAY.

*Inclosures.*

To London, September 6, 1899, No. 205.

To St. Petersburg, September 6, 1899, No. 82.

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*The American Chargé d'Affaires at Berlin (John B. Jackson) to Mr. Hay*

[TELEGRAM]

EMBASSY OF THE UNITED STATES,  
*Berlin, December 4, 1899.*

I have just had a conversation with secretary of state for foreign affairs, who stated that the politics of Germany in the extreme Orient are de facto the politics of the open door, and Germany proposes to maintain this principle in the future. Germany does not wish the question to become the subject of controversy between the different powers engaged in China. She thinks it would be advantageous for the United States Government to confer with other European Governments having interests in China. If the other cabinets adhere to the proposal of the United States Government, Germany will raise no objection, and Germany is willing to have the Government of the United States inform these other cabinets that no difficulty will come from her if the other cabinets agree.

JACKSON, *Chargé.*

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*The German Foreign Minister (Count von Bülow) to Mr. White*

[TRANSLATION]

FOREIGN OFFICE,  
*Berlin, February 19, 1900.*

MR. AMBASSADOR: Your excellency informed me, in a memorandum presented on the 24th of last month, that the Government of the United States of America had received satisfactory written replies from all the powers to which an inquiry had been addressed similar to that contained in your excellency's note of September 26 last, in regard to the policy of the open door in China. While referring to this, your excellency thereupon expressed the wish that the Imperial Government would now also give its answer in writing.

Gladly complying with this wish, I have the honor to inform your excellency, repeating the statements already made verbally, as follows: As recognized by the Government of the United States of America, according to your excellency's note referred to above, the Imperial Government has, from the beginning, not only asserted, but also practically carried out to the fullest extent, in its Chinese possessions, absolute equality of treatment of all nations with regard to trade, navigation, and commerce. The Imperial Government entertains no thought of departing in the future from this principle, which at once excludes any prejudicial or disadvantageous commercial treatment of the citizens of the United States of America, so long as it is not forced to do so, on account of considerations of reciprocity, by a divergence from it by other governments. If, therefore, the other powers interested in the industrial development of the Chinese Empire are willing to recognize the same principles, this can only be desired by the Imperial Government, which in this case upon being requested will gladly be ready to participate with the United States of America and the other powers in an agreement made upon these lines, by which the same rights are reciprocally secured.

I avail myself, etc.,

BÜLOW.

#### CORRESPONDENCE WITH THE UNITED KINGDOM

*Mr. Hay to the American Ambassador at London (Joseph H. Choate)*

No. 205.]

DEPARTMENT OF STATE,  
*Washington, September 6, 1899.*

SIR: The Government of Her Britannic Majesty has declared that its policy and its very traditions precluded it from using any privileges which might be granted it in China as a weapon for excluding commercial rivals, and that freedom of trade for Great Britain in that Empire meant freedom of trade for all the world alike. While conceding by formal agreements, first with Germany and then with Russia, the possession of "spheres of influence or interest" in China in which they are to enjoy special rights and privileges, more especially in respect of railroads and mining enterprises, Her Britannic Majesty's Government has therefore sought to maintain at the same time what is called the "open-door" policy, to insure to the commerce of the world in China equality of treatment within said "spheres" for commerce and navigation. This latter policy is alike urgently demanded by the British mercantile communities and by those of the United States, as it is justly held by them to be the only one which will improve existing conditions, enable them to maintain their positions in the markets of China, and extend their operations in the future. While the Government of the United States will in no way commit itself to a recognition of exclusive rights of any power within or control over any portion of the Chinese Empire under such agreements as have within the last year been made, it can not conceal its apprehension

that under existing conditions there is a possibility, even a probability, of complications arising between the treaty powers which may imperil the rights insured to the United States under our treaties with China.

This Government is animated by a sincere desire that the interests of our citizens may not be prejudiced through exclusive treatment by any of the controlling powers within their so-called "spheres of interest" in China, and hopes also to retain there an open market for the commerce of the world, remove dangerous sources of international irritation, and hasten thereby united or concerted action of the powers at Peking in favor of the administrative reforms so urgently needed for strengthening the Imperial Government and maintaining the integrity of China in which the whole western world is alike concerned. It believes that such a result may be greatly assisted by a declaration by the various powers claiming "spheres of interest" in China of their intentions as regards treatment of foreign trade therein. The present moment seems a particularly opportune one for informing Her Britannic Majesty's Government of the desire of the United States to see it make a formal declaration and to lend its support in obtaining similar declarations from the various powers claiming "spheres of influence" in China, to the effect that each in its respective spheres of interest or influence—

First. Will in no wise interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise 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 leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

The recent ukase of His Majesty the Emperor of Russia, declaring the port of Ta-lien-wan open to the merchant ships of all nations during the whole of the lease under which it is to be held by Russia, removing as it does all uncertainty as to the liberal and conciliatory policy of that power, together with the assurances given this Government by Russia, justifies the expectation that His Majesty will cooperate in such an understanding as is here proposed, and our ambassador at the court of St. Petersburg has been instructed accordingly to submit the propositions above detailed to His Im-

perial Majesty, and ask their early consideration. Copy of my instruction to Mr. Tower is herewith inclosed for your confidential information.

The action of Germany in declaring the port of Kiaochao a "free port," and the aid the Imperial Government has given China in the establishment there of a Chinese custom-house, coupled with the oral assurance conveyed the United States by Germany that our interests within its "sphere" would in no wise be affected by its occupation of this portion of the province of Shang-tung, tend to show that little opposition may be anticipated from that power to the desired declaration.

The interests of Japan, the next most interested power in the trade of China, will be so clearly served by the proposed arrangement, and the declaration of its statesmen within the last year are so entirely in line with the views here expressed, that its hearty cooperation is confidently counted on.

You will, at as early date as practicable, submit the considerations to Her Britannic Majesty's principal secretary of state for foreign affairs and request their immediate consideration.

I enclose herewith a copy of the instruction sent to our ambassador at Berlin bearing on the above subject.

I have the honor to be, etc.

JOHN HAY.

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*Mr. Choate to the British Foreign Minister (Lord Salisbury)*

EMBASSY OF THE UNITED STATES,  
*London, September 22, 1899.*

MY LORD: I am instructed by the Secretary of State to present to your lordship a matter which the President regards as of great and equal importance to Great Britain and the United States—in the maintenance of trade and commerce in the East, in which the interest of the two nations differs, not in character, but in degree only—and to ask for action on the part of Her Majesty's Government which the President conceives to be in exact accord with its uniformly declared policy and traditions, and which will greatly promote the welfare of commerce.

He understands it to be the settled policy and purpose of Great Britain not to use any privileges which may be granted to it in China as a means of excluding any commercial rivals, and that freedom of trade for it in that Empire means freedom of trade for all the world alike. Her Majesty's Government, while conceding by formal agreements with Germany and Russia the possession of "spheres of influence or interest" in China, in which they are to enjoy especial rights and privileges, particularly in respect to railroads and mining enterprises, has at the same time sought to maintain

what is commonly called the "open-door" policy, to secure to the commerce and navigation of all nations equality of treatment within such "spheres." The maintenance of this policy is alike urgently demanded by the commercial communities of our two nations, as it is justly held by them to be the only one which will improve existing conditions, enable them to maintain their positions in the markets of China, and extend their future operations.

While the Government of the United States will in no way commit itself to any recognition of the exclusive rights of any power within or control over any portion of the Chinese Empire, under such agreements as have been recently made, it can not conceal its apprehensions that there is danger of complications arising between the treaty powers which may imperil the rights insured to the United States by its treaties with China.

It is the sincere desire of my Government that the interests of its citizens may not be prejudiced through exclusive treatment by any of the controlling powers within their respective "spheres of interests" in China, and it hopes to retain there an open market for all the world's commerce, remove dangerous sources of international irritation, and thereby hasten united action of the powers at Peking to promote administrative reforms so greatly needed for strengthening the Imperial Government and maintaining the integrity of China, in which it believes the whole Western world is alike concerned. It believes that such a result may be greatly aided and advanced by declarations by the various powers claiming "spheres of interest" in China as to their intentions in regard to the treatment of foreign trade and commerce therein, and that the present is a very favorable moment for informing Her Majesty's Government of the desire of the United States to have it make on its own part and to lend its powerful support in the effort to obtain from each of the various powers claiming "spheres of interest" in China a declaration substantially to the following effect:

(1) That it will in no wise interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

(2) That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within such "spheres of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

(3) That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.



The President has strong reason to believe that the Governments of both Russia and Germany will cooperate in such an understanding as is here proposed. The recent ukase of His Majesty the Emperor of Russia declaring the port of Ta-lien-wan open to the merchant ships of all nations during the whole term of the lease under which it is to be held by Russia removes all uncertainty as to the liberal and conciliatory policy of that power, and justifies the expectation that His Majesty would accede to the similar request of the United States now being presented to him and make the desired declaration.

The recent action of Germany in declaring the port of Kiao-chao a "free port" and the aid which its Government has given China in establishing there a Chinese custom-house, coupled with oral assurances given the United States by Germany that the interests of the United States and its citizens within its "sphere" would in nowise be affected by its occupation of this portion of the province of Shantung, encourage the belief that little opposition is to be anticipated to the President's request for a similar declaration from that power.

It is needless also to add that Japan, the power next most largely interested in the trade of China, must be in entire sympathy with the views here expressed, and that its interests will be largely served by the proposed arrangement; and the declarations of its statesmen within the last year are so entirely in line with it that the cooperation of that power is confidently relied upon.

It is therefore with the greatest pleasure that I present this matter to your lordship's attention and urge its prompt consideration by Her Majesty's Government, believing that the action is in entire harmony with its consistent theory and purpose, and that it will greatly redound to the benefit and advantage of all commercial nations alike. The prompt and sympathetic cooperation of Her Majesty's Government with the United States in this important matter will be very potent in promoting its adoption by all the powers concerned.

I have, etc.,

JOSEPH H. CHOATE.

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*Lord Salisbury to Mr. Choate*

FOREIGN OFFICE,  
*London, September 29, 1899.*

YOUR EXCELLENCY: I have read with great interest the communication which you handed me on the 23d instant, in which you inform me of the desire of the United States Government to obtain from the various powers claiming spheres of interest in China declarations as to their intentions in regard to the treatment of foreign trade and commerce therein.



I have the honor to inform your excellency that I will lose no time in consulting my colleagues in regard to a declaration by Her Majesty's Government and on the proposal that they should cooperate with the Government of the United States in obtaining similar declarations by the other powers concerned.

In the meantime, I may assure your excellency that the policy consistently advocated by this country is one of securing equal opportunity for the subjects and citizens of all nations in regard to commercial enterprise in China, and from this policy Her Majesty's Government have no intention or desire to depart.

I have, etc.,

SALISBURY.

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*Lord Salisbury to Mr. Choate*

FOREIGN OFFICE,  
*London, November 30, 1899.*

YOUR EXCELLENCY: With reference to my note of September 29 last, I have the honor to state that I have carefully considered, in communication with my colleagues, the proposal contained in your excellency's note of September 22 that a declaration should be made by foreign powers claiming "spheres of interest" in China as to their intentions in regard to the treatment of foreign trade and interest therein.

I have much pleasure in informing your excellency that Her Majesty's Government will be prepared to make a declaration in the sense desired by your Government in regard to the leased territory of Wei-hai Wei and all territory in China which may hereafter be acquired by Great Britain by lease or otherwise, and all spheres of interest now held or that may hereafter be held by her in China, provided that a similar declaration is made by other powers concerned.

I have, etc.,

SALISBURY.

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*Mr. Choate to Lord Salisbury*

EMBASSY OF THE UNITED STATES,  
*London, December 6, 1899.*

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of November 30, in which you inform me that, after having carefully considered, in connection with your colleagues, the proposals contained in my note of September 22 last, Her Majesty's Government is prepared to make a declaration in the sense desired by my Government in regard to the leased territory of Wei-hai Wei and all territory in China which may hereafter be acquired by Great Britain by lease or otherwise, and all "spheres of interest"

now held, or which may hereafter be held, by her in China, provided that a similar declaration is made by other powers.

In acknowledging your lordship's note, I have also, under instructions from the Secretary of State, to express to your lordship the gratification he feels at the cordial acceptance by Her Britannic Majesty's Government of the proposals of the United States.

I have, etc.,

JOSEPH H. CHOATE.

#### CORRESPONDENCE WITH ITALY

*Mr. Hay to the American Ambassador at Rome (William F. Draper)*

No. 434.]

DEPARTMENT OF STATE

*Washington, November 17, 1899.*

SIR: This 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, Japan, and Russia.

To attain the object it has in view and to remove possible causes of national 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—

First. 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.

Second. The Chinese treaty tariff of the time being shall apply to all merchandise 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 leviable shall be collected by the Chinese Government.

Third. 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 merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to their own nationals transported over equal distances.

The policy pursued by His Imperial German Majesty in declaring Tsingtao (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 11 last 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 with 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. The commercial interests of Japan will also be greatly served by the above-mentioned declaration, which harmonizes with the assurances conveyed to this Government at various times by His Imperial Japanese Majesty's diplomatic representative at this capital.

In view of the important and growing commercial interests of Italy in eastern Asia, it would seem desirable that His Majesty's Government should also be informed of the steps taken by the United States to insure freedom of trade in China, in which it would find equal advantages to those which the other nations of Europe expect.

You are therefore instructed to submit to His Majesty's minister for foreign affairs the above considerations and to invite his early attention to them, expressing, in the name of your Government, the hope that they will prove acceptable, and that His Majesty's Government will lend its aid and valuable assistance in securing their acceptance by the other interested powers.

I inclose, for your personal and confidential information, copies of the instructions sent to our ambassadors at Berlin, London, St. Petersburg, and to our minister at Tokyo.

I am, etc.,

JOHN HAY.

*Inclosures.*

To Great Britain, to Russia, to Germany, September 6, 1899.

To Japan, November 13, 1899.

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*The Italian Foreign Minister (Marquis Visconti Venosta) to Mr. Draper*

[TRANSLATION]

ROME, January 7, 1900.

MR. AMBASSADOR: Supplementary to what you had already done me the honor of communicating to me in your note of December 9, 1899, your excellency informed me yesterday of the telegraphic note received from your Government that all the powers consulted by the Cabinet of Washington concerning the suitability of adopting a line of policy which would

insure to the trade of the whole world equality of treatment in China have given a favorable reply.

Referring to your communications and to the statements in my note of December 23 last, I take pleasure in saying that the Government of the King adheres willingly to the proposals set forth in said note of December 9.

I beg your excellency to kindly convey the notice of our adhesion to the Cabinet of Washington, and I avail myself of the occasion to renew to you, etc.

VISCONTI VENOSTA.

CORRESPONDENCE WITH JAPAN

*Mr. Hay to the American Minister at Tokyo (Alfred E. Buck)*

No. 263.]

DEPARTMENT OF STATE,  
*Washington, November 13, 1899.*

SIR: This 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—

First. 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.

Second. The Chinese treaty tariff of the time being shall apply to all merchandise 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 leviable shall be collected by the Chinese Government.

Third. 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 such "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise 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 11 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 with 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 declaration, which harmonizes with the assurances 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 express the earnest hope of your Government that they will accept them and aid in securing their acceptance by the other interested powers.

I am, etc.,

JOHN HAY.

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*The Japanese Foreign Minister (Viscount Aoki Siuzo) to Mr. Buck*

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS,

*Tokyo, the 26th day, the 12th month of the 32d year of Meiji,*  
(December 26, 1899).

MR. MINISTER: 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, etc.,

VISCOUNT AOKI SIUZO,  
*Minister for Foreign Affairs.*

## CORRESPONDENCE WITH RUSSIA

*Mr. Hay to the American Minister at Vienna (Charlemagne Tower)*

No. 82.]

DEPARTMENT OF STATE,  
*Washington, September 6, 1899.*

SIR: In 1898, when His Imperial Majesty had, through his diplomatic representative at this capital, notified this Government that Russia had leased from His Imperial Chinese Majesty the ports of Port Arthur, Ta-lien-wan, and the adjacent territory in the Liao-tung Peninsula in northeastern China for a period of twenty-five years, your predecessor received categorical assurances from the imperial minister for foreign affairs that American interests in that part of the Chinese Empire would in no way be affected thereby, neither was it the desire of Russia to interfere with the trade of other nations, and that our citizens would continue to enjoy within said leased territory all the rights and privileges guaranteed them under existing treaties with China. Assurances of a similar purport were conveyed to me by the Emperor's ambassador at this capital, while fresh proof of this is afforded by the imperial ukase of <sup>July 30</sup> August 11 last, creating the free port of Dalny, near Ta-lien-wan, and establishing free trade for the adjacent territory.

However gratifying and reassuring such assurances may be in regard to the territory actually occupied and administered, it can not but be admitted that a further, clearer, and more formal definition of the conditions which are henceforth to hold within the so-called Russian "sphere of interest" in China as regards the commercial rights therein of our citizens is much desired by the business world of the United States, inasmuch as such a declaration would relieve it from the apprehensions which have exercised a disturbing influence during the last four years on its operations in China.

The present moment seems particularly opportune for ascertaining whether His Imperial Russian Majesty would not be disposed to give permanent form to the assurances heretofore given to this Government on this subject.

The ukase of the Emperor of August 11 of this year, declaring the port of Ta-lien-wan open to the merchant ships of all nations during the remainder of the lease under which it is held by Russia, removes the slightest uncertainty as to the liberal and conciliatory commercial policy His Majesty proposes carrying out in northeastern China, and would seem to insure us the sympathetic and, it is hoped, favorable consideration of the propositions hereinafter specified.

The principles which this Government is particularly desirous of seeing formally declared by His Imperial Majesty and by all the great powers interested in China, and which will be eminently beneficial to the commercial interests of the whole world, are:



First. The recognition that no power will in any way interfere with any treaty port or any vested interest within any leased territory or within any so-called "sphere of interest" it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise 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 leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

The declaration of such principles by His Imperial Majesty would not only be of great benefit to foreign commerce in China, but would powerfully tend to remove dangerous sources of irritation and possible conflict between the various powers; it would reestablish confidence and security, and would give great additional weight to the concerted representations which the treaty powers may hereafter make to His Imperial Chinese Majesty in the interest of reform in Chinese administration so essential to the consolidation and integrity of that Empire, and which, it is believed, is a fundamental principle of the policy of His Majesty in Asia.

Germany has declared the port of Kiao-chao, which she holds in Shangtung under a lease from China, a free port, and has aided in the establishment there of a branch of the imperial Chinese maritime customs. The imperial German minister for foreign affairs has also given assurances that American trade would not in any way be discriminated against or interfered with, as there is no intention to close the leased territory to foreign commerce within the area which Germany claims. These facts lead this Government to believe that the Imperial German Government will lend its cooperation and give its acceptance to the proposition above outlined, and which our ambassador at Berlin is now instructed to submit to it.

That such a declaration will be favorably considered by Great Britain and Japan, the two other powers most interested in the subject, there can be no doubt. The formal and oft-repeated declarations of the British and Japanese Governments in favor of the maintenance throughout China of freedom of trade for the whole world insure us, it is believed, the ready assent of these powers to the declaration desired.

The acceptance by His Imperial Majesty of these principles must therefore inevitably lead to their recognition by all the other powers interested, and you are instructed to submit them to the Emperor's minister for foreign affairs and urge their immediate consideration.



A copy of this instruction is sent to our ambassadors at London and Berlin for their confidential information, and copies of the instructions sent to them on this subject are inclosed herewith.

I have, etc.,

JOHN HAY.

*Inclosures.*

To London, September 6, 1899, No. 205.

To Berlin, September 6, 1899, No. 927.

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*The Russian Foreign Minister (Count Mouravieff) to Mr. Tower*

[TRANSLATION]

No. 761.]

MINISTRY OF FOREIGN AFFAIRS,  
*December 18-30, 1899.*

MR. AMBASSADOR: I had the honor to receive your excellency's note dated the 8th-20th of September last, relating to the principles which the Government of the United States would like to see adopted in commercial matters by the powers which have interests in China.

In so far as the territory leased by China to Russia is concerned, the Imperial Government has already demonstrated its firm intention to follow the policy of "the open door" by creating Dalney (Ta-lien-wan) a free port; and if at some future time that port, although remaining free itself, should be separated by a customs limit from other portions of the territory in question, the customs duties would be levied, in the zone subject to the tariff, upon all foreign merchandise without distinction as to nationality.

As to the ports now opened or hereafter to be opened to foreign commerce by the Chinese Government, and which lie beyond the territory leased to Russia, the settlement of the question of customs duties belongs to China herself, and the Imperial Government has no intention whatever of claiming any privileges for its own subjects to the exclusion of other foreigners. It is to be understood, however, that this assurance of the Imperial Government is given upon condition that a similar declaration shall be made by other powers having interests in China.

With the conviction that this reply is such as to satisfy the inquiry made in the aforementioned note, the Imperial Government is happy to have complied with the wishes of the American Government, especially as it attaches the highest value to anything that may strengthen and consolidate the traditional relations of friendship existing between the two countries.

I beg you to accept, etc.

COUNT MOURAVIEFF.

INSTRUCTIONS SENT MUTATIS MUTANDIS TO THE UNITED STATES AMBASSADORS AT LONDON, PARIS, BERLIN, ST. PETERSBURG, AND ROME, AND TO THE UNITED STATES MINISTER AT TOKYO

DEPARTMENT OF STATE,  
Washington, March 20, 1900.

SIR: The ——— Government having accepted the declaration suggested by the United States concerning foreign trade in China, the terms of which I transmitted to you in my instruction No. ——— of ———, and like action having been taken by all the various powers, having leased territory or so-called "spheres of interest" in the Chinese Empire, as shown by the notes which I herewith transmit to you, you will please inform the Government to which you are accredited that the condition originally attached to its acceptance—that all other powers concerned should likewise accept the proposals of the United States—having been complied with, this Government will therefore consider the assent given to it by ——— as final and definitive.

You will also transmit to the minister for foreign affairs copies of the present inclosures, and by the same occasion convey to him the expression of the sincere gratification which the President feels at the successful termination of these negotiations, in which he sees proof of the friendly spirit which animates the various powers interested in the untrammelled development of commerce and industry in the Chinese Empire, and a source of vast benefit to the whole commercial world.

I am, etc.,

JOHN HAY.

*Inclosures.*

- Mr. Delcassé to Mr. Porter (received December 16, 1899), translation.
- Mr. Jackson to Mr. Hay, telegram, December 4, 1899.
- Count von Bülow to Mr. White, February 19, 1900, translation.
- Lord Salisbury to Mr. Choate, November 30, 1899.
- Marquis Visconti Venosta to Mr. Draper, January 7, 1900, translation.
- Viscount Aoki to Mr. Buck, December 26, 1899, translation.
- Count Mouravieff to Mr. Tower, December 18, 1899, translation.

## PROTECTION OF INDUSTRIAL PROPERTY

*Additional act signed at Brussels December 14, 1900*

*Senate advice and consent to ratification March 7, 1901*

*Ratified by the President of the United States April 16, 1901*

*Ratifications deposited at Brussels May 3, 1901*

*Proclaimed by the President of the United States August 25, 1902*

*Entered into force September 14, 1902*<sup>1</sup>

*Convention of 1883 replaced May 1, 1913, by convention of June 2, 1911,<sup>2</sup> as between contracting parties to the later convention; definitively October 10, 1925*<sup>3</sup>

32 Stat. 1936; Treaty Series 411

### [TRANSLATION]

#### ADDITIONAL ACT OF DECEMBER 14, 1900, MODIFYING THE CONVENTION OF MARCH 20, 1883, AS WELL AS THE FINAL PROTOCOL THERETO ANNEXED

His Majesty the King of the Belgians; The President of the United States of Brazil; His Majesty the King of Denmark; The President of the Dominican Republic; His Majesty the King of Spain, and in his name, Her Majesty the Queen Regent of the Kingdom; The President of the United States of America; The President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Servia; His Majesty the King of Sweden and Norway; The Federal Council of the Swiss Confederation; The Government of Tunis, having deemed it useful to make certain modifications and additions to the International Convention of March 20, 1883,<sup>4</sup> as well as to the Final Protocol annexed to said Convention, have named for their Plenipotentiaries the following:

<sup>1</sup> Three months from June 14, 1902, date of procès-verbal of deposit of ratifications, closing the record of deposit in accordance with art. 3 (for French text of procès-verbal, see *British and Foreign State Papers*, vol. 92, p. 808).

<sup>2</sup> TS 579, *post*, p. 791.

<sup>3</sup> Date by which all parties to the 1883 convention had become parties to the 1911 convention.

<sup>4</sup> TS 379, *ante*, p. 80.

His Majesty the King of the Belgians: Mr. A. Nyssens, former Minister of Industry and of Labor; Mr. L. Capelle, Envoy Extraordinary and Minister Plenipotentiary, Director General of Commerce and of Consulates in the Ministry of Foreign Affairs; Mr. Georges de Ro, Advocate at the Court of Appeal of Brussels, former Secretary of the order; Mr. J. Dubois, Director General in the Ministry of Industry and Labor.

The President of the United States of Brazil: Mr. da Cunha, Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil near His Majesty the King of the Belgians.

His Majesty the King of Denmark: Mr. H. Holten-Nielsen, Member of the Patent Commission, Registrar of Trade-Marks.

The President of the Dominican Republic: Mr. J. W. Hunter, Consul General of the Dominican Republic at Antwerp.

His Majesty the King of Spain, and, in His name, Her Majesty the Queen Regent of the Kingdom: Mr. de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

The President of the United States of America: Mr. Lawrence Townsend, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians; Mr. Francis Forbes; Mr. Walter H. Chamberlin, Assistant Commissioner of Patents.

The President of the French Republic: Mr. Gérard, Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians; Mr. C. Nicolas, Former Councillor of State, Honorary Director at the Ministry of Commerce, of Industry, of Posts and Telegraphs; Mr. Michel Pelletier, Advocate at the Court of Appeal of Paris.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: The Right Honorable C. B. Stuart Wortley, M. P.; Sir Henry Bergne, K.C.M.G., Chief of the Commercial Department at the Foreign Office; Mr. C. N. Dalton, C. B., Comptroller General of Patents.

His Majesty the King of Italy: Mr. Romeo Cantagalli, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians; Commander Carlo-Francesco Gabba, Senator, Professor at the University of Pisa; Chevalier Samuele Ottolenghi, Chief of Division at the Ministry of Agriculture, of Industry and of Commerce, Director of the Bureau on Industrial Property.

His Majesty the Emperor of Japan: Mr. Itchiro Motono, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Her Majesty the Queen of the Netherlands: Mr. F. W. J. G. Snyder van Wissenkerke, Doctor of Laws, Councillor at the Ministry of Justice, Director of the Bureau on Industrial Property.

His Majesty the King of Portugal and of the Algarves: Councillor E. Madeira Pinto, Director General at the Ministry of Public Works, of Commerce and Industry.

His Majesty the King of Servia: Dr. Michel Vouitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Sweden and Norway: Count Wrangel, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

The Federal Council of the Swiss Confederation: Mr. J. Borel, Consul General of the Swiss Confederation at Brussels; Doctor Louis-Rodolphe de Salis, Professor at Berne.

The President of the French Republic, for Tunis: Mr. Gérard, Envoy Extraordinary and Minister Plenipotentiary near his Majesty the King of the Belgians; Mr. Bladé, Consul of the 1st Class at the Ministry of Foreign Affairs of France.

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

#### ARTICLE 1

The International Convention of March 20, 1883, is modified as follows:

I. Article 3 of the Convention shall read as follows:

ART. 3. Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States not forming part of the Union, who are domiciled or have bona fide industrial or commercial establishments upon the territory of one of the States of the Union.

II. Article 4 shall read as follows:

ART. 4. Any one who shall have regularly deposited an application for a patent of invention, of an industrial model, or design, of a trade or commercial mark, in one of the contracting States, shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter mentioned.

In consequence, the deposit subsequently made in one of the other States of the Union before the expiration of these periods cannot be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working, by the sale of copies of the design or model, by the employment of the mark.

The periods of priority above mentioned shall be twelve months for patents of invention and four months for designs or industrial models, as well as for trade or commercial marks.

III. There is inserted in the Convention an article 4 *bis*, as follows:

ART. 4 *bis*. Patents applied for in the different contracting States by persons admitted to the benefit of the convention under the terms of article 2 and 3 shall be independent of the patents obtained for the same invention in the other States adherents or nonadherents to the Union.

This provision shall apply to patents existing at the time of its going into effect.

The same rule applies, in the case of adhesion of new States, to patents already existing on both sides at the time of the adhesion.

IV. There are added to Article 9 two paragraphs, as follows:

In the States whose legislation does not admit of seizure on importation, such seizure may be replaced by prohibition of importation.

The authorities shall not be required to make the seizure in case of transit.

V. Article 10 shall read as follows:

ART. 10. The provisions of the preceding article shall be applicable to every production bearing falsely as indication of origin, the name of a stated locality when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention.

Is reputed interested party every producer, manufacturer, or trader engaged in the production, the manufacture, or the sale of this production when established either in the locality falsely indicated as place of origin, or in the region where that locality is situated.

VI. There is inserted in the Convention an article 10 *bis*, as follows:

ART. 10 *bis*. Those entitled of right under the Convention (art. 2 and 3), shall enjoy, in all the States of the Union, the protection accorded to citizens or subjects against unfair competition.

VII. Article 11 shall read as follows:

ART. 11. The high contracting parties shall accord conformably to the legislation of each country a temporary protection to patentable inventions, to industrial designs, or models, as well as to trade-marks for the productions which shall be shown at official or officially recognized International Expositions organized upon the territory of one of them.

VIII. Article 14 shall read as follows:

ART. 14. The present Convention shall be submitted to periodical revision for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object conferences shall take place successively in one of the contracting States between the delegates of said States.

IX. Article 16 shall read as follows:

ART. 16. The States that have not taken part in the present convention shall be admitted to adhere to the same upon their application.

This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey of full right, accession to all the clauses, and admission to all the advantages stipulated by the present convention, and shall go into force a month after the sending of the notification given by the Swiss Government to the Unionist States, unless a later date shall have been indicated by the adhering State.

## ARTICLE 2

The Final Protocol annexed to the International Convention of March 20, 1883, is completed by the addition of a number 3 *bis*, as follows:

ART. 3 *bis*. The patentee, in each country, shall not suffer forfeiture because of non-working until after a minimum period of three years, to date from the deposit of the application in the country concerned, and in the case where the patentee shall not justify the reasons of his inaction.

## ARTICLE 3

The present Additional Act shall have the same force and duration as the Convention of March 20, 1883.

It shall be ratified and the ratifications shall be deposited at the Ministry of Foreign Affairs at Brussels as soon as may be and at the latest within the period of eighteen months dated from the day of signature.

It shall go into effect three months after the close of the record of deposit.

In witness whereof the respective Plenipotentiaries have signed the present Additional Act.

Done at Brussels in a single copy, December 14, 1900.

For Belgium:

A. NYSENS  
CAPELLE  
GEORGES DE RO  
J. DUBOIS

For Brazil:

F. XAVIER DA CUNHA

For Denmark:

H. HOLTEN NIELSEN

For the Dominican Republic:

JOHN W. HUNTER

For Spain:

W. R. DE VILLA URRUTIA

For the United States of America:

LAWRENCE TOWNSEND  
FRANCIS FORBES  
WALTER H. CHAMBERLIN

For France:

A. GÉRARD  
C. NICOLAS  
MICHEL PELLETIER

For Great Britain:

CHARLES B. STUART WORTLEY  
H. C. BERGNE  
C. N. DALTON



For Italy:

R. CANTAGALLI

C. F. GABBA

S. OTTOLENGHI

For Japan:

I. MOTONO

For Norway:

CTE WRANGEL

For the Netherlands:

SNYDER VAN WISSENKERKE

For Portugal:

ERNESTO MADEIRA PINTO

For Servia:

DR. MICHEL VOÛITCH

For Sweden:

CTE WRANGEL

For Switzerland:

JULES BOREL

L. R. DE SALIS

For Tunis:

A. GÉRARD

ÉTIENNE BLADÉ

## SETTLEMENT OF MATTERS GROWING OUT OF THE BOXER UPRISING (BOXER PROTOCOL)

*Final protocol signed at Peking September 7, 1901, with annexes  
Entered into force September 7, 1901*

*Provisions relating to Whangpoo Conservancy Board revised by agree-  
ment of September 27, 1905,<sup>1</sup> as amended and supplemented*

*Termination: Article XI(b) and annex 17 suspended by agreement of  
September 27, 1905;<sup>1</sup> protocol terminated in its entirety as between  
the United States and China May 20, 1943, by treaty of  
January 11, 1943<sup>2</sup>*

Treaty Series 397

### FINAL PROTOCOL

#### [TRANSLATION]

The Plenipotentiaries of Germany, His Excellency M. A. Mumm von Schwarzenstein; of Austria-Hungary, His Excellency M. M. Czikkann von Wahlborn; of Belgium, His Excellency M. Joostens; of Spain, M. B. J. de Cologan; of the United States, His Excellency Mr. W. W. Rockhill; of France, His Excellency M. Paul Beau; of Great Britain, His Excellency Sir Ernest Satow; of Italy, Marquis Salvago Raggi; of Japan, His Excellency M. Jutarō Komura; of the Netherlands, His Excellency M. F. M. Knobel; of Russia, His Excellency M. M. de Giers; and of China, His Highness Yi-K'uang, Prince of the First Rank Ching, President of the Ministry of Foreign Affairs, and His Excellency Li Hung-chang, Earl of the First Rank, Su-i, Tutor of the Heir Apparent, Grand Secretary of the Wen-nua Throne Hall, Minister of Commerce, Superintendent of the Northern Ports, Governor-General of Chihli, have met for the purpose of declaring that China has complied to the satisfaction of the Powers with the conditions laid down in the note of the 22d of December, 1900,<sup>3</sup> which were accepted in their entirety by His Majesty the Emperor of China in a decree dated the 27th of December, 1900 (Annex No. 1).

<sup>1</sup> TS 448, *post*, p. 446.

<sup>2</sup> TS 984, *post*.

<sup>3</sup> For English translation of the joint note of the 11 powers, together with Chinese reply of Jan. 16, 1901, and subsequent correspondence, see 1901 For. Rel. (appendix) 58 ff.

ARTICLE I <sup>a</sup>

By an Imperial Edict of the 9th of June last (Annex No. 2), Tsai Feng, Prince of the First Rank Ch'ün, was appointed Ambassador of His Majesty the Emperor of China, and directed in that capacity to convey to His Majesty the German Emperor the expression of the regrets of His Majesty the Emperor of China and of the Chinese Government for the assassination of His Excellency the late Baron von Ketteler, German Minister.

Prince Ch'ün left Peking the 12th of July last to carry out the orders which had been given him.

ARTICLE I <sup>b</sup>

The Chinese Government has stated that it will erect on the spot of the assassination of His Excellency the late Baron von Ketteler a commemorative monument, worthy of the rank of the deceased, and bearing an inscription in the Latin, German, and Chinese languages, which shall express the regrets of His Majesty the Emperor of China for the murder committed.

Their Excellencies the Chinese Plenipotentiaries have informed His Excellency the German Plenipotentiary, in a letter dated the 22nd of July last (Annex No. 3), that an arch of the whole width of the street would be erected on the said spot and that work on it was begun the 25th of June last.

ARTICLE II <sup>a</sup>

Imperial Edicts of the 13th and 21st of February, 1901 (Annexes Nos. 4, 5, and 6), inflicted the following punishments on the principal authors of the outrages and crimes committed against the foreign Governments and their nationals:

Tsai-I, Prince Tuan and Tsai Lan, Duke Fu-kuo, were sentenced to be brought before the autumn Court of Assizes for execution, and it was agreed that if the Emperor saw fit to grant them their lives, they should be exiled to Turkestan and there imprisoned for life, without the possibility of commutation of this punishment.

Tsai Hsün, Prince Chuang, Ying Nien, President of the Court of Censors, and Chao Shu-Chiao, President of the Board of Punishments, were condemned to commit suicide.

Yü Hsien, Governor of Shanhsi, Chi Hsiu, President of the Board of Rites, and Hsü Cheng-yu, formerly Senior Vice-President of the Board of Punishments, were condemned to death.

Posthumous degradation was inflicted on Kang Yi, Assistant Grand Secretary, President of the Board of Works, Hsü Tung, Grand Secretary, and Li Ping-heng, former Governor-General of Szu-ch'uan.

An Imperial Edict of February 13th, 1901 (Annex No. 7), rehabilitated the memories of Hsü Yung-yi, President of the Board of War, Li Shan, President of the Board of Works, Hsü Ching-cheng, Senior Vice-President of the Board of Works, Lien Yuan, Vice-Chancellor of the Grand Council,

and Yuan Chang, Vice-President of the Court of Sacrifices, who had been put to death for having protested against the outrageous breaches of international law of last year.

Prince Chuang committed suicide the 21st of February, 1901, Ying Nien and Chao Shu-chiao the 24th, Yü Hsien was executed the 22nd, Chi Hsiu and Hsü Cheng-yu on the 26th. Tung Fuhsiang, General in Kan-su, has been deprived of his office by Imperial Edict of the 13th of February, 1901, pending the determination of the final punishment to be inflicted on him.

Imperial Edicts dated the 29th of April and 19th of August, 1901, have inflicted proportional punishments on the provincial officials convicted of the crimes and outrages of last summer.

#### ARTICLE II<sup>b</sup>

An Imperial Edict promulgated the 19th of August, 1901 (Annex No. 8), ordered the suspension of official examinations for five years in all cities where foreigners were massacred or subjected to cruel treatment.

#### ARTICLE III

In order to make honorable reparation for the assassination of Mr. Sugiyama, chancellor of the Japanese Legation, His Majesty the Emperor of China by an Imperial Edict of the 18th of June, 1901 (Annex No. 9), appointed Na Tung, Vice-President of the Board of Revenue to be his Envoy Extraordinary, and specially directed him to convey to His Majesty the Emperor of Japan the expression of the regrets of His Majesty the Emperor of China and of his Government at the assassination of the late Mr. Sugiyama.

#### ARTICLE IV

The Chinese Government has agreed to erect an expiatory monument in each of the foreign or international cemeteries which were desecrated and in which the tombs were destroyed.

It has been agreed with the Representatives of the Powers that the legations interested shall settle the details for the erection of these monuments, China bearing all the expenses thereof, estimated at ten thousand taels for the cemeteries at Peking and within its neighborhood, and at five thousand taels for the cemeteries in the provinces. The amounts have been paid and the list of these cemeteries is enclosed herewith (Annex No. 10).

#### ARTICLE V

China has agreed to prohibit the importation into its territory of arms and ammunition, as well as of materials exclusively used for the manufacture of arms and ammunition.

An Imperial Edict has been issued on the 25th of August, 1901 (Annex No. 11), forbidding said importation for a term of two years. New Edicts

may be issued subsequently extending this by other successive terms of two years in case of necessity recognized by the Powers.

#### ARTICLE VI

By an Imperial Edict dated the 29th of May, 1901 (Annex No. 12), His Majesty the Emperor of China agreed to pay the Powers an indemnity of four hundred and fifty million Haikwan Taels. This sum represents the total amount of the indemnities for States, companies or societies, private individuals, and Chinese referred to in Article VI of the note of December 22nd, 1900.

(a) These four hundred and fifty millions constitute a gold debt calculated at the rate of the Haikwan Tael to the gold currency of each country, as indicated below:

1 Haikwan Tael=	Marks	3. 055
=	Austro-Hungarian Crowns	3. 595
=	gold Dollar	0. 742
=	Francs	3. 750
=	Pound Sterling	0 3s. 0d.
=	Yen	1. 407
=	Netherlands Florin	1. 796
=	gold Ruble (17.424 dolias fine)	1. 412

This sum in gold will bear interest at 4 per cent per annum, and the capital shall be reimbursed by China in thirty-nine years in the manner indicated in the annexed plan of amortization (Annex No. 13).

Capital and interest will be payable in gold or at the rates of exchange prevailing on the dates at which the different payments fall due.

The amortization will begin on the 1st of January, 1902, and will end at the close of the year 1940. The amortizations are payable annually, the first payment being fixed on the 1st of January, 1903.

Interest will run from the 1st of July, 1901; but the Chinese Government shall have the right to pay off within a term of three years, beginning January 1, 1902, the arrears of the first six months, ending the 31st of December, 1901, on condition, however, that it pay compound interest at the rate of 4 per cent per annum on the sums the payments of which shall have thus been deferred. Interest shall be payable semiannually, the first payment being due on the 1st of July, 1902.

(b) The service of the debt will be effected at Shanghai, in the following manner:

Each Power will be represented by a delegate on a commission of bankers authorized to receive the amount of interest and amortization which shall be paid to it by the Chinese authorities designated for that purpose, to divide it among the interested parties, and to give a receipt for the same.

(c) The Chinese Government shall deliver to the Dean of the Diplomatic Corps at Peking a bond for the lump sum, which will subsequently be converted into fractional bonds bearing the signatures of the delegates of the

Chinese Government designated for that purpose. This operation and all those relating to the issue of the bonds will be performed by the above-mentioned Commission, in accordance with the instructions which the Powers shall send their delegates.

(d) The proceeds of the revenues assigned to the payment of the bonds shall be paid monthly to the Commission.

(e) The revenues assigned as security for the bonds are the following:

1. The balance of the revenues of the Imperial Maritime Customs, after payment of the interest and amortization of preceding loans secured on these revenues, plus the proceeds of the increase to five per cent effective of the present tariff on maritime imports, including articles hitherto on the free list, with the exception of rice, cereals, and flour of foreign origin, as well as of gold and silver, minted or unminted.

2. The revenues of the native customs, administered in the open ports by the Imperial Maritime Customs.

3. The total revenues of the gabelle [salt tax], exclusive of the fraction previously set aside for other foreign loans.

The raising of the present tariff on imports to five per cent effective is agreed to on the conditions mentioned below.

It will be put in force two months after the signing of the present protocol, and no exceptions shall be made save for merchandise shipped not more than ten days after that date.

1°. All duties on imports levied *ad valorem* shall be converted as far as possible and as soon as may be into specific duties. This conversion will be made in the following manner: The average value of merchandise at the time of its unloading during the three years 1897, 1898, and 1899, that is to say, the market price less the amount of import duties and incidental expenses, shall be taken as the basis for the valuation of merchandise. Pending the result of the work of conversion, duties shall be levied *ad valorem*.

2°. The beds of the rivers Peiho and Whangpu will be improved with the financial participation of China.

## ARTICLE VII

The Chinese Government has agreed that the quarter occupied by the legations shall be considered as one specially reserved for their use and placed under their exclusive control, in which Chinese shall not have the right to reside and which may be made defensible.

The limits of this quarter have been fixed as follows on the annexed plan (Annex No. 14):

On the west, the line 1, 2, 3, 4, 5.

On the north, the line 5, 6, 7, 8, 9, 10.

On the east, Ketteler Street: 10, 11, 12.

On the south, the line 12-1, drawn along the outer base of the Tartar wall, taking in the bastions.

In the protocol annexed to the letter of the 16th of January, 1901,<sup>4</sup> China recognized the right of each Power to maintain a permanent guard in the said quarter for the defense of its legation.

#### ARTICLE VIII

The Chinese Government has consented to raze the forts of Taku and those which might impede free communication between Peking and the sea. Steps have been taken for carrying this out.

#### ARTICLE IX

The Chinese Government has conceded to the Powers, in the protocol annexed to the letter of the 16th of January, 1901, the right to occupy certain points, to be determined by an agreement between them, for the maintenance of open communication between the capital and the sea. The points occupied by the Powers are:

Huang-tsun, Lang-fang, Yang-tsun, Tientsin, Chum-liang, Ch'eng, Tangku, Lu-tai, Tang-shan, Lan-chou, Chang-li, Ch'in-wang tao, Shan-hai kuan.

#### ARTICLE X

The Chinese Government has agreed to post and to publish for two years in all district cities the following Imperial Edicts:

(a) Edict of the 1st of February, 1901 (Annex No. 15), prohibiting forever, under pain of death, membership in any anti-foreign society.

(b) Edicts of the 13 and 25 February, 29 April and 19 August enumerating the punishments inflicted on the guilty.

(c) Edict of the 19th August, 1901, prohibiting examinations in all cities where foreigners were massacred or subjected to cruel treatment.

(d) Edict of the 1st of February, 1901 (Annex No. 16), declaring all governors-general, governors, and provincial or local officials responsible for order in their respective districts, and that in case of new anti-foreign troubles or other infractions of the treaties which shall not be immediately repressed and the authors of which shall not have been punished, these officials shall be immediately dismissed, without possibility of being given new functions or new honors.

The posting of these edicts is taking place progressively throughout the Empire.

#### ARTICLE XI

The Chinese Government has undertaken to negotiate such amendments to the treaties of commerce and navigation as the foreign Governments have considered desirable, as well as other points bearing on commercial relations, with the object of facilitating these.

<sup>4</sup> See footnote 3, p. 302.



At present, and as a result of the stipulations contained in Article VI concerning the indemnity, the Chinese Government agrees to assist in the improvement of the courses of the rivers Peiho and Whangpu, as stated below.

(a) The works for the improvement of navigation in the Peiho, begun in 1898 with the cooperation of the Chinese Government, have been resumed under the direction of an international Commission. As soon as the administration of Tientsin shall have been handed back to the Chinese Government, the latter will be able to have a representative on this Commission, and will pay each year a sum of sixty thousand Haikwan Taels for continuing the works.

(b) A River Board, charged with the management and control of the work of straightening the Whangpu and improving the course of that river, is hereby created.

This Board shall consist of members representing the interests of the Chinese Government and those of foreigners in the shipping trade of Shanghai. The expense to be incurred for the works and the general management of the undertaking is estimated at the annual sum of four hundred and sixty thousand Haikwan Taels for the first twenty years. This sum will be supplied in equal portions by the Chinese Government and the foreign interests concerned. Detailed stipulations concerning the composition, duties, and revenues of the River Board are embodied in Annex No. 17.

## ARTICLE XII

An Imperial Edict of the 24th of July, 1901 (Annex No. 18), reorganized the Office of Foreign Affairs, (Tsungli Yamen), on the lines indicated by the Powers, that is to say, transformed it into a Ministry of Foreign Affairs (Wai-wu Pu), which takes precedence over the six other Ministries of State. The same Edict appointed the principal members of this Ministry.

An agreement has also been reached concerning the modification of Court ceremonial as regards the reception of foreign Representatives and has been the subject of several notes from the Chinese Plenipotentiaries, the substance of which is embodied in a memorandum herewith annexed (Annex No. 19).

Finally, it is expressly understood that as regards the declarations above set forth and the annexed documents emanating from the foreign Plenipotentiaries, the French text alone is authoritative.

The Chinese Government having thus complied to the satisfaction of the Powers with the conditions laid down in the above-mentioned note of December 22nd, 1900, the Powers have acceded to the wish of China to terminate the situation created by the disorders of the summer of 1900. The foreign Plenipotentiaries are therefore authorized to declare in the names of their Governments that, with the exception of the legation guards mentioned in Article VII, the international troops will completely evacuate the city of Peking, on the 17th September, 1901, and, with the exception of the localities

mentioned in Article IX, will withdraw from the province of Chihli on the 22d of September.

The present final Protocol has been drawn up in twelve identic copies and signed by all the Plenipotentiaries of the Contracting Countries. One copy will be given to each of the foreign Plenipotentiaries, and one copy will be given to the Chinese Plenipotentiaries.

Peking, 7th September, 1901.

[For Germany:] A v MUMM	[SEAL]	[For the United Kingdom:] ERNEST SATOW	[SEAL]
[For Austria-Hungary:] M. CZIKANN	[SEAL]	[For Italy:] SALVAGO RAGGI	[SEAL]
[For Belgium:] JOOSTENS	[SEAL]	[For Japan:] JUTARO KOMURA	[SEAL]
[For Spain:] B J DE COLOGAN	[SEAL]	[For the Netherlands:] F. M. KNOBEL	[SEAL]
[For the United States:] W. W. ROCKHILL	[SEAL]	[For Russia:] M. DE GIER	[SEAL]
[For France:] BEAU	[SEAL]	[For China:] YI-K'UANG LI HUNG-CHANG	[SEAL]

#### ANNEXES TO THE FINAL PROTOCOL

[TRANSLATION]

- Nos. 1. Imperial Edict of 27 December 1900.  
 2. Imperial Edict of 9 June 1901.  
 3. Letter of the Chinese Plenipotentiaries of 22 July 1901.  
 4. Imperial Edict of 13 February 1901.  
 5. Imperial Edict of 13 February 1901.  
 6. Imperial Edict of 21 February 1901.  
 7. Imperial Edict of 13 February 1901.  
 8. Imperial Edict of 19 August 1901.  
 9. Imperial Edict of 18 June 1901.  
 10. List of desecrated cemeteries.  
 11. Imperial Edict of 25 August 1901.  
 12. Imperial Edict of 29 May 1901.  
 13. Table of amortization.  
 14. Plan of the diplomatic quarter and notice.  
 15. Imperial Edict of 1st February 1901.  
 16. Imperial Edict of 1st February 1901.  
 17. Regulations for the improvement of the Whangpu.  
 18. Imperial Edict of 24 July 1901.  
 19. Memorandum concerning Court ceremonial.

## ANNEX NO. 1

*IMPERIAL EDICT of the 27th December, 1900*

[TRANSLATION]

[Seal of the Emperor]

On the 6th day of the 11th moon of the 26th year of Kuang-hsü (27 December 1900), the following Edict was rendered:

"We have taken cognizance of the whole telegram of Yi-K'uang and Li Hung-chang. It is proper that We accept in their entirety the twelve articles which they have submitted to Us.

"Respect this!"

## ANNEX NO. 2

*IMPERIAL EDICT of the 9th of June, 1901*

[TRANSLATION]

"We confer on Tsai Feng, Prince of the First Rank Ch'ün, the title of Ambassador Extraordinary, and We direct him to proceed to Germany to discharge respectfully the mission which We confide to him.

"Chang Yi, reader of the Grand Chancellery, and Yin Ch'ang, military Lieutenant-Governor, will accompany him as secretaries.

"Respect this!"

## ANNEX NO. 3

*Despatch of Prince Ching and of Li Hung-chang, of the 22nd July 1901, to His Excellency M. von Mumm, German Plenipotentiary*

[TRANSLATION]

Official reply:

On the 3d day of the 5th moon of the present year (18th of June, 1901), We have received from Your Excellency the following official communication:

"Messrs. Jui-liang, secretary, and Lien-fang, expectant taotai, delegates entrusted with carrying out Article I of the Joint Note providing for the erection of a commemorative monument on the place of the assassination of Baron von Ketteler, former Minister of Germany, commenced some time ago the discussion of the subject with my Legation, and have taken up the question of the manner in which this monument shall be constructed.

"During frequent conversations they have stated that if it were necessary that a commemorative arch of marble from Ta-li, extending the whole width of the avenue of Ch'ung-wen-men, should be erected on the spot of the assassination, the work would require a great deal of time, in view of the difficulty of transporting the materials; but as to adopting some other means, either of transferring to the place of the assassination an archway

erected at the present time in some other spot, or of putting up a new arch, or of using an old archway to be transported to the place, they left this to the determination of my Government.

"I at once telegraphed my Government to inform me of its views.

"The reply which I have just received informs me that His Majesty the Emperor of Germany has himself decided that a new archway extending across the whole width of the street should be put up.

"I have therefore urgently to request that you take prompt steps for the immediate commencement of the work."

We, Prince and Minister, have at once directed the said secretary and taotai to act accordingly. According to the report which they have sent us, "the work was begun on the 10th day of the 5th moon (25th of June), at the foundations. But a certain length of time is necessary for getting out and cutting the stone and for the transportation of materials; and the only thing that can be done is to watch that the workmen use their best endeavors to carry the work on actively."

Besides having directed that We should be kept informed of the execution of the work, We deem it necessary to send the present official reply to Your Excellency, requesting you to take note of it.

#### ANNEX NO. 4

#### *IMPERIAL EDICT of the 13th of February, 1901*

[TRANSLATION]

Since the 5th moon (end of May) the Boxers have created trouble in the capital and have begun hostilities against friendly countries. Yi-K'ung and Li Hung-chang are negotiating for peace at Peking with Representatives of the Powers, and a whole preliminary arrangement has already been signed.

(If) We consider the commencement of these events, (we find that they are due) to several stupid, mad, utterly ignorant, turbulent Princes and Ministers who have trampled the laws under foot. They had most absolute confidence in pernicious methods and have involved the Court. Not only did they refuse to obey Our orders to exterminate the Boxers, but they have gone so far as to believe in them, and, stupidly, they began to attack (the Legations). So it was that this evil fire spread abroad, and circumstances did not permit of its being stopped, tens of millions of evil-doers having assembled under the elbow and the armpit (that is to say, at a most important point). Furthermore, the leaders forced generals and ignorant soldiers to attack the Legations, and so it befell that inconceivable evils persisted for several months.

The tutelary deities of the Empire have been in danger, the Imperial tombs and the temples of the Ancestors have trembled, the country has been devastated, the inhabitants are plunged in misery. No words can express the dangers to which We and H. M. the Empress Dowager have been exposed.

Our heart and our head are still in pain; our tears and our resentment are confounded. It is to you, Princes and Ministers, who, by believing in evil words and allowing evil-doers free hand, have put in danger in Heaven our Ancestors and our gods, and who here below have caused the people to endure these calamities. Do you ask what is the chastisement you deserve?

We have already issued two decrees. But, considering that such light punishments for such grievous faults could not be sufficient to make you expiate your crimes, We must impose upon you new and more severe punishments according to your degree of guilt.

TSAI-HSÜN, PRINCE CHUANG, already degraded, allowed the Boxers to attack the Legations. He, on his own authority, published proclamations contrary to the treaties; he lightly believed the statements of evil-doers; he unlawfully caused to be decapitated a great number of persons; he has shown himself, of a truth, vulgar and stupid. We invite him, as a favor, to commit suicide. We direct Ko-pao-hua, acting president of the Court of Censors, to go and see (that the suicide has taken place).

TSAI-I, PRINCE TUAN, already degraded, led away with him several Princes and Peilo (Princes of the 3d class). He lightly gave heed to the Boxers and foolishly advised fighting. So all these troubles broke out; his faults, of a truth, can not be ignored. TSAI-LAN, DUKE FU-KUO, reduced in rank, in concert with TSAI-HSÜN, foolishly published proclamations contrary to the treaties. He should also be punished for his faults. We deprive them of their nobiliary titles, but, considering that they belong to our family, We order, by special act of grace, that they be sent to Hsin-chiang (Ili) where they shall be condemned to prison for life. Deputies will first be sent to watch them.

YÜ-HSIEN, degraded governor, foolishly believed, when formerly discharging the duties of governor in Shantung, in the sorcery of the Boxers. Arriving in Peking, he extolled them so highly that several Princes and Ministers fell under his evil influence. Being governor of Shansi, he massacred a great number of missionaries and Christians. He is worse than an imbecile, than a madman, than a murderer; he is the chief culprit and the author of all these calamities. He has already been sent to Hsin-chiang, and, believing that he has arrived in Kan-su, We order that, on the receipt of the order which We send, he shall at once be beheaded. We direct the Provincial Judge Ho Fu-kun to see that the penalty is carried out.

KANG-YI, Assistant Grand Secretary of State, President of the Board of Works, having lent his aid to the Boxers, serious disturbances broke out. He aided in publishing proclamations contrary to the treaties. A severe punishment was to have been inflicted on him at first, but he has died of disease. We order that the honors which he previously held shall be withdrawn from him and that he be at once degraded.

TUNG FU-HSIANG, general in Kan-su, degraded but retained in office, entered (Peking) to defend (the city) with the troops under his orders; he

was unable to maintain strict discipline. Ignorant, furthermore, of international questions, he followed his ideas and acted in an imprudent manner. Although the attacks on the Legations were ordered by the above degraded Princes, it is nevertheless difficult to absolve him of all faults. We intended in the first instance to have punished him severely, but, considering the signal services he has rendered in Kan-su and the sympathy felt for him by Muslims and Chinese, as an act of extraordinary grace We order that he shall be immediately degraded.

YING-NIEN, President of the Court of Censors, reduced in rank and displaced, opposed TSAI-HÜN in publishing on his own authority proclamations contrary to the treaties. We may make due allowance for this circumstance, but as he was not able to overcome (this resistance) by force, it is, after all, difficult to absolve him. We order, as a mark of great benevolence, that he be degraded. We condemn him to death, and he shall wait in prison for his case to be passed on.

CHAO SHU-CHIAO, President of the Board of Punishments, degraded and retained in office, had never shown till then any unfriendly feeling in relations with the Foreign Powers. Having made a report on the Boxers, he said nothing in their favor, but through his negligence faults were made. We order, as a special act of grace, that he be degraded. We condemn him to death, and he will await in prison judgment on his case.

We command that YING-NIEN and CHAO SHU-CHIAO be in the first place confined in the prison of the capital of Shensi.

HSU TUNG, Grand Secretary of State, and LI PING-HENG, former Governor-General of Sze-chuan, reduced in rank and displaced, died for their country, but everyone knows their faults. We order that they be degraded, and We deprive them of the posthumous honors which We had conferred on them.

After the promulgation of this decree all our friendly nations should recognize that the events caused by the Boxers are in truth only attributable to the principal authors of trouble and in no wise to the wishes of the Court.

Since We, the Emperor, not without reason do punish several of the principal authors of disorder, the mandarins and the people of the Empire will understand at once that the consequences of such affairs are of the most grave.

Respect this!

ANNEX NO. 5

*IMPERIAL EDICT of the 13th February, 1901*

[TRANSLATION]

"CH'U-HSIU, president of the Board of Rites, and HSÜ CHENG-YU, formerly senior Vice-President of the Board of Punishments, are in the first place to be degraded.

"We order Yi K'uang and Li Hung-Chang to obtain exact proof of their



guilt and to send Us at once a report. They shall be punished with the greatest severity.

"Respect this!"

ANNEX NO. 6

*IMPERIAL EDICT of the 21st February, 1901*

[TRANSLATION]

Edict published and sent telegraphically the 3rd day of the 1st moon (21 February 1901), and received on the 4th by the Grand Chancellor.

By a former Edict We had already severely punished, according to the several cases, all the high officials, the principal authors of the present misfortunes. But We received some time ago a telegraphic report from Yi-K'uang and Li Hung-chang telling Us that, according to an official despatch from the Ministers Plenipotentiary of the various Powers, new and severer punishments were necessary, and begging Us to take action.

Besides TSAI-HSÜN, who has been ordered to commit suicide, and YÜ-HSIEN, against whom has been pronounced the penalty of immediate decapitation, and for each of whom deputies have been ordered to go see that (the sentences have been carried out), We decide that the penalty to be inflicted on TSAI-YI (Prince Tuan) and TSAI-LAN (Duke Lan) is decapitation with reprieve; nevertheless, in view of the relationship in which they stand to Us, We show them the special act of grace of sending them to the frontier of the Empire, in Turkestan, where they shall be imprisoned for life. A deputy to take them under escort shall be designated, and shall leave at once.

As to KANG-YI, whose crimes were greater, the penalty should have been immediate decapitation, but as he has already died of disease, as an act of grace, he shall be spared further inquiry into his case.

As regards YING-NIEN and CHAO SHU-CHIAO, whose punishments, according to Our former decisions, were to have been decapitation with reprieve, We command that they be requested to commit suicide, and We direct Ch'en Ch'un-huan, Governor of Shan-si, to go and verify (their deaths).

As to CH'I-HSIU and HSÜ CHENG-YU, whom the Powers designate as the most ardent protectors of the Boxer bandits, and as having most particularly done harm to foreigners, We had previously ordered their degradation; We (now) order Yi-K'uang and Li Hung-chang to ask the Powers, by despatch, for their surrender, and to have them executed at once. One of the Presidents of the Board of Punishments shall be directed to verify (their execution).

As to HSÜ TUNG, who compromised the great general interests by putting his confidence in the Boxers, and LI PING-HENG, whose bragging ways directly brought about these misfortunes, the punishment which should have been theirs was decapitation with reprieve; but taking into consideration the fact



that they committed suicide when they saw the disaster coming, and that they have already been degraded, and that the posthumous honors which had been granted them have been annulled and withdrawn, it is needless to take up their cases.

The nature of the crimes committed by all the principal authors of the wrong has been set forth in a clear and detailed way in previous decrees.

Respect this!

ANNEX NO. 7

*IMPERIAL EDICT of the 13th February 1901*

[TRANSLATION]

"The troubles brought about by the Boxers during the 5th moon (May-June) having spread from day to day, the Court had two difficult courses to adopt—to take either coercitive or conciliatory measures. In the hope that a line of conduct would be shown Us the Ministers were several times called in audience.

"We have repeatedly questioned Hsü YUNG-YI, President of the Board of War, LI-SHAN, President of the Board of Finance, HSÜ CHING-CHENG, senior vice-President of the Board of Works, LIEN-YUAN, vice Chancellor of the Grand Council, YUAN-CHANG, vice-President of the Court of Sacrificial Worship.

"In their speech and in their mind all admitted that the two methods were possible. Several Ministers, instigators of disorder, availing themselves of this fact, unjustly accused these men, handed in memorials in which they denounced them. So it came about that they were severely punished in their persons.

"But considering that Hsü Yung-yi and the others showed great zeal for many years and have always taken interest in international questions, that they were capable of faithfulness, and had shown themselves industrious, We owe it to them to show them favor.

"We command that LI-SHAN, Hsü YUNG-YI, HSÜ CHING-CHENG, LIEN-YUAN, and YUAN-CHANG be restored to their former honors.

"Let the ministry concerned be informed.

"Respect this!"

ANNEX NO. 8

*IMPERIAL EDICT of the 19th August, 1901*

[TRANSLATION]

Edict received by the Grand Chancellery the 6th day of the 7th moon of the 27th year Kuang-hsü (19 August 1901).

"Considering the report of this day by which Yi-K'uang and Li Hung-chang inform Us that the foreign Powers have decided on the suspension

during five years of civil and military examinations in the localities where troubles have taken place;

"Considering that it is declared that this suspension shall remain applicable to the local examinations for licentiates of Shun-t'ien and of T'ai-yuan;

"Considering the list comprising the localities of—

"Province of Shan-si: T'ai-yuan Fu, Hsin-chou, Tai-ku Hsien, Ta-t'ung Fu, Fen-chou Fu, Hsiao-i Hsien, Ch'u-wo Hsien, Ta-ning Hsien, Ho-ching Hsien, Yueh-yang Hsien, So-p'ing Fu, Wen-shui Hsien, Shuo-yang Hsien, P'ing-yang Fu, Ch'ang-tzu Hsien, Kao-p'ing Hsien, Tse-chou Fu, Hsi Chou, P'u Hsien, Chiang-chou, Kuei-hua Ch'eng, Sui-yuan ch'eng;

"Province of Ho-nan; Nan-yang Fu, Kuang-chou;

"Province of Che-chiang: Ch'ü-chou Fu;

"Province of Chih-li; Pei-ching, Shun-t'ien Fu, Pao-ting Fu, Yung-ching Hsien, T'ien-ching Fu, Shun-tê Fu, Wang-tu Hsien, Huai-lu Hsien, Hsin-ngan Hsien, T'ung-chou, Wu-i Hsien, Ching-chou, Luan-ping Hsien:

"Three provinces of Manchuria: Sheng-ching (= Mukden), Chia-tzŭ-ch'ang, Lien-shan, Yu-ch'ing-chieh, Pei-lin-tzŭ, Hu-lan Ch'eng;

"Province of Shen-si: Ning-chiang Chou;

"Province of Hu-nan: Heng-chou Fu;

"We command that in all these localities civil and military examinations shall be suspended during a period of five years, and We order all governors-general, governors, and examiners of the aforesaid provinces, to act in conformity and to publish proclamations."

"Respect this!"

#### ANNEX NO. 9

### *IMPERIAL EDICT of 18th of June, 1901*

#### [TRANSLATION]

Edict received by telegraph from Hsi-an-Fu the 3d day of the 5th moon (18th of June, 1901):

We confer on Mr. NA-TUNG, second Vice-President of the Board of Finances, the mandarin's button of the first rank, and we designate him as special Envoy to go to Japan and there respectfully to discharge the mission We entrust to him.

Respect this!

#### ANNEX NO. 10

### *List of cemeteries situated in the neighborhood of Peking and which have been desecrated*

British cemetery . . . . .	One
French cemeteries . . . . .	Five
Russian cemetery . . . . .	One
Total . . . . .	Seven

## ANNEX NO. 11

*IMPERIAL EDICT of the 25th of August, 1901*

[TRANSLATION]

We command all Tartar Marshals, Governors General, and Governors of provinces, as well as Customs taotais, to forbid, in the first place for a period of two years, the importation of implements of war as well as of material of foreign origin serving exclusively for their manufacture.

Inform the ministry concerned.

Respect this!

## ANNEX NO. 12

*Despatch of Prince Ch'ing and Li Hung-chang to M. de Cologan, Minister of Spain, Dean of the Diplomatic Corps (29 May 1901)*

[TRANSLATION]

The 12th day of the 4th moon of the 27th year of Kuang-hsü (29th May, 1901).

Official Reply.

The 7th day of the 4th moon of the present year (24 May 1901) we received from Your Excellency the following official despatch:

"I have the honor to acknowledge to Your Highness and Your Excellency receipt of the letter which you were pleased to send me in reply to my communication dated May 7th concerning the indemnities. In the letter to which Your Highness and Your Excellency have just replied we informed you that the approximate figure of the expenses incurred and of the losses sustained by the Powers amounted to the sum of 450 million Taels, calculated to the 1st of July of the current year.

"In reply to this communication Your Highness and Your Excellency have informed me that the Chinese Government proposed to pay off this sum to the powers by monthly payments of 1,250,000 taels during 30 years.

"The Representatives of the Powers have not failed to transmit this proposal to their Governments. But they must call the attention of Your Highness and Your Excellency to the fact that the total of the payments proposed by the Chinese Government only represents the capital of the sum mentioned, without the question of interest having been taken account of.

"I consequently beg Your Highness and Your Excellency to be so kind as to inform us as soon as possible of the intention of the Chinese Government in this respect."

In considering in a previous despatch the question of indemnities, we explained to Your Excellency the penury of the Chinese treasury.

In your last communication Your Excellency is pleased to call our attention to the fact that the annual payments of fifteen millions of taels which we proposed only represent the capital, and you now call our attention to the question of interest.

As we, on our side, had already considered that besides the capital there also had to be taken into consideration the question of annual interest at 4 per cent, we had already, by telegram, submitted to the Throne proposals on this subject, and in reply we have received an Imperial Edict, stating that "the figure of four hundred and fifty millions of indemnities to be paid the Powers, with interest at 4 per cent, is approved," and we are commanded to take the necessary measures to carry out this decision.

We have, therefore, only to comply with the orders of the Throne.

Nevertheless this obliges us to recall to Your Excellency that the financial resources of China are so restricted that nothing more can possibly be taken from them beyond the fifteen millions of Taels which we have already proposed to Your Excellency to devote specially to the payment of indemnities, but as this sum must not only furnish payment of the capital, but also that of interest, we have no other alternative to propose than to prolong the term of payments, which we had in the first place fixed at 30 years, in such a way that the instalments paid during the first period of this term thus extended shall be considered as destined to extinguish the capital, while those made during the second period shall be applied to liquidating the interest account, after which all payments would cease through the extinction of the debt. The Imperial Maritime Customs, already entrusted as we suggested, with the payments of the capital, would likewise be entrusted with the payments on account of interest. As to the amount of the annual interest, it would be understood that it would decrease proportionately every year, according to the progressive reduction of the capital.

We have the honor to request Your Excellency to kindly inform us what you think of the plan we suggest above to pay off both capital and interest, or if in your opinion it would not be better to consider a portion of the fifteen millions paid annually as an instalment on the capital to be paid off, and the balance as an instalment on the interest. These details require a careful examination, and demand a previous and full understanding between the parties.

China having thus shown its good will in assenting to the demands of the Powers on the question of the indemnity, and in taking all the necessary steps to insure an integral payment of it, we hope to have soon the satisfaction of learning that the Powers are in a position to fix an early date for the evacuation.

We have the honor to request Your Excellency kindly to communicate the above to the Representatives of the Powers.

## ANNEX NO. 13—PLAN OF AMORTIZATION

Years.	Series A.	Series B.	Series C.	Series D.	Series E.	Amount of the existing debt, including M.I. and stock taxes.	Aggregate amount of the foreign debt.
1902	Tls. 75,000,000, Extin- guished in 1940 by means of a yearly amortization of 1,106 percent in 36 years, beginning in 1902.	Tls. 60,000,000, Extin- guished in 1940 by means of a yearly amortization of 1,783 percent in 36 years, beginning in 1911.	Tls. 150,000,000, Extin- guished in 1940 by means of a yearly amortization of 2,256 percent in 24 years, beginning in 1915.	Tls. 50,000,000, Extin- guished in 1940 by means of a yearly amortization of 2,401 percent in 24 years, beginning in 1916.	Tls. 115,000,000, Extin- guished in 1940 by means of a yearly amortization of 9,449 percent in 9 years, beginning in 1932.	Tls.	Tls.
1903	Int. & am. ... 3,829,500	Int. .... 2,400,000	Int. .... 6,000,000	Int. .... 2,000,000	Int. .... 4,600,000	23,300,000	42,429,500
1904	"	"	"	"	"	23,300,000	42,129,500
1905	"	"	"	"	"	24,100,000	42,129,500
1906	"	"	"	"	"	24,100,000	42,929,500
1907	"	"	"	"	"	23,900,000	42,729,500
1908	"	"	"	"	"	23,700,000	42,529,500
1909	"	"	"	"	"	23,400,000	42,229,500
1910	"	"	"	"	"	23,400,000	42,229,500
1911	"	"	"	"	"	23,400,000	42,629,500
1912	Int. & am. ... 3,469,800	"	"	"	"	22,800,000	42,629,500
1913	"	"	"	"	"	22,900,000	42,469,300
1914	"	"	"	"	"	22,400,000	42,269,300
1915	"	"	"	"	"	19,400,000	41,999,300
1916	"	"	Int. & am. ... 9,384,000	Int. & am. ... 3,200,500	23,283,300	18,500,000	42,983,800
1917	"	"	"	"	24,483,800	18,500,000	42,983,800
1918	"	"	"	"	"	18,500,000	42,983,800
1919	"	"	"	"	"	18,500,000	42,983,800
1920	"	"	"	"	"	18,500,000	42,983,800
1921	"	"	"	"	"	18,500,000	42,983,800
1922	"	"	"	"	"	18,500,000	42,983,800
1923	"	"	"	"	"	18,500,000	42,983,800
1924	"	"	"	"	"	18,500,000	42,983,800
1925	"	"	"	"	"	18,500,000	42,983,800
1926	"	"	"	"	"	18,500,000	42,983,800
1927	"	"	"	"	"	18,500,000	42,983,800
1928	"	"	"	"	"	18,500,000	42,983,800
1929	"	"	"	"	"	18,500,000	42,983,800
1930	"	"	"	"	"	18,500,000	42,983,800
1931	"	"	"	"	"	18,500,000	42,983,800
1932	"	"	"	"	Int. & am. ... 15,466,350	7,800,000	42,830,150
1933	"	"	"	"	"	6,800,000	41,630,150
1934	"	"	"	"	"	5,900,000	41,250,150
1935	"	"	"	"	"	5,900,000	41,250,150
1936	"	"	"	"	"	5,900,000	41,250,150
1937	"	"	"	"	"	5,900,000	41,250,150
1938	"	"	"	"	"	5,900,000	41,250,150
1939	"	"	"	"	"	5,900,000	41,250,150
1940	"	"	"	"	"	5,900,000	41,250,150
	4,18433 of the whole amount of tls. 450, 000,000 from the year 1902.	4,29773, or inclusive of the foregoing rate, 4,42206 of the whole amount of tls. 450, 000,000 from the year 1911.	4,723000, or inclusive of the foregoing rate, 5,17406 of the whole amount of tls. 450, 000,000 from the year 1915.	4,99677, or inclusive of the foregoing rate, 5,44083 of the whole amount of tls. 450, 000,000 from the year 1916.	6,41477, or inclusive of the foregoing rate, 7,85560 of the whole amount of tls. 450, 000,000 from the year 1932.	Aggregate amount to be paid, tls. 492,- 238,150.	

## ANNEX NO. 14

*Description of the boundaries of the Legation quarter at Peking*<sup>6</sup>

*Point 1* is situated on the south wall of the Tartar City a hundred feet to the east of the east side of the superstructure of the CH'ÏEN MEN. From this point the boundary runs for a distance of two hundred and sixteen feet, following a line nearly due north, as far as

*Point 2*, southeast corner of the white stone balustrade which encloses the open paved space before the principal entrance of the Imperial City.

From this point the boundary runs for a length of three hundred and ten feet along the east side of this balustrade, nearly directly north, to

*Point 3*, situated on the north side of the road which forms a continuation of Legation Street, at the intersection of the boundary line coming from 2 and of a line prolonging the north side of Legation Street.

From this point the line runs for a length of six hundred and forty-one feet and a half (measured around and in the angles of the wall) along the north side of Legation Street as far as

*Point 4*, at one hundred and forty-six feet to the west of the corner (southwest) of Gaselee Road, measured along the north of Legation Street.

From this point the boundary runs for a length of two thousand one hundred and fifty-two feet (measured around and in the angles of the buildings) in a general northerly direction, but following the line of the buildings now existing and, in the open spaces between the buildings, a line parallel to the general line of the buildings on the left side of Gaselee Road and one hundred and fifty-seven feet west of the west side of the gate which leads from Gaselee Road to the exterior court of the Imperial City, as far as

*Point 5*, on the south face of the south wall of the interior court of the Imperial City, and at one hundred and fifty-seven feet from the west side of the gate at the end of Gaselee Road.

From this point the line runs for a distance of one thousand two hundred and eighty-eight feet nearly due east along the wall as far as

*Point 6*, southeast corner of the exterior court of the Imperial City.

From there the line runs almost directly north along the wall for a distance of two hundred and eighteen feet measured in a straight line to

*Point 7*, northeast corner of the exterior court.

From there the line runs nearly due east for a distance of six hundred and eighty-one feet to

*Point 8*, southeast corner of the wall of the Imperial City.

From there the boundary runs nearly due north for a distance of sixty-five feet along the wall to

<sup>6</sup> For a plane table survey of the Peking Legation boundaries which accompanied the protocol, see S. Doc. 67, 57th Cong., 1st sess., between pp. 330 and 331, or John V. A. MacMurray, *Treaties and Agreements With and Concerning China, 1894-1919*, vol. I, between pp. 298 and 299.



*Point 9*, at sixty-five feet from the southeast corner of the wall of the Imperial City.

From there the boundary runs due east for a distance of three thousand and ten feet to

*Point 10*, on the west side of Ketteler Strasse and at three hundred feet from the angle of intersection of Ketteler Strasse and the Viale Italia.

From this point the boundary runs nearly due south along the west side of Ketteler Strasse to

*Point 11*, northwest corner of the archway of the Hatamen, on the south wall of the Tartar City.

From there the boundary runs along the wall and includes the west ramp of the Hatamen to

*Point 12*, on the wall at one hundred feet to the west of the superstructure of the Hatamen.

From POINT 12 the boundary follows the southern face of the wall including the bastions, as shown in the plan, until it meets POINT 1.

The points of the plan of which the bearings have been taken are the following:

A. Point at one hundred and seven feet from the superstructure of the Chien-Men, measured to the east along the north edge of the crest of the wall of the Tartar City.

B. Point on top of the north edge of the wall of the Tartar City, exactly above the middle of the canal for the drainage of water.

C. Northwest corner of the superstructure of the Hatamen.

ANNEX NO. 15

*IMPERIAL EDICT of February 1, 1901*

[TRANSLATION]

In all the provinces bandits called for followers and established anti-foreign societies. Various edicts were issued formally forbidding this. We repeated this many times, but, nevertheless, in late years there have been in all the Shan-tung districts sects under the name of Ta-tao-huei (Great Knives Society) and I-ho-chuan (Boxers), which spread everywhere, with the object of willful murder and theft. Little by little they reached the Chih-li territory and suddenly entered the capital, where they set fire to the foreign establishments and attacked the Legations. Crimes were thus committed against neighboring countries, and offenses against the general interest. For not having assured protection we have incurred heavy responsibilities.

You, people, who in ordinary times nourish yourselves and live from the products of this land, and who have all been loaded with the Empire's favors—you have, however, dared to incite these bandits with the desire to fight, to teach methods for casting spells, and to devote themselves to



false practices. You have rashly resisted your mandarins, you have massacred them, you have assassinated foreigners, and then you have been the cause of unprecedented calamities, which above all else have plunged your Sovereign and your fathers in grief.

We can not think of what has been done without feeling a still deeper resentment. We have already formally ordered the Commanders in Chief of all the regions to exert their sincerest efforts to destroy these societies. The thing is to do away with the evil, even in its roots; therefore the Princes and Ministers who have lent their support to the Boxers will suffer the heaviest penalties according to their crimes, and in order to inspire fear, all civil and military examinations will be suspended for five years in all cities where foreigners were massacred or suffered cruel treatment.

Fearing lest the ignorant rural populations may not hear (of these punishments), new and severe measures will be taken for the special purpose of preventing the execution of those who have not been notified.

You, soldiers and people, must know that it is formally forbidden by law to organize or belong to secret societies. Our ancestors have never shown the slightest indulgence in the repression of societies of malefactors.

Moreover, the foreign Powers are all friendly countries, the Christians are children of our blood whom the Court regards with the same benevolence, and It could not admit having toward them sentiments of a different sort. All Chinese, whether Christians or not, who may be ill treated, should complain to the authorities and wait until a fair and equitable judgment is rendered. How can you lightly believe all the rumors which have been spread? How can you disregard the penal laws?

Then, when all is lost, those who are sharp save themselves by flight and the simple are put to death. The law is slow to pardon, and all that has happened is in truth most regrettable. From the publication of this present edict, each one must reform and repent him of the teaching he has received.

If hardened and incorrigible malefactors should again secretly organize anti-foreign societies, they will be punished by death, as well as anyone belonging to these societies. They shall not be shown the slightest mercy.

The Tartar Marshals, the Governors-General, Governors, and High Provincial Authorities whose duty it is to guide the population, must give explicit instructions to their subordinates to publish severe proclamations and to have printed on yellow paper the present decree, which shall be posted up everywhere. It is important that all families be notified, that they all be exhorted to good conduct and that none be ignorant of the will of the Court for all to be well aware that punishment will be meted out, in order to avoid the necessity of inflicting other punishments.

Let this edict be made known to all in the Empire.

Respect this!

## ANNEX NO. 16

*IMPERIAL EDICT of December 24, 1901*

[TRANSLATION]

It has been stipulated in the treaties concluded between China and the Foreign Powers that the citizens of these Powers shall be allowed to penetrate into the interior.

The Court, in order to ensure and maintain relations with other countries, has already published decrees ordering that most sincere efforts be made in the provinces to guarantee protection. Nevertheless, the local authorities having gradually grown lax (in the exercise of their duties), malefactors have caused trouble, and attacks have been directed against foreigners. Similar incidents have repeatedly occurred.

We realize that our ability was too limited to reform the ignorant people, which has led us to make very grievous mistakes. Not a single local mandarin has, in normal times, been able to interpret European affairs, and none has comprehended the importance of foreign relations. Consequently the conflagration spread everywhere, threatening the Empire; and, if they reflect, they will find they have cause for uneasiness.

Henceforth each one of you must strive to overcome his resentment and to lay aside his prejudices. You must know that the maintenance of friendly relations with foreign countries has in all times been a fundamental law. People coming to China from afar, whether as merchants to exchange their products, or as travelers to increase their scientific knowledge, or yet as missionaries to preach religion with the object of exhorting the people to do good, have crossed mountains and seas at the cost of the greatest exertions.

Since China passes for a civilized country, it must practice the duties of a host toward his guests. Moreover, the Chinese who have gone abroad in recent years number at least several hundreds of thousands. The safety of their persons and property depends upon the guaranty assured them by the Powers, who have given them their protection. How could we continue to treat their citizens differently?

We again command all the responsible High civil and military Authorities of all the provinces to order their subordinates to protect, in the most efficacious manner, the agents and nationals of the foreign Powers who may enter within their districts. In case audacious malefactors should go so far as to maltreat and massacre foreigners, order must be restored immediately and the guilty parties arrested and punished without delay. No delay must occur. If, owing to indifference, or even to voluntary tolerance, great calamities should take place, or if treaties should be violated and no immediate steps taken to make reparation or inflict punishment, the Governors-General, Governors, and the provincial or local Officials responsible will be removed and

shall not be reappointed to other offices in other provinces, or hope to be reinstated or receive any further honors.

The present decree must be printed and published to warn the officials and put an end to all shameful customs.

Respect this!

ANNEX NO. 17

*Regulations for the improvement of the course of the Whangpu*

I. A River Conservancy Board [*Conseil fluvial*] is established at Shanghai for the Whangpu River.

II. The Board shall have the twofold duty of acting as agent for the straightening and improvement of the river, and as controlling agent.

III. The jurisdiction of the Board shall extend from a line drawn from the lower limit of the Kiang-nan Arsenal towards the mouth of Arsenal Creek, to the red buoy in the Yangtze.

IV. The Board shall consist of: (a) The Taotai; (b) the Commissioner of Customs; (c) two members elected by the Consular Body; (d) two members of the General Chamber of Commerce of Shanghai, elected by the committee of the said Chamber; (e) two members representing shipping interests, elected by shipping companies, commercial firms, and the merchants the total of whose entrances and clearances at Shanghai, Woosung, and other ports on the Whangpu exceeds 50,000 tons per annum; (f) a member of the Municipal Council of the International Settlement; (g) a member of the Municipal Council of the French Concession, and (h) a representative of each country the total tonnage of whose ships entering and clearing at Shanghai and any other port of the Whangpu exceeds two hundred thousand tons a year.

V. The *ex officio* members shall hold office as long as they fill the position by virtue of which they sit on the Board.

VI. The representatives of the Municipal Councils and of the Chamber of Commerce shall be elected for a period of one year. They may be immediately reelected.

The term of office of the members to be designated by the Governments (provided under paragraph h) shall also be one year.

The term of the other members is for three years. They may be immediately reelected.

VII. In case of a vacancy during a term, the successor of the out-going member shall be designated for one year or for three years, according to the class to which he belongs.

VIII. The Board shall elect its Chairman and Vice-Chairman from amongst its members for a term of one year. If there is no majority at the election of Chairman, the Senior Consul shall be requested to give a casting vote.

IX. In case of the absence of the Chairman the Vice-Chairman shall take his place. If both of them are absent the members shall choose amongst themselves a President for the occasion.

X. In all meetings of the Board, if votes are equally divided, the Chairman shall have a casting vote.

XI. Four members form a quorum.

XII. The Board shall appoint the officials and employees deemed necessary for carrying out the works and enforcing its regulations; it shall fix their salaries, wages, and gratuities, and shall pay them out of the funds placed at its disposal, and it may make regulations and take every measure necessary concerning its staff, which it can dismiss at pleasure.

XIII. The Board shall decide on the necessary steps for the regulation of traffic, including the placing of moorings in the river and the berthing of vessels within the limits indicated in Article III, and on all water courses (such as the Soochow Creek and others) passing through the French Concession or the International Settlement at Shanghai and the foreign quarter at Woosung, as well as on all the other creeks emptying into the river, for a distance of 2 English miles above their mouths.

XIV. The Board shall have power to expropriate the private moorings and to establish a system of public moorings in the river.

XV. The authorization of the Board shall be necessary to carry out any dredging, to build bunds, to construct jetties, or to place pontoons and hulks in the section of the river mentioned in Article XIII. The Board may, at its discretion, refuse such authorization.

XVI. The Board shall have full power to remove all obstacles in the river, or the above-mentioned creeks, and to recover, if necessary, the cost of so doing from those responsible.

XVII. The Board shall have control of all floating lights, buoys, beacons, landmarks, and light signals within the section of the river and within the creeks mentioned in Article XIII, as well as over such marks on the shore as may be necessary for the safe navigation of the river, with the exception of light-houses, which shall remain subject to Article XXXII of the treaty of 1858 between Great Britain and China.

XVIII. The improvement and conservancy works of the Whangpu shall be entirely under the technical control of the Board, even should the carrying out of them necessitate works beyond the limits of its jurisdiction. In this case the necessary orders will be transmitted by and the work will be done with the consent of the Chinese authorities.

XIX. The Board shall receive and disburse all the funds collected for the works and take, in conjunction with the competent authorities, all proper and efficacious measures to ensure the collection of the taxes and the enforcement of the regulations.

XX. The Board shall appoint the Harbour Master and his staff. This department shall act, within the limits of the powers assigned to the Board, in the section of the river indicated in Article XIII.

XXI. The Board shall have authority to organize a police and watch service to ensure the execution of its regulations and orders.

XXII. The Board shall have the direction and control of the Shanghai (Lower Yangtze) pilot service. Licenses for pilots for ships bound for Shanghai shall only be issued by the Board and at its discretion.

XXIII. In case of infractions of its regulations, the Board shall sue offenders in the following way: Foreigners, before their respective Consuls or competent judicial authority; Chinese or foreigners whose Governments are not represented in China, in the mixed Court, in the presence of a foreign assessor.

XXIV. All suits against the Board shall be brought before the Court of Consuls at Shanghai. The Board shall be represented in suits by its secretary.

XXV. Members of the Board and persons employed by it shall not incur any personal responsibility for the votes and acts of the Board, for contracts made or expenses incurred by the said body, when the said votes, acts, contracts and expenses concern the carrying out or the enforcement, under the authority or by order of the Board or of one of its branches, of the regulations enacted by said body.

XXVI. Besides the provisions mentioned in Article XIII of the present annex, the Board shall have power to enact, within the limits of its competency, all necessary ordinances and regulations, and to fix fines for the violation thereof.

XXVII. The ordinances and regulations mentioned in Article XXVI shall be submitted for the approbation of the Consular Body. If two months after presenting the draft of the proposed ordinances and regulations the Consular Body has made no objection or suggested no modification, it shall be considered as approved and shall come into force.

XXVIII. The Board shall have power to acquire by purchase the lands necessary for carrying out the works of improvement and conservancy of the Whangpu and to dispose of them.

If, for this purpose, it shall be deemed necessary to expropriate land, the rules laid down in Article VI (a) of "The Land Regulations for the Foreign Settlement of Shanghai North of the Yang-king-pang"<sup>6</sup> shall be followed. The price shall be fixed by a Committee consisting of, first, a person chosen by the authority to whose jurisdiction the owner is subject; second, one chosen by the Board, and, third, one chosen by the Dean of the Consular Corps.

<sup>6</sup> For text of the 1869 Land Regulations for the Foreign Settlement of Shanghai, confirmed by representatives of the United States, the United Kingdom, France, Germany, and Russia, see Godfrey E. P. Hertslet, *China Treaties*, vol. II, p. 664; for additional information, see V Moore 463.

XXIX. Riparian owners shall have the refusal of all land made in front of their properties by the reclamation carried out for the improvement of the waterways in question. The purchase price of these lands shall be fixed by a Committee composed in the same manner as provided for in Article XXVIII.

XXX. The revenues of the Board are to be derived from—

(a) An annual tax of one-tenth of 1 per cent (0.1 per cent) on the assessed value of all lands and houses in the French Concession and the International Settlement.

(b) A tax of equal amount on all property with water frontage on the Whangpu, from a line drawn from the lower limit of the Kiang-nan Arsenal toward the mouth of Arsenal Creek to the place where the Whangpu empties into the Yangtze. The assessed value of this property shall be fixed by the Committee mentioned in Article XXVIII.

(c) A tax of five candereens per ton on all ships of non-Chinese type and of a tonnage superior to 150 tons entering or leaving the port of Shanghai, Woosung, or any other port on the Whangpu.

Ships of non-Chinese type of 150 tons and under shall pay a quarter of the above-mentioned tax. These taxes shall only be leviable on each ship once every four months, irrespective of the number of its entrances and clearances.

Foreign-built ships navigating the Yangtze and only stopping at Woosung to take their river papers shall be exempted from the taxes above mentioned, on condition that on their way up or down they shall not carry on any commercial transactions at Woosung. They shall, however, be allowed to take on water and supplies at Woosung.

(d) A tax of one-tenth of 1 per centum (0.1 per cent) on all merchandise passing through the customs at Shanghai, Woosung, or any other port on the Whangpu.

(e) An annual contribution from the Chinese Government equal to that supplied by the various foreign interests.

XXXI. The collection of the taxes enumerated in Article XXX shall be made through the medium of the following authorities:

Tax *a*, by the respective Municipalities.

Tax *b*, to be collected from persons under the jurisdiction of Governments represented in China by their respective Consuls; the taxes to be collected from Chinese or from persons whose Governments are not represented in China by the Taotai.

Taxes *c* and *d*, by the Imperial Maritime Customs.

XXXII. Should the total annual revenues of the Board not be sufficient for the payment of interests and the amortization of the capital to be borrowed for carrying out the works, for keeping up the completed works, and



for the service in general, the Board shall have the power to increase in the same proportion the various taxes on shipping on land and houses, and on trade, to a figure sufficient to supply its recognized needs. This eventual increase would apply in the same proportion of the contribution of the Chinese Government mentioned in paragraph *e* of Article XXX.

XXXIII. The Board shall give notice to the Superintendent of Southern Trade and to the Consular Body of the necessity for the increase referred to in Article XXXII. Such increase shall only come into force after its approval by the Consular Body at Shanghai.

XXXIV. The Board shall submit to the Superintendent of Southern Trade and to the Consular Body at Shanghai, within six months after the closing of each financial year, its annual accounts, accompanied by a detailed report on the general management and the receipts and expenditures during the preceding twelve months. This report shall be published.

XXXV. If the exact and published accounts of receipts and expenditures show a balance of receipts over expenses, the taxes mentioned in Article XXX shall be proportionately reduced by the Board and the Consular Body at Shanghai acting conjointly. The eventual reduction shall apply in the same proportion to the contribution of the Chinese Government referred to in paragraph *e* of Article XXX.

XXXVI. At the expiration of the first term of three years the signatories shall examine conjointly whether the provisions contained in the present annex require revision. A new revision can take place every three years under the same conditions.

XXXVII. The regulations of the Board within the limits provided for in Article XIII, and subject to the approbation of the Consular Body at Shanghai, shall be binding on all foreigners.

*Peking September 7th, 1901.*

ANNEX NO. 18

*IMPERIAL EDICT of the 24th July, 1901*

[TRANSLATION]

On the 9th day of the 6th moon the Grand Chancellery received the following Edict:

"The creation of officers and the determination of their duties has until now been regulated by the requirements of the times. Now, at this moment when a new treaty of peace is concluded, international affairs take the first place among important business, and it is more than ever necessary to have recourse to competent men to devote themselves to all that relates to establishing friendly relations and confidence in speech.

"The Office of Foreign Affairs, formerly created to deal with international questions, has been in existence, it is true, for years; but since the Princes and Ministers who composed it did not for the most part exercise these



functions except in conjunction with others, they were unable to devote themselves exclusively to the former. It is naturally, therefore, proper to create special functions, so that each one may have his particular attributions.

"We command, in consequence, that the Office of Foreign Affairs (Tsung-li ko kuo shih-wu ya-men) be changed into a Ministry of Foreign Affairs (Wai-wu Pu) and take rank before the six Ministries. And we designate YI-K'UANG, Prince of the First Rank Ch'ing, as President of the Ministry of Foreign Affairs.

"WANG WEN-SHAO, Grand Secretary of State of the Ti-jen Ko, is appointed Assistant-President of the Ministry of Foreign Affairs. CH'Ü HUNG-CHI, President of the Board of Works, is transferred with the same rank to the Ministry of Foreign Affairs, in which he is appointed Assistant-President. HSÜ SHOU-P'ENG, Director of the Imperial Stud, and LIEN-FANG, Expectant Metropolitan Subdirector of the third or fourth rank, are appointed first and second Directors (or Under Secretaries).

"As regards the fixing of the personnel, the rules to be followed in its choice, the salaries to be given the Ministers, Directors, and other Agents, We command the Councilors of State to come to an agreement with the Board of Civil Office and promptly to submit to Us their conclusions in a report.

"Respect this."

#### ANNEX NO. 19

#### *MEMORANDUM on the ceremonial to be followed in solemn audiences*

1°. Solemn audiences to be given by His Majesty the Emperor of China to the Diplomatic Body or to Representatives of the Powers separately shall take place in the palace hall called "Ch'ien-ch'ing Kung."

2°. In going to or coming back from these solemn audiences the Representatives of the Powers shall be carried in their sedan chairs as far as outside of the Ching-yun gate. At the Ching-yun gate they will get out of the sedan chair in which they have come and will be carried in a little chair (i chiao) as far as the foot of the steps of the Ch'ien-ch'ing gate.

On arriving at the Ch'ien-ch'ing gate the Representatives of the Powers shall get out of their chairs, and shall proceed on foot into the presence of His Majesty in the Ch'ien-ch'ing Kung hall.

When departing the Representatives of the Powers shall return to their residences in the same manner as that in which they arrived.

3°. When a Representative of a Power shall have occasion to present to His Majesty the Emperor his letters of credence or a communication from the Head of the State by whom he is accredited, the Emperor shall cause to be sent to the residence of said Representative, to bear him to the Palace, a sedan chair with yellow trimmings and tassels, such as are used by the Princes of the Imperial family. The said Representative shall be taken back

to his residence in the same manner. An escort of troops shall likewise be sent to the residence of said Representative to accompany him going and returning.

4°. When presenting his letters of credence or communication from the Head of the State by whom he is accredited, the Diplomatic Agent, while bearing said letters of communications, shall pass by the central openings of the Palace doors until he has arrived in the presence of His Majesty. On returning from these audiences he will comply, as regards the doors by which he may have to pass, with the usages already established at the Court of Peking for audiences given to Foreign Representatives.

5°. The Emperor shall receive directly into his hands the letters and communications above mentioned which the Foreign Representatives may have to hand to him.

6°. If His Majesty should decide upon inviting to a banquet the Representatives of the Powers it is well understood that this banquet shall be given in one of the halls of the Imperial Palace and that His Majesty shall be present in person.

7°. In brief, the ceremonial adopted by China as regards Foreign Representatives shall, in no case, be different from that which results from perfect equality between the Countries concerned and China, and without any loss of prestige on one side or the other.

## PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (INTER-AMERICAN)

*Protocol signed at México January 15, 1902*

*Entered into force January 15, 1902*

*Execution of provisions: A protocol enabling states not parties to the 1899 convention for the pacific settlement of international disputes<sup>1</sup> to adhere to that convention was signed at The Hague June 14, 1907;<sup>2</sup> an inter-American treaty on compulsory arbitration, pursuant to article 4, was signed at México January 29, 1902<sup>3</sup>*

Department of State files; enclosure to  
note no. 264 of May 23, 1902, from the  
Mexican Embassy at Washington

[TRANSLATION]

### PROTOCOL OF ADHERENCE TO THE CONVENTIONS OF THE HAGUE

WHEREAS: The Delegates to the International Conference of the American States, believing that public sentiment in the Republics represented by them is constantly growing in the direction of heartily favoring the widest application of the principles of arbitration; that the American Republics controlled alike by the principles and responsibilities of popular government and bound together by increasing mutual interests, can, by their own actions, maintain peace in the Continent, and that permanent peace between them will be the forerunner and harbinger of their national development and of the happiness and commercial greatness of their peoples;

They have, therefore, agreed upon the following

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<sup>1</sup> TS 392, *ante*, p. 230.

<sup>2</sup> *Post*, p. 575.

<sup>3</sup> For text, see *Message from the President of the United States, Transmitting a Communication from the Secretary of State, Submitting the Report, With Accompanying Papers, of the Delegates of the United States to the Second International Conference of American States, Held at the City of Mexico from October 22, 1901, to January 22, 1902* (U.S. Government Printing Office, 1902), p. 40; S. Doc. 330, 57th Cong., 1st sess. The United States did not become a party.

## PROJECT

ART. 1ST. The American Republics, represented at the International Conference of American States in Mexico, which have not subscribed to the three Conventions signed at The Hague on the 29th. of July, 1899,<sup>4</sup> hereby recognize as a part of Public International American Law the principles set forth therein.

ART. 2ND. With respect to the Conventions which are of an open character, the adherence thereto will be communicated to the Government of Holland through diplomatic channels by the respective Governments, upon the ratification thereof.

ART. 3RD. The wide general convenience being so clearly apparent that would be secured by confiding the solution of differences to be submitted to arbitration to the jurisdiction of a tribunal of so high a character as that of the Arbitration Court at The Hague, and, also, that the American Nations, not now signatory to the Convention creating that beneficent institution, can become adherents thereto by virtue of an accepted and recognized right; and, further, taking into consideration the offer of the Governments of the United States of America and the United States of Mexico, the Conference hereby confers upon said Governments the authority to negotiate with the other signatory Powers to the Convention for the Peaceful Adjustment of International Differences,<sup>5</sup> for the adherence thereto of the American Nations so requesting and not now signatory to the said Convention.

## For the Delegation of Guatemala:

ANTONIO LAZO ARRIAGA  
FRANCISCO ORLA

## Delegates of Mexico:

G. RAIGOSA\*<sup>6</sup>  
E. PARDO (JR.)  
JOAQUÍN D. CASASÚS\*  
ALFREDO CHAVERO\*  
JOSÉ LÓPEZ-PORTILLO Y ROJAS\*  
PABLO MACEDO\*  
FRANCISCO L. DE LA BARRA\*  
M. SÁNCHEZ MARMOL\*  
ROSENDO PINEDA\*

## For the Argentine Delegation:

ANTONIO BERMEO  
LORENZO ANADÓN

## For the Delegation of Peru:

ISAAC ALZAMORA  
MANUEL ALVAREZ CALDERÓN  
ALBERTO ELMORE

## For the Delegation of Uruguay:

JUAN CUESTAS

The Delegate of Venezuela signs ad referendum, and in addition he states that in so far as his country is concerned, matters of or related to navigation are not included in this treaty.

For the Delegation of Venezuela:<sup>7</sup>

M. M. GALAVÍS

## Delegate of Costa Rica:

J. B. CALVO\*

## Delegate of Haiti:

J. N. LÉGER

## Delegates of the Dominican Republic:

FED. HENRÍQUEZ I CARVAJAL\*  
QUINTÍN GUTIÉRREZ

## Delegate of Paraguay:

CECILIO BAEZ

<sup>4</sup> TS 392, 403, and 396, *ante*, pp. 230, 247, and 263.

<sup>5</sup> TS 392, *ante*, p. 230.

<sup>6</sup> The Delegates whose names are followed by an asterisk signed the Protocol on the day it was sent to the Conference (January 15, 1902). [Asterisks and footnote on copy of protocol enclosed with Mexican note of May 23, 1902.]

<sup>7</sup> See note, p. 334.

Delegate of Bolivia:  
FERNANDO E. GAUCHALLA

Delegate of El Salvador:  
BALTASAR ESTUPINIAN

Delegate of Colombia:  
RAFAEL REYES\*

For the Delegation of Honduras and as  
the Delegate of Nicaragua:  
F. DÁVILA\*

Delegates of the United States of  
America:  
WILLIAM I. BUCHANAN\*  
CHARLES M. PEPPER\*  
VOLNEY W. FOSTER\*

ART. 4TH. In order that the widest and most unrestricted application of the principle of just arbitration may be satisfactorily and definitely brought about at the earliest possible day, and, to the end that the most advanced and mutually advantageous form in which the said principle can be expressed in a Convention to be signed between the American Republics may be fully ascertained, the President of Mexico is hereby most respectfully requested to ascertain by careful investigation the views of the different Governments represented in the Conference regarding the most advanced form in which a General Arbitration Convention could be drawn that would meet with the approval and secure the final ratification of all the countries in the Conference, and, after the conclusion of this inquiry, to prepare a plan for such a General Convention as would apparently meet the wishes of all the Republics; and, if possible, arrange for a series of protocols to carry the plan into execution; or, if this should be found to be impracticable, then to present the correspondence with a report to the next Conference.

Mexico, January 15, 1902

Delegation of Guatemala:  
ANTONIO LAZO ARRIAGA  
FRANCISCO ORLA

Delegates of Mexico:  
G. RAIGOSA  
JOAQUÍN D. CASASÚS  
JOSÉ LÓPEZ-PORTELLO Y ROJAS  
E. PARDO (JR.)  
PABLO MACEDO  
ALFREDO CHAVERO  
F. L. DE LA BARRA  
MANUEL SÁNCHEZ MÁRMOL  
ROSENDO PINEDA

Delegate of Haiti:  
J. N. LÉGER

Delegation of Peru:  
ISAAC ALZAMORA  
MANUEL ALVAREZ CALDERÓN  
ALBERTO ELMORE

Delegation of the United States of  
America:  
WILLIAM I. BUCHANAN  
CHARLES M. PEPPER  
VOLNEY W. FOSTER

Uruguay:  
JUAN CUESTAS

Argentine Delegation:  
A. BERMEJO  
LORENZO ANADÓN

Delegate of Costa Rica:  
J. B. CALVO

For the Delegation of Honduras and as  
the Delegate of Nicaragua:  
F. DÁVILA

Delegate of Paraguay:  
CECILIO BAEZ

Delegate of Bolivia:  
FERNANDO E. GUACHALLA

Delegates of the Dominican Republic:  
FED. HENRÍQUEZ I CARVAJAL  
QUINTÍN GUTIÉRREZ

Delegate of Colombia:  
RAFAEL REYES

Delegation of El Salvador:  
F. A. REYES  
BALTASAR ESTUPINIAN

[The protocol was not signed for Chile and Ecuador; however, the two countries, following a protracted debate on a point of order involving the plan adopted, accepted a solution which made them parties to the protocol. Venezuela's withdrawal from the Conference on January 14, 1902, with retroactive effect to and from December 31, 1901, apparently invalidated its signature to the protocol.

The delegates to the Third International American Conference adopted unanimously on Aug. 7, 1906, a resolution "to ratify adherence to the principle of arbitration" and "to endeavor to secure . . . the celebration of a General Arbitration Convention." For text, see *Report of the Delegates of the United States to the Third International Conference of the American States, Held at Rio de Janeiro, Brazil, July 21 to August 26, 1906* (U.S. Government Printing Office, 1907), p. 97.]

## EXCHANGE OF PUBLICATIONS (INTER-AMERICAN)

*Convention signed at México January 27, 1902*

*Senate advice and consent to ratification May 16, 1902*

*Ratified by the President of the United States June 23, 1902*

*Signatory governments informed of ratification by the United States  
July 16, 1902*

*Entered into force August 20, 1902*<sup>1</sup>

Treaty Series 491-A

### CONVENTION RELATIVE TO THE EXCHANGE OF OFFICIAL, SCIENTIFIC, LITERARY AND INDUSTRIAL PUBLICATIONS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Hayti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Antonio Bermejo, His Excellency Martin Garcia Mérou, His Excellency Lorenzo Anadon.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martinez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquin Bernardo Calvo.

*For Chili.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquin Walker Martinez, His Excellency Augusto Matte.

*For the Dominican Republic.*—His Excellency Federico Henriquez y Caravajal, His Excellency Luis Felipe Carbo, His Excellency Quintin Gutierrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

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<sup>1</sup> Date of notification of second ratification.



*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of América.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Antonio Laza Arriaga, His Excellency Colonel Francisco Orla.

*For Hayti.*—His Excellency J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Dávila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasús, His Excellency José López Portillo y Rojas, His Excellency Emilo Pardo, Jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed: to enter into a Convention relative to the exchange of official, scientific, literary and industrial publications, in the following terms:

ART. 1ST. The signatory Governments bind themselves to furnish one another, reciprocally, five copies of each one of the following official publications:

I. Parliamentary, administrative and statistical documents which may be published in each one of the contracting countries.

II. Works of all kinds, published or subsidized by the respective signatory Governments.

III. Geographical maps, general as well as special, topographic plans and other works of this kind.

ART. 2ND. The obligation stipulated in the foregoing article, shall exist even in the case that the works referred to should be printed outside of the territory of the country whose Government grants them subsidy or assistance.

ART. 3RD. Each one of the signatory Governments shall form as complete a collection as possible, of the books already published officially in its

respective territory, specially of those relating to its history, statistics and geography, and shall forward such collections to the others at the time of making its first transmission.

ART. 4TH. The Governments signing this Convention, whenever they shall receive the publications sent them by others, shall insert, in due time, a list of the same in the respective official journals, so that the public may be able to consult them in the office or library in which they are placed for inspection, stating at the same time the place and the printing office from which each work was issued, for the information of those that may desire to acquire said work.

ART. 5TH. The Contracting Governments, in so far as the stipulations of the Universal Postal Union allow it, will declare free of postage, among the respective countries, all official correspondence and the publications under agreement of exchange referred to in this Convention, in conformity with the special arrangements which for the purpose shall be entered into among themselves.

ART. 6TH. Each of the Contracting Countries shall send the printed matter to which this Convention refers, to the Legation or Consulate which it may have accredited to the Governments of the others, so that they may be delivered by such channels to the Department, office or library which each Government may designate to receive them. In the absence of indirect agents, the transmission shall be made from one Government to the other.

ART. 7TH. For the operation of this Convention it is not indispensable that its ratification shall be made simultaneously by the signatory nations. The State approving it shall make known that fact to the others through a diplomatic agency, or directly, and such proceeding shall be considered of equal force as an exchange of copies.

ART. 8TH. This Convention shall take effect for an indefinite period, from the day on which its ratification shall have taken place, in the manner expressed in the foregoing article, and the nation desiring to denounce it, shall give notice of its intention to the others; and its obligations under it shall cease only one year from the date of giving such notice.

In Testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, this twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French, respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

## For the Argentine Republic:

ANTONIO BERMEJO  
LORENZO ANADÓN

## For Bolivia:

FERNANDO E. GUACHALLA

## For Colombia:

RAFAEL REYES

## For Costa Rica:

J. B. CALVO

## For Chili:

AUGUSTO MATTE  
JOAQU. WALKER M.  
EMILLIO BELLO C.

## For the Dominican Republic:

FED. HENRÍQUEZ I CARVAJAL

## For Ecuador:

L. F. CARBO

## For El Salvador:

FRANCISCO A. REYES  
BALTASAR ESTUPINIAN

## For the United States of America:

W. I. BUCHANAN  
CHARLES M. PEPPER  
VOLNEY W. FOSTER

## For Guatemala:

FRANCISCO ORLA

## For Hayti:

J. N. LÉGER

## For Honduras:

J. LEONARD  
F. DÁVILA

## For Mexico:

G. RAIGOSA  
JOAQUÍN D. CASASÚS  
E. PARDO, JR.  
JOSÉ LÓPEZ-PORTILLO Y ROJAS  
PABLO MACEDO  
F. L. DE LA BARRA  
ALFREDO CHAVERO  
M. SÁNCHEZ MÁRMOL  
ROSENDO PINEDA

## For Nicaragua:

F. DÁVILA

## For Paraguay:

CECILIO BAEZ

## For Peru:

MANUEL ALVAREZ CALDERÓN  
ALBERTO ELMORE

## For Uruguay:

JUAN CUESTAS

## LITERARY AND ARTISTIC COPYRIGHT (INTER-AMERICAN)

*Convention signed at México January 27, 1902*

*Senate advice and consent to ratification January 31, 1908*

*Ratified by the President of the United States March 16, 1908*

*Ratification of the United States deposited at México March 31, 1908*

*Proclaimed by the President of the United States April 9, 1908*

*Entered into force February 22, 1903; for the United States June 30, 1908*

*Provisions of 1902 convention were expressly adopted by the convention of August 23, 1906,<sup>1</sup> which also included supplementary provisions that did not become operative; 1902 convention was replaced either explicitly or in practical effect by provisions of (1) general treaties of peace and amity of December 20, 1907,<sup>2</sup> and February 7, 1923,<sup>3</sup> (2) convention of August 11, 1910,<sup>4</sup> as revised, and (3) convention of June 22, 1946,<sup>5</sup> in relations between contracting parties to the later conventions and treaties in each instance; convention of September 6, 1952,<sup>6</sup> states that its provisions shall prevail over provisions of existing conventions which differ from them, in relations between contracting parties to 1952 convention*

35 Stat. 1934; Treaty Series 491

### CONVENTION ON LITERARY AND ARTISTIC COPYRIGHTS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the Mexican United States, Nicaragua, Paraguay, Peru and Uruguay,

<sup>1</sup> Ex. I, 59th Cong., 2d sess. The United States did not become a party.

<sup>2</sup> 1907 For. Rel. 692; *British and Foreign State Papers*, vol. 100, p. 835. The United States did not become a party.

<sup>3</sup> *Conference on Central American Affairs, Washington, December 4, 1922–February 7, 1923* (U.S. Government Printing Office, 1923), p. 287; *British and Foreign State Papers*, vol. 130, p. 517. The United States did not become a party.

<sup>4</sup> TS 593, *post*, p. 758.

<sup>5</sup> S. Ex. III, 80th Cong., 1st sess. The United States did not become a party.

<sup>6</sup> 6 UST 2731; TIAS 3324.

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Antonio Bermejo, His Excellency Martín García Mérou, His Excellency Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chili.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*For the Dominican Republic.*—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

*For Haiti.*—His Excellency J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Dávila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasus, His Excellency José López-Portillo y Rojas, His Excellency Emilio Pardo, Jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to celebrate a Convention on literary and artistic copyrights, in the following terms:

ART. 1ST. The signatory States constitute themselves into a Union for the purpose of recognizing and protecting the rights of literary and artistic property, in conformity with the stipulations of the present Convention.

ART. 2ND. Under the term "Literary and Artistic works," are comprised books, manuscripts, pamphlets of all kinds, no matter on what subjects they may treat of and what may be the number of their pages; dramatic or melodramatic works; choral music and musical compositions, with or without words, designs, drawings, paintings, sculpture, engravings, photographic works; astronomical and geographical globes; plans, sketches and plastic works relating to geography or geology, topography or architecture, or any other science; and finally, every production in the literary and artistic field, which may be published by any method of impression or reproduction.

ART. 3RD. The copyright to literary or artistic work, consists in the exclusive right to dispose of the same, to publish, sell and translate the same, or to authorize its translation, and to reproduce the same in any manner, either entirely or partially.

The authors belonging to one of the signatory countries, or their assigns, shall enjoy in the other signatory countries, and for the time stipulated in art. 5th., the exclusive right to translate their works, or to authorize their translation.

ART. 4TH. In order to obtain the recognition of the copyright of a work, it is indispensable that the author or his assigns, or legitimate representative, shall address a petition to the official Department, which each government may designate, claiming the recognition of such right, which petition must be accompanied by two copies of his work, said copies to remain in the proper Department.

If the author, or his assigns, should desire that his copyright be recognized in any other of the signatory countries, he shall attach to his petition a number of copies of his work, equal to that of the countries he may therein designate. The said Department shall distribute the copies mentioned among those countries, accompanied by a copy of the respective certificate, in order that the copyright of the author may be recognized by them.

Any omissions in which the said Department may incur in this respect, shall not give the author, or his assigns, any rights to present claims against the State.

ART. 5TH. The authors who belong to one of the signatory countries, of their assigns, shall enjoy in the other countries the rights which their respective laws at present grant, or in the future may grant, to their own citizens, but such right shall not exceed the term of protection granted in the country of its origin.

For the works composed of several volumes, which are not published at the same time, as well as for bulletins or instalments of publications of literary or scientific societies, or of private parties, the term of property shall com-



mence to be counted from the date of the publication of each volume, bulletin or instalment.

ART. 6TH. The country in which a work is first published, shall be considered as the country of its origin, or, if such publication takes place simultaneously in several of the signatory countries, the one whose laws establish the shortest period of protection shall be considered as the country of its origin.

ART. 7TH. Lawful translations shall be protected in the same manner as original works. The translators of works, in regard to which there exists no guaranteed right of property, or the right of which may have become extinguished, may secure the right of property for their translations, as established in article 3rd., but they shall not prevent the publication of their translations of the same work.

ART. 8TH. Newspaper articles may be reproduced, but the publication from which they are taken must be mentioned, and the name of the author given, if it should appear in the same.

ART. 9TH. Copyright shall be recognized in favor of the persons, whose names, or acknowledged pseudonyms, are stated in the respective literary or artistic work, or in the petition to which Article 4th. of this Convention refers, excepting case of proof to the contrary.

ART. 10TH. Addresses delivered or read in deliberative assemblies, before the Courts of Justice and in public meetings, may be published in the newspaper press without any special authorization.

ART. 11TH. The reproduction in publications devoted to public instruction or chrestomathy, of fragments of literary or artistic works, confers no right of property, and may therefore be freely made in all the signatory countries.

ART. 12TH. All unauthorized indirect use of a literary or artistic work, which does not present the character of an original work, shall be considered as an unlawful reproduction.

It shall be considered in the same manner unlawful to reproduce, in any form, an entire work, or the greater part of the same, accompanied by notes or commentaries, under the pretext of literary criticism, or of enlargement or complement of an original work.

ART. 13TH. All fraudulent works shall be liable to sequestration in the signatory countries in which the original work may have the right of legal protection, without prejudice to the indemnities or punishments, to which the falsifiers may be liable according to the laws of the country, in which the fraud has been committed.

ART. 14TH. Each one of the Governments of the signatory countries shall remain at liberty to permit, exercise vigilance over, or prohibit, the circulation, representation and exposition of any work or production, in respect to which the competent authorities shall have power to exercise such right.



ART. 15TH. The present Convention shall take effect between the signatory States that ratify it, three months from the day they communicate their ratification to the Mexican Government, and shall remain in force among all of them until one year from the date it is denounced by any of said States. The notification of such denouncement shall be addressed to the Mexican Government and shall only have effect in so far as regards the country which has given it.

ART. 16TH. The Governments of all the signatory States, when approving the present Convention, shall declare whether they accept the adherence to the same by the nations who have had no representation in the Second International American Conference.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic:

ANTONIO BERMEJO  
LORENZO ANADÓN

For Bolivia:

FERNANDO E. GUACHALLA

For Colombia:

RAFAEL REYES

For Costa Rica:

J. B. CALVO

For Chili:

AUGUSTO MATTE  
JOAQ. WALKER M.  
EMILIO BELLO C.

For the Dominican Republic:

FED. HENRÍQUEZ I CARVAJAL

For Ecuador:

L. F. CARBO

For El Salvador:

FRANCISCO A. REYES  
BALTAZAR ESTUPINIAN

For the United States of America:

W. I. BUCHANAN  
CHARLES M. PEPPER  
VOLNEY W. FOSTER

For Guatemala:

FRANCISCO ORLA

For Haiti:

J. N. LÉGER

For Honduras:

J. LEONARD  
F. DÁVILA

For Mexico:

G. RAIGOSA  
JOAQUÍN D. CASASÚS  
E. PARDO, JR.  
JOSÉ LÓPEZ-PORTILLO Y ROJAS  
PABLO MACEDO  
F. L. DE LA BARRA  
ALFREDO CHAVERO  
M. SÁNCHEZ MÁRMOL  
ROSENDO PINEDA

For Nicaragua:

F. DÁVILA

For Paraguay:

CECILIO BAEZ

For Peru:

MANUEL ALVAREZ CALDERÓN  
ALBERTO ELMORE

For Uruguay:

JUAN CUESTAS

## PAN AMERICAN UNION<sup>1</sup>

*Resolution adopted by the Second International American Conference at México January 29, 1902*

*Amended by resolution dated August 7, 1906,<sup>2</sup> of the Third International American Conference, as amended*

*Termination: Regulations (except those relating to personnel) repealed by resolution dated August 7, 1906,<sup>2</sup> of the Third International American Conference; became obsolete December 13, 1951, upon entry into force of the Charter of the Organization of American States dated April 30, 1948<sup>3</sup>*

*Report of the Delegates of the United States to the Second International Conference of American States, Held at the City of Mexico From October 22, 1901, to January 22, 1902 (U.S. Government Printing Office, 1902), p. 160; Senate document 330, 57th Congress, 1st session*

### REORGANIZATION OF THE INTERNATIONAL BUREAU OF THE AMERICAN REPUBLICS

The undersigned, Delegates of the Republics represented in the Second International American Conference, duly authorized by their Governments, have approved the following Resolution:

The Second International American Conference resolves:

ART. 1ST. The International Bureau of the American Republics shall be under the management of a Governing Board, which shall consist of the Secretary of State of the United States of America, who shall be its Chairman, and the diplomatic representatives of all the governments represented in the Bureau and accredited to the Government of the United States of America. The Governing Board shall hold regular meetings once every month, excepting in June, July, and August, and such special meetings as may be called by the Chairman, or on request of two members of the Governing Board; and the presence of five at any regular or special meeting shall be sufficient to constitute a quorum empowered to transact any business which may come before the Board. The Governing Board shall appoint such Committees as it may deem proper.

<sup>1</sup> For an explanation of the various names of the Union, see footnote 1, *ante*, p. 129.

<sup>2</sup> *Post*, p. 535.

<sup>3</sup> 2 UST 2394; TIAS 2361.

ART. 2ND. All the positions in the Bureau shall be filled after examination of the applicants by an Examining Board. Said applicants shall present their applications upon blanks, to be furnished by the Director of the Bureau, on which the applicants shall state the particular service which they desire to perform; they shall inscribe their names on a Register kept by the Director, wherein all the details of the examination shall be recorded, and the Examining Board can only recommend for special positions applied for and to be filled those who may show their qualifications for the performance of the duties of said position. The appointments shall be made by the Governing Board and shall be signed by the Chairman.

ART. 3RD. The Governing Board, with the coöperation of the Director of the Bureau, shall annually prepare an itemized budget for the expenses of the succeeding year. This budget shall be transmitted to each Government represented in the Bureau, together with a statement showing the proportionate amount which is to be paid by said Government based upon the agreement of April 14th., 1890,<sup>4</sup> which amounts each Government, by its acceptance of the regulations, shall agree to transmit to the Secretary of State of the United States, six months in advance.

ART. 4TH. The Governing Board may at any time appoint one or two of its members to examine the accounts of the Bureau and report to said Board.

ART. 5TH. The Bureau shall have authority to correspond, through the diplomatic representatives in Washington, with the Executive Departments of the several American Republics, and shall furnish such information as it possesses or can obtain to any of said Republics so requesting. Each of the Republics agrees to facilitate the gathering of information by the Bureau as far as practicable, and promptly to send thereto two copies of each of its official publications, which shall be preserved in the Library of the Bureau, and to supply such other information as, from time to time, may be requested by the Director of the Bureau.

ART. 6TH. The Bureau shall publish a monthly Bulletin which shall be printed in the English, Spanish, Portuguese and French languages, or separately in each language, and which shall contain laws and statistical information of special interest to the inhabitants of the several Republics.

The Bureau shall publish such pamphlets, maps, topographical and geographical charts and other documents as the Governing Board may direct.

ART. 7TH. As soon as the present contracts for advertising in the Bulletin shall have expired, no further advertisements shall be published.

ART. 8TH. Publications of the Bureau shall be considered public documents and shall be carried free in the mails of all the Republics.

ART. 9TH. The Bureau shall be charged especially with the performance of

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<sup>4</sup> *Ante*, p. 129.

all the duties imposed upon it by the resolutions of the present International Conference.

ART. 10TH. The Director of the Bureau may attend the meetings of the Governing Board and all its Committees, and also the sessions of the International Conference of the American Republics, for the purpose of giving information when called upon for it.

ART. 11TH. The Bureau shall be the custodian of the archives of the International Conferences of the American Republics.

ART. 12TH. The resolutions of the First International Conference of the American Republics, adopted April 14th., 1890, shall remain in force, so far as they are not in conflict with these Regulations; and all other resolutions and plans for the reorganization of the Bureau are hereby annulled.

ART. 13TH. Under the authority of the Governing Board of the International Union of the American Republics and as a Section of the Bureau of said Republics, a Latin-American Library is established to be named "Biblioteca de Colón" (*Columbus Library*).

Made and signed in the City of Mexico, on the 29th. day of the month of January, one thousand nine hundred and two, in three copies, in Spanish, English and French, respectively, which shall be deposited in the Department of Foreign Relations of the Government of the United States of Mexico, in order that certified copies thereof be made to be forwarded through diplomatic agency to each one of the Signatory States.

For the Argentine Republic:

ANTONIO BERMEJO

LORENZO ANADON

For Bolivia:

FERNANDO E. GUACHALLA

For Colombia:

RAFAEL REYES

For Costa Rica:

J. B. CALVO

For Chili:

AUGUSTO MATTE

JOAQ. WALKER M.

EMILIO BELLO C.

For the Dominican Republic:

FED. HENRIQUEZ I CARVAJAL

L. F. CARBO

QUINTIN GUTIERREZ

For Ecuador:

L. F. CARBO

For El Salvador:

FRANCISCO A. REYES

BALTASAR ESTUPINIAN

For the United States of America:

W. I. BUCHANAN

CHARLES M. PEPPER

VOLNEY W. FOSTER

For Guatemala:

FRANCISCO ORLA

For Hayti:

J. N. LÉGER

For Honduras:

J. LEONARD

F. DÁVILA

For Mexico:

G. RAIGOSA

JOAQUIN D. CASASÚS

E. PARDO, JR.

JOSÉ LOPEZ PORTILLO Y ROJAS

PABLO MACEDO

F. L. DE LA BARRA

ALFREDO CHAVERO

M. SANCHEZ MARMOL

ROSENDO PINEDA

For Nicaragua:

F. DÁVILA

For Paraguay:

CECILIO BAEZ

For Perú:

MANUEL ALVAREZ CALDERON

ALBERTO ELMORE

For Uruguay:

JUAN CUESTAS

## ARBITRATION OF PECUNIARY CLAIMS (INTER-AMERICAN)

*Treaty signed at México January 30, 1902*

*Senate advice and consent to ratification January 11, 1905*

*Ratified by the President of the United States January 28, 1905*

*Entered into force February 10, 1905*<sup>1</sup>

*Ratification of the United States deposited at México February 10, 1905*

*Proclaimed by the President of the United States March 24, 1905*

*Extended, with exception of article 3, until December 31, 1912, by convention of August 13, 1906*<sup>2</sup>

*Terminated December 31, 1912, in accordance with terms of 1906 convention*<sup>3</sup>

34 Stat. 2845; Treaty Series 443

### TREATY OF ARBITRATION FOR PECUNIARY CLAIMS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Hayti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—Their Excellencies Antonio Bermejo, Martín García Mérou, Lorenzo Anadon.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—Their Excellencies Carlos Martínez Silva, General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

<sup>1</sup> Date of deposit of fifth instrument of ratification.

<sup>2</sup> TS 574, *post*, p. 541.

<sup>3</sup> Art. 6 of the convention of Aug. 11, 1910 (TS 594), *post*, p. 765, provides, however, that "the treaty of Mexico shall continue in force after December 31, 1912, as to any claims which may, prior to that date, have been submitted to arbitration under its provisions."

*For Chili.*—Their Excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquin Walker Martinez, Augusto Matte.

*For the Dominican Republic.*—Their Excellencies Federico Henriquez y Carvajal, Luis Felipe Carbo, Quintin Gutierrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—Their Excellencies Francisco A. Reyes, Baltasar Estupinián.

*For the United States of America.*—Their Excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

*For Guatemala.*—Their Excellencies Antonio Lazo Arriaga, Colonel Francisco Orla.

*For Hayti.*—His Excellency J. N. Léger.

*For Honduras.*—Their Excellencies José Leonard, Fausto Dávila.

*For Mexico.*—Their Excellencies Genaro Raigosa, Joaquín D. Casasús, José López Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Davila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—Their Excellencies Isaac Alzamora, Alberto Elmo, Manuel Alvarez Calderón.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by diplomatic channel, in the following terms:

ART. 1. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expenses of arbitration.

ART. 2. By virtue of the faculty recognized by Article 26 of the Convention of The Hague for the pacific settlement of international disputes,<sup>4</sup> the High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to Article 21 of the Convention referred to.

<sup>4</sup> Convention dated July 29, 1899 (TS 392), *ante*, p. 230.

If a case is submitted to the Permanent Court of The Hague, The High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

ART. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol<sup>6</sup> unanimously adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

ART. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in article 1. of the present Treaty.

ART. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic:  
ANTONIO BERMEJO  
LORENZO ANADON

For Bolivia:  
FERNANDO E. GUACHALLA

For Colombia:  
RAFAEL REYES

For Costa Rica:  
J. B. CALVO

For Chili:  
AUGUSTO MATTE  
JOAQ. WALKER M.  
EMILIO BELLO C.

For the Dominican Republic.  
FED. HENRIQUEZ I CARVAJAL

For Ecuador:  
L. F. CARBO

For El Salvador:  
FRANCISCO A. REYES  
BALDASAR ESTUPINIAN

For the United States of America:  
W. I. BUCHANAN  
CHARLES M. PEPPER  
VOLNEY W. FOSTER

For Guatemala:  
FRANCISCO ORLA

<sup>6</sup> Protocol dated Jan. 15, 1902, *ante*, p. 331.



For Hayti:

J. N. LÉGER

For Honduras:

J. LEONARD

F. DÁVILA

For Mexico:

G. RAIGOSA

JOAQUIN D. CASASUS

E. PARDO, JR.

JOSÉ LOPEZ PORTILLO Y ROJAS

PABLO MACEDO

F. L. DE LA BARRA

ALFREDO CHAVERO

M. SANCHEZ MARMOL

ROSENDO PINEDA

For Nicaragua:

F. DÁVILA

For Paraguay:

CECILIO BAEZ

For Peru:

MANUEL ALVAREZ CALDERON

ALBERTO ELMORE

For Uruguay:

JUAN CUESTAS

## CLAIMS AGAINST VENEZUELA

*Protocols signed at Washington May 7, 1903*

*Entered into force May 7, 1903*

*Terminated February 22, 1904, upon rendition of award by the  
Permanent Court of Arbitration*<sup>1</sup>

Treaty Series 420—A

### VENEZUELA AND THE UNITED KINGDOM

WHEREAS Protocols have been signed between Venezuela on the one hand, and Great Britain, Germany, Italy, United States of America,<sup>2</sup> France, Spain, Belgium, the Netherlands, Sweden and Norway, and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

AND WHEREAS certain further questions arising out of the action taken by the Governments of Great Britain, Germany and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

AND WHEREAS the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on the 29th July, 1899;<sup>3</sup>

The Governments of Venezuela and Great Britain have, with a view to carry out that Resolution, authorized their Representatives, that is to say:—

For Venezuela, Mr. Herbert W. Bowen, duly authorized thereto by the Government of Venezuela, and for Great Britain His Excellency Sir Michael

<sup>1</sup> The award, signed on Feb. 22, 1904, provided:

"1. Germany, Great Britain and Italy have a right to preferential treatment for the payment of their claims against Venezuela;

"2. Venezuela having consented to put aside 30 per cent of the revenues of the Customs of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the three above named Powers have a right to preference in the payment of their claims by means of these 30 per cent of the receipts of the two Venezuelan Ports above mentioned;

"3. Each Party to the litigation shall bear its own costs and an equal share of the costs of the Tribunal."

For complete text of award and additional details, see 1904 For. Rel. 505-519.

<sup>2</sup> Protocol between the United States and Venezuela signed Feb. 17, 1903; for text, see 1903 For. Rel. 804 or TS 420, *post*.

<sup>3</sup> TS 392, *ante*, p. 230.

Henry Herbert G. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America, to conclude the following Agreement.

#### ARTICLE I

The question as to whether or not Great Britain, Germany and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guaira and Puerto Cabello for the payment of the claims of all nations against Venezuela the Tribunal at the Hague shall decide how the said revenues shall be divided between the Blockading Powers on the one hand and the other Creditor Powers on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal in that case shall consider, in connection with the payment of the claims out of the 30 per cent, any preference or pledges of revenue enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

#### ARTICLE II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

#### ARTICLE III

The Emperor of Russia shall be invited to name and appoint from the members of the Permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement. None of the arbitrators so appointed shall be a citizen or subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903, and shall render its decision within six months thereafter.

#### ARTICLE IV

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29, 1899.

## ARTICLE V

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the costs of this arbitration shall be paid.

## ARTICLE VI

Any nation having claims against Venezuela may join as a party in the arbitration provided for by this Agreement.

Done at Washington this seventh day of May, 1903.

[For Venezuela:]

[SEAL] HERBERT W. BOWEN.

[For the United Kingdom:]

[SEAL] MICHAEL H. HERBERT

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America.

JOHN HAY.

For the Republic of Mexico,

[SEAL] M. DE AZPIROZ.

For Sweden and Norway,

[SEAL] May 27, 1903. A. GRIP.

## [TRANSLATION]

The Ambassador of France, duly authorized and acting in the name of his Government, accedes to the above Protocol, subject to the understanding that article IV of the aforementioned protocol will not prevent application of the provision of article 38 of the Hague Convention, under the terms of which the arbitral Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

June 1, 1903

[SEAL] JUSSEURAND.

## [TRANSLATION]

The Minister of Belgium, duly authorized and acting in the name of his Government, accedes to the above protocol.

June 12, 1903

[SEAL] BN. MONCHEUR.

## [TRANSLATION]

The Minister of the Netherlands, duly authorized and acting in the name of his Government, accedes to the above protocol.

Washington, June 13, 1903.

[SEAL] GEVERS.

## VENEZUELA AND GERMANY

Whereas protocols have been signed between Germany, Great Britain, Italy, the United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway, and Mexico on the one hand, and Venezuela on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government:

And whereas certain further questions arising out of the action taken by the Governments of Germany, Great Britain and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods:

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at the Hague on the 29th July 1899.

Venezuela and Germany have, with a view to carry out that Resolution, authorized their representatives, that is to say:

Mr. Herbert W. Bowen as plenipotentiary of the Government of Venezuela and

The Imperial German Minister Baron Speck von Sternburg as representative of the Imperial German Government to conclude the following Agreement:

## ARTICLE 1

The question as to whether or not Germany, Great Britain, and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela, shall be submitted for final decision to the Tribunal at the Hague.

Venezuela having agreed to set aside 30% of the customs revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at the Hague shall decide how the said revenues shall be divided between the blockading Powers on the one hand and the other creditor Powers on the other hand and its decision shall be final.

If preferential or separate treatment is not given to the blockading Powers the Tribunal shall decide how the said revenues shall be distributed among all the creditor Powers and the parties hereto agree that the Tribunal in that case shall consider in connection with the payment of the claims out of the 30% any preference or pledges of revenue enjoyed by any of the creditor Powers, and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

## ARTICLE 2

The facts on which shall depend the decision of the questions stated in Article 1 shall be ascertained in such manner as the Tribunal may determine.

## ARTICLE 3

The Emperor of Russia shall be invited to name and appoint from the members of the permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this agreement. None of the arbitrators so appointed shall be a subject or citizen of any of the signatory or creditor Powers.

This Tribunal shall meet on the first day of September 1903, and shall render its decision within six months thereafter.

## ARTICLE 4

The proceedings shall be carried on in the English language but arguments may with the permission of the Tribunal be made in any other language also. Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29th 1899.

## ARTICLE 5

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the cost of this Arbitration shall be paid.

## ARTICLE 6

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

Done in duplicate at Washington this seventh day of May one thousand and nine hundred and three.

[For Venezuela:]

[SEAL] HERBERT W. BOWEN.

[For Germany:]

[SEAL] STERNBURG.

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico

[SEAL] M. DE AZPIROZ.

For Sweden and Norway,

[SEAL] MAY 27, 1903. A. GRIP.

## [TRANSLATION]

The Ambassador of France, duly authorized and acting in the name of his Government, accedes to the above Protocol, subject to the understanding that article IV of the aforementioned Protocol will not prevent application of the provision of article 38 of the Hague Convention, under the terms of

which the arbitral Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

June 1, 1903

[SEAL] JUSSEMAND.

[TRANSLATION]

The Minister of Belgium, duly authorized and acting in the name of his Government, accedes to the above protocol.

June 12, 1903

[SEAL] BN. MONCHEUR.

[TRANSLATION]

The Minister of the Netherlands, duly authorized and acting in the name of his Government, accedes to the above protocol.

Washington, June 13, 1903.

[SEAL] GEVERS.

#### VENEZUELA AND ITALY

Whereas Protocols have been signed between Venezuela, on the one hand, and Italy, Great Britain, Germany, United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

And whereas certain further questions arising out of the action taken by the Governments of Italy, Germany and Great Britain in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provision of The Convention for the Pacific Settlement of International Disputes signed at The Hague on the 29th July, 1899;

The Governments of Venezuela and Italy, with a view to carry out that resolution, authorized their Representatives, that is to say:

For Venezuela Mr. Herbert W. Bowen duly authorized thereto by the Government of Venezuela;

For Italy, His Excellency Nobile Edmondo Mayor des Planches, His Majesty The King of Italy's Ambassador Extraordinary and Plenipotentiary to the United States of America;

to conclude the following Agreement:

#### ARTICLE I

The question as to whether or not Italy, Germany and Great Britain are



entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at The Hague shall decide how the said revenues shall be divided between the Blockading Powers, on the one hand, and the other Creditor Powers, on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal, in that case, shall consider, in connection with the payment of the claims out of 30% any preference or pledges of revenues enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

#### ARTICLE II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

#### ARTICLE III

The Emperor of Russia shall be invited to name and appoint from the Members of the Permanent Court of The Hague three Arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement.

None of the Arbitrators so appointed shall be a citizen or a subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903 and shall render its decision within six months thereafter.

#### ARTICLE IV

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of The Hague of July 29th 1899.

#### ARTICLE V

The Tribunal shall, subject to the general provision laid down in Article 57

of the International Convention of July 29th 1899, also decide how, when and by whom the costs of this Arbitration shall be paid.

#### ARTICLE VI

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

Washington D.C. May 7, 1903

[For Venezuela:]

HERBERT W. BOWEN. [SEAL]

[For Italy:]

E. MAYOR DES PLANCHES [SEAL]

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico

[SEAL] M. DE AZPIROZ

For Sweden and Norway,

[SEAL] May 27, 1903. A. GRIP.

#### [TRANSLATION]

The Ambassador of France, duly authorized and acting in the name of his Government, accedes to the above Protocol, subject to the understanding that article IV of the aforementioned protocol will not prevent application of the provision of article 38 of the Hague Convention, under the terms of which the arbitral Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

June 1, 1903

[SEAL] JUSSERAND.

#### [TRANSLATION]

The Minister of Belgium, duly authorized and acting in the name of his Government, accedes to the above protocol.

June 12, 1903

[SEAL] BN. MONCHEUR.

#### [TRANSLATION]

The Minister of the Netherlands, duly authorized and acting in the name of his Government, accedes to the above protocol.

Washington, June 13, 1903.

[SEAL] GEVERS.

## INTERNATIONAL SANITARY CONVENTION

*Convention signed at Paris December 3, 1903, with annexes; procès-verbal of signature signed at Paris December 3, 1903*

*Senate advice and consent to ratification of the convention March 1, 1905*

*Ratified by the President of the United States, with a declaration, August 2, 1905*<sup>1</sup>

*Ratifications deposited at Paris April 6, 1907*

*Entered into force April 6, 1907*

*Proclaimed by the President of the United States May 18, 1907*

*Senate advice and consent to denunciation May 26, 1921*

*Termination:*<sup>2</sup> *Denounced by the United States, effective April 6, 1922, as between the United States and other states remaining parties on that date; superseded by conventions of January 17, 1912,<sup>3</sup> and June 21, 1926,<sup>4</sup> as modified, as between contracting parties to the later conventions; replaced by International Sanitary Regulations (World Health Organization Regulations No. 2) of May 25, 1951,<sup>5</sup> as amended, as between states bound by the regulations*

35 Stat. 1770; Treaty Series 466

[TRANSLATION]

CONVENTION

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary, etc.; His Majesty the King of the Belgians; the President of the Republic of the United States of Brazil; His Majesty the King of Spain; the President of the United States of America; the Presi-

<sup>1</sup> The U.S. declaration, made at time of signature, maintained in the President's ratification and proclamation, and contained in the procès-verbal of deposit of ratifications of Apr. 6, 1907, reads as follows: "That it is necessary to substitute 'observation' for 'surveillance' in the United States in the cases contemplated by articles 21 *et seq.*, on account of the peculiar legislation of the different States of the Union." For complete text of procès-verbal, see 35 Stat. 1850 or TS 466, p. 92.

<sup>2</sup> Termination definitive, all parties to the 1903 convention having become parties to later conventions or regulations.

<sup>3</sup> TS 649, *post*, p. 814.

<sup>4</sup> TS 762, *post*, vol. 2.

<sup>5</sup> 7 UST 2255; TIAS 3625.

dent of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, and of British territories beyond the seas, and Emperor of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Royal Highness the Grand Duke of Luxemburg; His Royal Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; the Swiss Federal Council, and His Highness the Khedive of Egypt, acting within the limits of the powers conferred upon him by the imperial firmans,

Having deemed it expedient to establish in a single arrangement the measures calculated to safeguard the public health against the invasion and propagation of plague and cholera, and desiring to revise and supplement the international sanitary conventions at present in force, have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia,  
Count de Groeben, Counselor of Legation and First Secretary in the Imperial Embassy of Germany at Paris;

M. Bumm, Superior Privy Government Counselor, Member of the Board of Health of the Empire;

Doctor Gaffky, Privy Medical Counselor of the Grand Duchy of Hesse and Professor at the University of Giessen, Member of the Board of Health of the Empire;

Doctor Nocht, Physician of the Port of Hamburg, Member of the Board of Health of the Empire;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolic King of Hungary,

M. le Chevalier Alexandre de Suzzara, Chief of Section in the Imperial and Royal Ministry of Foreign Affairs, Commander of the Order of Francis Joseph, Third-class Knight of the Order of the Iron Crown;

M. Noël Ebner d'Ebenthal, President of the Imperial and Royal Maritime Department at Trieste, Knight of the Orders of Leopold and Francis Joseph;

M. Joseph Daimer, Counselor in the Imperial and Royal Ministry of the Interior, Third-class Knight of the Order of the Iron Crown, Knight of the Order of Francis Joseph;

M. Kornel Chyzer, Counselor in the Hungarian Ministry of the Interior, Knight of the Orders of Leopold and Francis Joseph;

M. Ernest Roediger, Counselor of Section;

His Majesty the King of the Belgians,

M. Beco, Chief Clerk of the Ministry of Agriculture, in charge of the general direction of the public health and hygienic service, Commander of the Order of Leopold, decorated with the Civic Cross of the third class;

The President of the Republic of the United States of Brazil,

M. G. de Piza, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic;

His Majesty the King of Spain,

M. Fernand Jordan de Urries y Ruiz de Arana, Marquis de Novallas, Chamberlain of His Majesty, First Secretary of the Royal Embassy of Spain at Paris, Commander of the Order of Charles III;

The President of the United States of America,

Dr. H. D. Geddings, Assistant Surgeon General of the Medical Service and of the Marine Hospital;

Mr. Frank Anderson, Medical Inspector of the Navy;

The President of the French Republic,

M. Camille Barrère, Ambassador of the French Republic near H. M. the King of Italy, Grand Officer of the National Order of the Legion of Honor;

M. Georges Louis, Minister Plenipotentiary of the 1st class, Director of Consulates and Commercial Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

Professor Brouardel, Honorary Dean of the Faculty of Medicine of Paris, President of the Advisory Board on Public Hygiene of France, member of the Institute and of the Academy of Medicine, Grand Officer of the National Order of the Legion of Honor;

M. Henri Monod, Counselor of State, Director of Public Assistance and Hygiene in the Ministry of the Interior, member of the Academy of Medicine, Commander of the National Order of the Legion of Honor;

Doctor Émile Roux, Subdirector of the Pasteur Institute, Vice President of the Advisory Board of Public Hygiene of France, member of the Academy of Sciences and of the Academy of Medicine, Commander of the National Order of the Legion of Honor;

M. Jacques de Cazotte, Subdirector of Consular Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories beyond the Seas, Emperor of India,

Mr. Maurice William Ernest de Bunsen, Minister Plenipotentiary, acting as First Secretary of the Royal British Embassy at Paris, Commander of the Royal Order of Victoria, Companion of the Order of the Bath;

Dr. Theodore Thomson, of the Local Government Board;

Dr. Frank Gerard Clemow, Delegate of Great Britain to the Superior Board of Health of Constantinople;

Mr. Arthur David Alban, Consul of His Britannic Majesty at Cairo;

His Majesty the King of the Hellenes,

M. Delyanni, His Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, Grand Commander of the Royal Order of the Savior;

Doctor S. Clado, physician of the Royal Greek Legation at Paris;

His Majesty the King of Italy,

Commander Rocco Santoliquido, Director General of Public Health of Italy;

Marquis Paulucci de' Calboli, Counselor at the Royal Embassy of Italy at Paris;

M. le Chevalier Adolphe Cotta, Chief of the Bureau of General Affairs under the General Bureau of Public Health of Italy;

His Royal Highness the Grand Duke of Luxemburg,

M. Vannerus, Chargé d'Affaires of Luxemburg at Paris;

His Royal Highness the Prince of Montenegro,

M. le Chevalier Alexandre de Suzzara, Chief of Section in the Imperial and Royal Ministry of Foreign Affairs of Austria-Hungary, Commander of the Order of Francis Joseph, Third-class Knight of the Order of the Iron Crown;

Her Majesty the Queen of the Netherlands,

Baron W. B. R. de Welderen Rengers, Counselor of the Royal Legation of the Netherlands at Paris;

Doctor W. P. Ruijsch, Inspector General of the Sanitary Service in South Holland and Zealand, member of the Superior Board of Hygiene;

Doctor C. Stekoulis, delegate of the Netherlands to the Superior Board of Health of Constantinople;

M. A. Plate, President of the Chamber of Commerce of Rotterdam, extraordinary member of the Superior Board of Hygiene;

His Majesty the Shah of Persia,

General Nazare Aga Yémines-Saltané, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, possessor of the portrait of the Shah in diamonds, Grand Cordon of the Order of the Lion and of the Sun in diamonds;

His Majesty the King of Portugal and the Algarves,

Doctor José Joaquim da Silva Amado, of His Very Faithful Majesty's Council, professor in the Institute of Hygiene of Lisbon, Vice President of the Royal Academy of Sciences, Commander of the Order of Saint James;

His Majesty the King of Roumania,

M. Grégoire G. Ghika, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, Grand Officer of the Order of the Star of Roumania, Grand Officer of the Order of the Roumanian Crown;

Doctor Jean Cantacuzene, member of the Superior Board of Health of Roumania;

His Majesty the Emperor of all the Russias,  
M. Platon de Waxel, Actual Counselor of State, Grand Cordon of the Order of Saint Stanislaus;

His Majesty the King of Servia,  
Doctor Michel Popovitch, chargé d'affaires of Servia at Paris;

The Swiss Federal Council,  
M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation near the President of the French Republic;

Doctor F. Schmid, Director of the Federal Health Bureau;

and His Highness the Khedive of Egypt,

Mohamed Chérif Pacha, Assistant Secretary of State for Foreign Affairs, Grand Cordon of the Order of the Medjidie, grand Officer of the Order of the Osmanie;

Doctor Marc Armand Ruffer, President of the Sanitary, Maritime, and Quarantine Board of Egypt, Grand Officer of the Orders of the Osmanie and the Medjidie;

Who, having exchanged their full powers, found in good and due form, have agreed to the following provisions:

## TITLE I. GENERAL PROVISIONS

CHAPTER I. *Rules to be observed by the countries signing the convention as soon as plague or cholera appears in their territory*

### SECTION I. NOTIFICATION AND SUBSEQUENT COMMUNICATIONS TO THE OTHER COUNTRIES

ARTICLE FIRST. Each government shall immediately notify the other governments of the first appearance in its territory of authentic cases of plague or cholera.

ART. 2. This notification shall be accompanied, or very promptly followed, by particulars regarding:

1. The neighborhood in which the disease has appeared.
2. The date of its appearance, its origin, and its form.
3. The number of established cases and the number of deaths.
4. In case of plague: The existence of plague or of an unusual mortality among rats and mice.
5. The measures immediately taken following this first appearance.

ART. 3. The notification and particulars contemplated in Articles 1 and 2 shall be sent to the diplomatic or consular offices in the capital of the infected country.

In the case of countries not represented there, they shall be transmitted directly by telegraph to the governments of such countries.



ART. 4. The notification and particulars contemplated in Articles 1 and 2 shall be followed by further communications sent regularly so as to keep the governments informed of the progress of the epidemic.

These communications, which shall be sent at least once a week and shall be as complete as possible, shall indicate more particularly the precautions taken to prevent the spread of the disease.

They shall specify: 1 The prophylactic measures applied with regard to sanitary or medical inspection, to isolation, and to disinfection; 2 the measures enforced upon the departure of vessels to prevent the exportation of the disease, and especially, in the case contemplated under No. 4 of Article 2 above, the measures taken against rats.

ART. 5. The prompt and faithful execution of the foregoing provisions is of prime importance.

The notifications are of no real value unless each government is itself opportunely informed of cases of plague and cholera and of doubtful cases occurring in its territory. It can not therefore be too strongly recommended to the various governments that they make compulsory the announcement of cases of plague and cholera and that they keep themselves informed of any unusual mortality among rats and mice, especially in ports.

ART. 6. It is understood that neighboring countries reserve the right to make special arrangements with a view to organizing a service of direct information among the heads of frontier departments.

## SECTION II. CONDITIONS WHICH WARRANT THE CONSIDERATION OF A TERRITORIAL AREA AS BEING CONTAMINATED OR AS HAVING AGAIN BECOME HEALTHY

ART. 7. The notification of a single case of plague or cholera shall not involve the application, against the territorial area in which it has occurred, of the measures prescribed in Chapter II hereinbelow.

However, when several unimported cases of plague have appeared or when the cholera cases become localized, the area shall be declared contaminated.

ART. 8. In order to limit the measures to the stricken regions alone, the governments shall only apply them to arrivals from the contaminated areas.

By the word *area* is meant a portion of territory definitely specified in the particulars which accompany or follow the notification; for instance, a province, a government, a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a polder, a hamlet, etc., whatever be the area and population of these portions of territory.

However, this restriction to the contaminated area shall only be accepted upon the formal condition that the government of the contaminated country take the necessary measures 1 to prevent the exportation of the articles enumerated under Nos. 1 and 2 of Article 12 and coming from the contam-

inated area, unless they are previously disinfected, and 2 to combat the spread of the epidemic.

When an area is contaminated, no restrictive measure shall be taken against arrivals from such area if such arrivals have left it at least five days before the beginning of the epidemic.

ART. 9. In order that an area may be considered as being no longer contaminated, it must be officially ascertained:

1. That there has been neither a death nor a new case of plague or cholera within five days after the isolation,<sup>6</sup> death, or cure of the last plague or cholera patient.

2. That all the measures of disinfection have been applied, and, in the case of plague, that the measures against rats have been executed.

## CHAPTER II. *Measures of defense by other countries against territories declared to be contaminated*

### SECTION I. PUBLICATION OF THE PRESCRIBED MEASURES

ART. 10. The government of each country is obliged to immediately publish the measures which it believes necessary to prescribe with regard to arrivals from a contaminated country or territorial area.

It shall at once communicate this publication to the diplomatic or consular officer of the contaminated country residing in its capital, as well as to the international boards of health.

It shall likewise be obliged to make known through the same channels the revocation of these measures or any modifications which may be made therein.

In default of a diplomatic or consular office in the capital, the communications shall be made directly to the government of the country concerned.

### SECTION II. MERCHANDISE—DISINFECTION—IMPORTATION AND TRANSIT— BAGGAGE

ART. 11. No merchandise is capable by itself of transmitting plague or cholera. It only becomes dangerous when contaminated by plague or cholera products.

ART. 12. Disinfection shall only be applied to merchandise and articles which the local health authority considers to be contaminated.

However, the merchandise or articles enumerated below may be subjected to disinfection or even prohibited entry independently of any proof that they are or are not contaminated:

1. Body linen, clothing worn (wearing apparel), and bedding which has been used.

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<sup>6</sup> By "isolation" is meant the isolation of the patient, and of the persons attending him permanently, and the prohibition of visits by any other person. [Footnote in original.]

When these articles are being transported as baggage or as a result of a change of residence (household goods), they shall not be prohibited and are subject to the provisions of Article 19.

Packages left by soldiers and sailors and returned to their country after death are treated the same as the articles comprised in the first paragraph of No. 1.

2. Rags (including those for making paper), with the exception, as to cholera, of compressed rags transported as wholesale merchandise in hooped bales.

Fresh waste coming directly from spinning mills, weaving mills, manufacturing, or bleacheries; artificial wools (shoddy), and fresh paper trimmings shall not be forbidden.

ART. 13. The transit of the merchandise and articles specified under Nos. 1 and 2 of the preceding article shall not be prohibited if they are so packed that they can not be manipulated en route.

Likewise, when the merchandise or articles are transported in such a manner that it is impossible for them to have been in contact with contaminated articles en route, their transit across an infected territorial area shall not constitute an obstacle to their entry into the country of destination.

ART. 14. The merchandise and articles specified under Nos. 1 and 2 of Article 12 shall not be subject to the application of the measures prohibiting entry if it is proven to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

ART. 15. The mode and place of disinfection, as well as the methods to be employed for the destruction of rats, shall be determined by the authorities of the country of destination. These operations should be performed in such a manner as to cause the least possible injury to the articles.

It shall devolve upon each Nation to determine the question as to the possible payment of damages as a result of disinfection or of the destruction of rats.

If, on the occasion of the taking of measures for the destruction of rats on board vessels, the health authorities should levy a tax either directly or through a society or private individual, the rate of such tax must be fixed by a tariff published in advance and so calculated that no profit shall be derived by the Nation or the Health Department from its application as a whole.

ART. 16. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (parcels post not included) shall not be subjected to any restriction or disinfection.

ART. 17. Merchandise, arriving by land or by sea, shall not be detained at frontiers or in ports.

The only measures which it is permissible to prescribe with regard to them are specified in Article 12 hereinabove.

However, if merchandise arriving by sea in bulk or in defective bales has

been contaminated during the passage by rats known to be stricken with plague, and if it can not be disinfected, the destruction of the germs may be insured by storing it in a warehouse for a maximum period of two weeks.

It is understood that the application of this last measure shall not entail any delay upon the vessel or any extra expense as a result of the lack of warehouses in the ports.

ART. 18. When merchandise has been disinfected by applying the provisions of Article 12, or temporarily warehoused in accordance with the third paragraph of Article 17, the owner or his representative shall be entitled to demand from the health authority who has ordered the disinfection or storage, a certificate setting forth the measures taken.

ART. 19. *Baggage*.—The disinfection of the soiled linen, wearing apparel, and articles of baggage or furniture (household goods) coming from a territorial area declared to be contaminated shall only take place in cases when the health authority considers them to be contaminated.

### SECTION III. MEASURES IN PORTS AND AT MARITIME FRONTIERS

ART. 20. *Classification of vessels*.—A vessel is considered as *infected* which has plague or cholera on board, or which has presented one or more cases of plague or cholera within seven days.

A vessel is considered as *suspicious* on board of which there were cases of plague or cholera at the time of departure or have been during the voyage, but on which there have been no new cases within seven days.

A vessel is considered as *uninfected* which, although coming from an infected port, has had neither death nor any case of plague or cholera on board either before departure, during the voyage, or at the time of arrival.

ART. 21. Ships *infected with plague* shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. The other persons shall also be landed, if possible, and subjected, from the date of their arrival, either to an observation <sup>7</sup> which shall not exceed five days and may be followed or not by a surveillance <sup>8</sup> of five days at most, or simply to a surveillance not to exceed ten days.

It is within the discretion of the health authority of the port to apply whichever of these measures appears preferable to him according to the date of the last case, the condition of the vessel, and the local possibilities.

<sup>7</sup> By "observation" is meant the isolation of the passengers, either on board a vessel or at a sanitary station, before they are granted pratique. [Footnote in original.]

<sup>8</sup> By "surveillance" is meant that the passengers are not isolated and that they immediately obtain pratique, but that the attention of the authorities is called to them wherever they go and that they are subjected to a medical examination to ascertain the state of their health. [Footnote in original.]

For text of U.S. declaration regarding "observation" and "surveillance," see footnote 1, p. 359.

4. The soiled linen, wearing apparel, and other articles of the crew<sup>9</sup> and passengers which are considered by the health authority as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by persons stricken with plague or which are considered by the health authority as being contaminated shall be disinfected.

6. The destruction of the rats on the vessel shall take place before or after the discharge of the cargo as rapidly as possible, and at all events within a maximum period of forty-eight hours, avoiding injury to the cargo, the plating, and the engines.

In the case of vessels in ballast, this operation shall be performed as soon as possible before taking on cargo.

ART. 22. Vessels *suspected of plague* shall be subjected to the measures indicated under Nos. 1, 4, and 5 of Article 21.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. The landing of the crew may be forbidden during the same period except in connection with the service.

It is recommended that the rats on the vessel be destroyed. This destruction should be effected before or after the discharge of cargo as rapidly as possible, and at all events within a maximum period of forty-eight hours, avoiding injury to the merchandise, plating, and engines.

In case of vessels in ballast, this operation shall be performed, if there is an occasion for it, as soon as possible and at all events before taking on cargo.

ART. 23. Vessels *uninfected with plague* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures which the authority of the port of arrival may prescribe with regard to them shall be the following:

1. Medical inspection.

2. Disinfection of the soiled linen, wearing apparel, and other articles of the crew and passengers, but only in exceptional cases when the health authority has special reason to believe that they are contaminated.

3. Although not to be adopted as a general rule, the health authority may subject vessels coming from a contaminated port to an operation designed to destroy the rats on board, either before or after the discharge of the cargo. This operation should take place as soon as possible and should not in any event last more than twenty-four hours, avoiding injury to the cargo, plating, and engines, and avoiding hindrance to the movement of the passengers and crew between the vessel and the shore. In case of vessels in ballast, this operation, if there is occasion for it, should take place as soon as possible and at all events before taking on cargo.

<sup>9</sup> The term "crew" is applied to all persons who form or have formed part of the crew or of the servants on board the vessel, including stewards, waiters, "cafedji," etc. The term is to be construed in this sense wherever employed in the present Convention. [Footnote in original.]

When a vessel hailing from a contaminated port has been subjected to an operation for the destruction of rats, this operation shall not be repeated unless the vessel has stopped and moored at a wharf in a contaminated port, or unless the presence of dead or diseased rats is discovered on board.

The crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port. The landing of the crew may also be forbidden during the same time except in connection with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician, or in default of such physician, from the captain, to the effect that there has not been a case of plague on the vessel since its departure and that no unusual mortality among the rats has been observed.

ART. 24. When rats have been recognized as plague-stricken on board an *uninfected* vessel as a result of a bacteriological examination, or when an unusual mortality has been discovered among these rodents, the following measures shall be applied:

I. Vessels with plague-stricken rats:

a) Medical inspection.

b) The rats shall be destroyed either before or after the discharge of the cargo as rapidly as possible and at all events within a maximum period of forty-eight hours, avoiding injury to the cargo, plating, and engines. On vessels in ballast this operation shall be performed as soon as possible and at all events before taking on cargo.

c) The parts of the vessel and the articles which the health authority considers to be contaminated shall be disinfected.

d) The passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival, save exceptional cases, in which the health authority may prolong the surveillance to a maximum of ten days.

II. Vessels on which an unusual mortality among rats is discovered:

a) Medical inspection.

b) An examination of the rats with regard to the plague shall be made as far and as quickly as possible.

c) If the destruction of the rats is deemed necessary, it shall take place under the conditions indicated above for vessels with plague-stricken rats.

d) Until all suspicion is removed, the passengers and the crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival, save exceptional cases, in which the health authority may prolong the surveillance to a maximum of ten days.

ART. 25. The health authority of the port shall deliver to the captain or to the shipowner or his agent, whenever demanded, a certificate to the effect



that the measures for the destruction of rats have been applied and stating the reasons for their application.

ART. 26. Vessels *infected* with cholera shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. The other persons shall likewise be landed, if possible, and subjected, from the date of arrival of the vessel, to an observation or a surveillance whose duration shall vary according to the sanitary condition of the vessel and the date of the last case, without, however, exceeding five days.
4. The soiled linen, wearing apparel, and other articles of the crew and passengers which are considered by the health authority of the port as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by cholera patients or which are considered by the health authority as being contaminated shall be disinfected.

6. The bilge-water shall be discharged after disinfection.

The health authority may order the substitution of good drinking water for that stored on board.

It may be forbidden to throw human excrements or allow them to run into the water of a port unless they are previously disinfected.

ART. 27. Vessels *suspected of cholera* shall be subjected to the measures prescribed under Nos. 1, 4, 5, and 6 of Article 26.

The crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. It is recommended that the landing of the crew be prevented during the same period except for purposes connected with the service.

ART. 28. Vessels *uninfected with cholera* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures to which they may be subjected by the health authority of the port of arrival shall be those provided under Nos. 1, 4, and 6 of Article 26.

With regard to the state of their health, the crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port.

It is recommended that the landing of the crew be forbidden during the same period except for purposes connected with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician or, in the absence of such, from the captain, to the effect that there has not been a case of cholera on board since the vessel sailed.

ART. 29. In order to apply the measures indicated in articles 21 to 28, the competent authority shall take account of the presence of a physician and



of disinfecting apparatuses (chambers) on board the vessels of the three categories mentioned above.

In regard to plague, he shall likewise take account of the installation on board of apparatus for the destruction of rats.

The health authorities of nations which may deem it suitable to reach an understanding on this point may excuse from the medical inspection and other measures those uninfected vessels which have on board a physician specially commissioned by their country.

ART. 30. Special measures may be prescribed in regard to crowded vessels, especially emigrant vessels or any others presenting bad hygienic conditions.

ART. 31. Any vessel not desiring to submit to the obligations imposed by the authority of the port by virtue of the stipulations of the present convention shall be free to put to sea again.

It may be permitted to land its cargo after the necessary precautions have been taken, viz:

1. Isolation of the vessel, crew, and passengers.
2. In regard to plague, inquiry as to the existence of an unusual mortality among the rats.
3. In regard to cholera, the discharge of the bilge-water after disinfection and the substitution of good drinking water for that stored on board the vessel.

It may also be permitted to land passengers who so request, upon condition that they submit to the measures prescribed by the local authority.

ART. 32. Vessels hailing from a contaminated port which have been disinfected and subjected to sanitary measures applied in an efficient manner shall not undergo the same measures a second time upon their arrival in a new port provided that no case has appeared since the disinfection took place and that they have not touched at a contaminated port in the meantime.

When a vessel lands only passengers and their baggage, or the mails, without having been in communication with the mainland, it is not to be considered as having touched at the port.

ART. 33. Passengers arriving on an infected vessel shall have the right to demand a certificate of the health authority of the port showing the date of their arrival and the measures to which they and their baggage have been subjected.

ART. 34. Coasting vessels shall be subjected to special measures to be established by mutual agreement among the countries concerned.

ART. 35. Without prejudice to the right which governments possess to agree upon the organization of common sanitary stations, each country shall provide at least one port upon each of its seaboard with an organization and equipment sufficient to receive a vessel, whatever may be its sanitary condition.

When an uninfected vessel hailing from a contaminated port arrives in a large maritime port, it is recommended that she be not sent back to another port for the purpose of having the prescribed sanitary measures executed.

In every country, ports open to the arrival of vessels from ports infected with plague or cholera shall be equipped in such a manner that uninfected vessels may, immediately upon their arrival, undergo the prescribed measures and not be sent for this purpose to another port.

The governments shall make known the ports which are open in their territories to arrivals from ports infected with plague or cholera.

ART. 36. It is recommended that there be established in large maritime ports:

a) A regular medical service of the port and a permanent medical surveillance of the sanitary conditions of the crews and the inhabitants of the port.

b) Places set apart for the isolation of the sick and the observation of suspected persons.

c) The necessary plants for efficient disinfection, and bacteriological laboratories.

d) A supply of drinking water beyond suspicion for the use of the port, and a system affording all possible security for the carrying off of refuse and sewage.

#### SECTION IV. MEASURES ON LAND FRONTIERS—TRAVELERS—RAILROADS— FRONTIER ZONES—RIVER ROUTES

ART. 37. Land quarantines shall no longer be established.

Persons showing symptoms of plague or cholera shall alone be detained at frontiers.

This principle shall not bar the right of each Nation to close a part of its frontier in case of necessity.

ART. 38. It is important that travelers be subjected to a surveillance on the part of railroad employees with a view to determining the state of their health.

ART. 39. Medical interference is limited to an examination of the passengers and the care to be given to the sick. If such an examination is made, it should be combined as far as possible with the custom house inspection to the end that travelers may be detained as short a time as possible. Only persons who are obviously ill shall be subjected to a thorough medical examination.

ART. 40. As soon as travelers coming from an infected locality shall have arrived at their destination, it would be of the greatest utility to subject them to a surveillance which should not exceed ten or five days from the date of departure, according to whether it is a question of plague or cholera.

ART. 41. The governments reserve the right to take special measures in regard to certain categories of persons, notably gypsies, vagabonds, emigrants, and persons traveling or crossing the frontier in troops.

ART. 42. Cars used for the conveyance of passengers, mail, and baggage shall not be detained at frontiers.

If it should happen that one of these cars is contaminated or has been occupied by a plague or cholera patient, it shall be detached from the train and disinfected as soon as possible.

The same rule shall apply to freight cars.

ART. 43. The measures concerning the crossing of frontiers by railroad and postal employees shall be determined by the companies or departments concerned and shall be so arranged as not to hinder the service.

ART. 44. The regulation of frontier traffic and questions pertaining thereto, as well as the adoption of exceptional measures of surveillance, shall be left to special arrangements between the contiguous nations.

ART. 45. It is the province of the governments of the riparian nations to regulate the sanitary conditions of river routes by means of special arrangements.

## TITLE II. SPECIAL PROVISIONS APPLICABLE TO COUNTRIES SITUATED OUTSIDE OF EUROPE

### CHAPTER I. *Arrivals by sea*

#### SECTION I. MEASURES IN CONTAMINATED PORTS UPON THE DEPARTURE OF VESSELS

ART. 46. It shall be incumbent upon the competent authority to take effectual measures to prevent the embarkation of persons showing symptoms of plague or cholera.

Every person taking passage on board a vessel shall, at the time of embarkation, be examined individually in the daytime on shore, for the necessary length of time, by a physician delegated by the authorities. The consular officer of the nation to which the ship belongs may be present at this examination.

As an exception to this stipulation, the medical examination may take place on shipboard at Alexandria and Port Said, when the local health authority deems it expedient, provided that the third-class passengers shall not be permitted to leave the vessel. This medical examination may be made at night in the case of first and second class passengers, but not of third-class passengers.

ART. 47. It shall be incumbent upon the competent authorities to take effectual measures:

1. To prevent the exportation of merchandise or any articles which they may consider as contaminated and which have not been previously disinfected on shore under the supervision of the physician delegated by the public authorities.

2. In case of plague, to prevent the access of rats to the vessel.

3. In case of cholera, to see that the drinking water taken on board is wholesome.

SECTION II. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM  
CONTAMINATED NORTHERN PORTS AND APPEARING AT THE ENTRANCE OF  
THE SUEZ CANAL OR IN EGYPTIAN PORTS

ART. 48. Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine. They shall continue their route under observation of five days.

ART. 49. Ordinary uninfected vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said, where the passengers shall complete the observation period of five days either on shipboard or in a sanitary station, according to the decision of the local health authority.

ART. 50. The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Board of Health of Egypt in conformity with the stipulations of the present convention.

The regulations containing these measures shall, in order to become effective, be accepted by the various Powers represented on the Board; they shall determine the measures to which vessels, passengers, and merchandise are to be subjected and shall be presented within the shortest possible period.

SECTION III. MEASURES IN THE RED SEA

*A. Measures with respect to ordinary vessels hailing from the south and appearing in ports of the Red Sea or bound toward the Mediterranean*

ART. 51. Independently of the general provisions contained in Section III, Chapter 2 [II], Title I, concerning the classification of and the measures applicable to infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ART. 52. *Uninfected* vessels must have completed or shall be required to complete an observation period of five full days from the time of their departure from the last infected port.

They shall be allowed to pass through the Suez Canal in quarantine and shall enter the Mediterranean continuing the aforesaid observation period of five days. Ships having a physician and a disinfecting chamber on board shall not undergo disinfection until the passage through in quarantine begins.

ART. 53. Suspected vessels shall be treated differently according to whether they have a physician and a disinfecting apparatus (chamber) on board or not.

a) Vessels having a physician and a disinfecting apparatus (chamber) on board and fulfilling the necessary conditions shall be permitted to pass through the Suez Canal in quarantine under conditions prescribed by the regulations for the passage through.

b) Other suspected vessels having neither physician nor disinfecting apparatus (chamber) on board shall, before being permitted to pass through in quarantine, be detained at Suez or Moses Spring a sufficient length of time to carry out the disinfecting measures prescribed and to ascertain the sanitary condition of the vessel.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the local authority is assured by an official declaration that the measures of sanitation and disinfection have been suitably carried out either at the point of departure or during the voyage, the passage through in quarantine shall be allowed.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the last case of plague or cholera dates back longer than seven days and if the sanitary condition of the vessel is satisfactory, pratique may be granted at Suez when the operations prescribed by the regulations are completed.

When a vessel has had a run of less than seven days without infection, the passengers destined for Egypt shall be landed at an establishment designated by the Board of Health of Alexandria and isolated a sufficient length of time to complete the observation period of five days. Their soiled linen and wearing apparel shall be disinfected. They shall then receive pratique.

Vessels having had a run of less than seven days without infection and desiring to obtain pratique in Egypt shall be detained in an establishment designated by the Board of Health of Alexandria for a sufficient length of time to complete the observation period of five days. They shall undergo the measures prescribed for suspected vessels.

When plague or cholera has appeared exclusively among the crew, only the soiled linen of the latter shall be disinfected, but it shall all be disinfected, including that in the living quarters of the crew.

ART. 54. Infected vessels are divided into vessels with a physician and a disinfecting apparatus (chamber) on board, and vessels without a physician and a disinfecting apparatus (chamber).

a) Vessels without a physician and a disinfecting apparatus (chamber) shall be stopped at Moses Spring;<sup>10</sup> persons showing symptoms of plague or cholera shall be landed and isolated in a hospital. The disinfection shall

<sup>10</sup> The patients shall as far as possible be landed at Moses Spring. The other persons may undergo the observation in a sanitary station designated by the Sanitary, Maritime, and Quarantine Board of Egypt (pilots' lazaretto). [Footnote in original.]

be carried out in a thorough manner. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop. The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

It is to be distinctly understood that there shall be no discharge of cargo but simply a disinfection of the part of the vessel which has been infected.

The passengers shall remain for five days in an establishment designated by the Sanitary, Maritime, and Quarantine Board of Egypt. When the cases of plague or cholera date back several days, the length of the isolation shall be diminished. This length shall vary according to the date of the cure, death, or isolation of the last patient. Thus, when the last case of plague or cholera has terminated six days before by a cure or death, or when the last patient has been isolated for six days, the observation shall last one day; if only five days have elapsed, the observation period shall be two days; if only four days have elapsed, the observation period shall be three days; if only three days have elapsed, the observation period shall be four days; if only two days or one day have elapsed, the observation period shall be five days.

b) Vessels with a physician and a disinfecting apparatus (chamber) on board shall be stopped at Moses Spring. The ship's physician must declare, under oath, what persons on board show symptoms of plague or cholera. These patients shall be landed and isolated.

After the landing of these patients, the soiled linen of the rest of the passengers which the health authority may consider as dangerous, as well as that of the crew shall undergo disinfection on board.

When plague or cholera shall have appeared exclusively among the crew, the disinfection of the linen shall be limited to the soiled linen of the crew and the linen of the living apartments of the crew.

The ship's physician shall indicate also, under oath, the part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported. He shall also declare, under oath, what persons have been in contact with the plague or cholera patient since the first manifestation of the disease, either directly or through contact with objects which might be contaminated. Such persons alone shall be considered as suspects.

The part or compartment of the vessel and the section of the hospital in which the patient or patients shall have been transported shall be thoroughly disinfected. By the "part of the ship" shall be understood the cabin of the patient, the neighboring cabins, the corridor upon which these cabins are located, the deck, and the parts of the deck where the patients may have stayed.



If it is impossible to disinfect the part or compartment of the vessel which has been occupied by the persons stricken with plague or cholera without landing the persons declared as suspects, these persons shall be either placed in another vessel specially designated for this purpose or landed and lodged in the sanitary establishment without coming in contact with the patients, who should be placed in the hospital.

The duration of this stay on the vessel or on shore for disinfection shall be as short as possible and shall not exceed twenty-four hours.

The suspects shall undergo, either on their vessel or on the vessel designated for this purpose, an observation period whose duration shall vary according to the cases and under the conditions provided in the third paragraph of subdivision *a*).

The time taken up by the prescribed operations shall be comprised in the duration of the observation period.

The passage through in quarantine may be allowed before the expiration of the periods indicated above if the health authority deems it possible. It shall at all events be granted when the disinfection has been completed, if the vessel leaves behind not only its patients but also the persons indicated above as "suspects."

A disinfecting chamber placed on a lighter may come alongside the vessel in order to expedite the disinfecting operations.

Infected vessels requesting pratique in Egypt shall be detained at Moses Spring five days; they shall, moreover, undergo the same measures as those adopted for infected vessels arriving in Europe.

*B. Measures with respect to ordinary vessels hailing from the infected ports of Hedjaz during the pilgrimage season*

ART. 55. If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar masses of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they shall undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days from the date of departure, for cholera as well as for plague. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, etc.), and shall not be granted pratique until they have passed a favorable medical examination.

It shall be understood that if the vessels have had suspicious occurrences during the voyage, they shall pass the observation period at Moses Spring, which shall last five days whether it be a question of plague or cholera.



SECTION IV. ORGANIZATION OF THE SURVEILLANCE AND OF THE DISINFECTION  
AT SUEZ AND MOSES SPRING

ART. 56. The medical inspection prescribed by the regulations shall be made on each vessel arriving at Suez by one or more of the physicians of the station, being made in the daytime on vessels hailing from ports infected with plague or cholera. It may, however, be made at night on vessels which present themselves in order to pass through the canal if they are lighted by electricity and whenever the local health authority is satisfied that the lighting facilities are adequate.

ART. 57. The physicians of the Suez station shall be at least seven in number—one chief physician and six others. They must possess a regular diploma and shall be chosen preferably from among physicians who have made special practical studies in epidemiology and bacteriology. They shall be appointed by the Minister of the Interior upon the recommendation of the Sanitary, Maritime, and Quarantine Board of Egypt. They shall receive a salary which shall begin at 8,000 francs and may progressively rise to 12,000 francs for the six physicians, and which shall vary from 12,000 to 15,000 francs for the chief physician.

If the medical service should still prove inadequate, recourse may be had to the surgeons of the navies of the several nations, who shall be placed under authority of the chief physician of the sanitary station.

ART. 58. A corps of sanitary guards shall be intrusted with the surveillance and the execution of the prophylactic measures applied in the Suez Canal, at the establishment at Moses Spring, and at Tor.

ART. 59. This corps shall comprise ten guards.

It shall be recruited from among former noncommissioned officers of the European and Egyptian armies and navies.

After their competence has been ascertained by the Board, the guards shall be appointed in the manner provided by Article 14 of the Khedival decree of June 19, 1893.<sup>11</sup>

ART. 60. The guards shall be divided into two classes, the first class comprising four guards and the second class comprising six guards.

ART. 61. The annual compensation allowed to the guards shall be:

For the first class, from £160 Eg. to £200 Eg.;

For the second class, from £120 Eg. to £168 Eg.;

With a progressive increase until the maximum is reached.

ART. 62. The guards shall be invested with the character of officers of the public peace, with the right to call for assistance in case of infractions of the sanitary regulations.

They shall be placed under the immediate orders of the Director of the Suez or the Tor Bureau.

<sup>11</sup> For text, see p. 406.

They shall be instructed in all the methods and operations of disinfection in vogue, and must understand the manipulation of the substances and the handling of the instruments employed for this purpose.

ART. 63. The disinfection and isolation station of Moses Spring is placed under the authority of the chief physician of Suez.

If patients are landed there, two of the physicians of Suez shall be interned there, one to take care of plague or cholera patients, the other to care for the persons not stricken with plague or cholera.

In case there are plague and cholera patients and other sick at the same time, the number of interned physicians shall be increased to three, one for the plague patients, one for the cholera patients, and the third for those sick with other ailments.

ART. 64. The disinfection and isolation station at Moses Spring shall comprise:

1. Three disinfecting chambers, one being placed on a lighter, and the necessary apparatus for the destruction of rats.

2. Two isolation hospitals with twelve beds each, one for plague patients and persons suspected of plague, the other for persons stricken with or suspected of cholera. These hospitals shall be so arranged that the patients, the suspects, the men, and the women shall be isolated from one another in each of them.

3. Huts, hospital tents, and ordinary tents for the landed persons.

4. Bath tubs and shower baths in sufficient number.

5. The necessary buildings for the ordinary services, the medical staff, the guards, etc., a store, and a laundry.

6. A tank of water.

7. The various buildings shall be so arranged as to render impossible all contact among the patients, the infected or suspicious objects, and the other persons.

ART. 65. A machinist shall be specially intrusted with care of the disinfecting chambers installed at Moses Spring.

#### SECTION V. PASSAGE THROUGH THE SUEZ CANAL IN QUARANTINE

ART. 66. The health authority of Suez shall grant the passage through in quarantine, and the Board shall be immediately informed thereof.

In doubtful cases, the decision shall be reached by the Board.

ART. 67. As soon as the permit provided for in the preceding Article is granted, a telegram shall be sent to the authority designated by each Power, the dispatch of the telegram being at the expense of the vessel.

ART. 68. Each Power shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of *vis major* and enforced sojourn being excepted.

ART. 69. At the time of the inspection, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list of the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath:

"Have you any helpers (stokers or other workmen) not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

The sanitary physicians should ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ART. 70. A health officer and two sanitary guards shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications and see to the execution of the prescribed measures during the passage through the canal.

ART. 71. All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal to Port Said.

However, passengers may embark at Port Said in quarantine.

ART. 72. Vessels passing through in quarantine shall make the trip from Suez to Port Said without putting into dock.

In case of stranding or of being compelled to put into dock, the necessary operations shall be performed by the personnel on board, all communication with the employees of the Suez Canal Company being avoided.

ART. 73. When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ART. 74. Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 71 (paragraph 2) and 75.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine lighter. Their clothing shall there undergo disinfection as per regulations.

ART. 75. When it is absolutely necessary for vessels passing through in quarantine to take on coal at Port Said, they shall perform this operation in a locality affording the necessary facilities for isolation and sanitary surveillance, to be selected by the Board of Health. When it is possible to maintain a strict supervision on board the vessel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may

be permitted. At night the place where the coaling is done should be illuminated by electric lights.

ART. 76. The pilots, electricians, agents of the Company, and sanitary guards shall be put off at Port Said outside of the port between the jetties and thence conducted directly to the quarantine lighter, where their clothing shall undergo disinfection when deemed necessary.

ART. 77. The war vessels hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath:

a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage.

b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

These vessels shall be exempted from the medical examination and immediately receive pratique, provided a period of five full days has elapsed since their departure from the last infected port.

In case the required period has not elapsed, the vessels may pass through the canal in quarantine without undergoing the medical examination, provided they present the above-mentioned certificate to the quarantine authorities.

The quarantine authorities shall nevertheless have the right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ART. 78. The Maritime and Quarantine Board of Egypt is authorized to organize the transit through Egyptian territory by rail of the mails and ordinary passengers coming from infected countries in quarantine trains, under the conditions set forth in Annex I.

#### SECTION VI. SANITARY MEASURES APPLICABLE IN THE PERSIAN GULF

ART. 79. Vessels shall be inspected at the sanitary establishment of the Island of Ormuz before entering the Persian Gulf. According to their sanitary condition and their port of departure, they shall be subjected to the measures prescribed by Section III, Chapter II, Title I.

However, vessels which are to go up the Chat-el-Arab shall, if the observation period is not terminated, be permitted to continue their voyage

upon condition of passing through the Persian Gulf and up the Chat-el-Arab in quarantine. A chief guard and two sanitary guards, taken on board at Ormuz, shall watch the vessel as far as Bassorah, where a second medical examination shall be made and the necessary disinfections performed.

Pending the organization of the sanitary station of Ormuz, sanitary guards taken from the provisional post established in accordance with Article 82, paragraph 2, shall accompany the vessels passing in quarantine into the Chat-el-Arab and to the establishment situated in the neighborhood of Bassorah.

Vessels which are to touch at Persian ports in order to land passengers and cargo there may perform these operations at Ben-der-Bouchir.

It is distinctly understood that a vessel which remains uninfected at the expiration of five days from the date on which it left the last port infected with plague or cholera, shall obtain pratique in the ports of the Gulf after it has been ascertained, upon its arrival, that it is uninfected.

ART. 80. Articles 20 to 28 of the present convention are applicable with regard to the classification of the vessels and the measures to be applied to them in the Persian Gulf, with the three following exceptions:

1. The surveillance of the passengers and crew shall always be superseded by an observation of the same duration.
2. Uninfected vessels shall only obtain pratique upon condition that five full days have elapsed since the time of their departure from the last infected port.
3. In regard to suspected vessels the period of five days for the observation of the crew and passengers shall begin as soon as there is no case of plague or cholera on board.

#### SECTION VII. SANITARY ESTABLISHMENTS IN THE PERSIAN GULF

ART. 81. Sanitary establishments shall be constructed under the direction of the Board of Health of Constantinople and at its expense, one on the Island of Ormuz and the other in the neighborhood of Bassorah at a place to be determined upon.

At the sanitary station of the Island of Ormuz there shall be at least two physicians, sanitary agents, sanitary guards, and a complete set of appliances for disinfection and the destruction of rats. A small hospital shall be built.

At the station in the neighborhood of Bassorah there shall be constructed a large lazaretto suitable for a medical service composed of several physicians, and apparatus for the disinfection of merchandise.

ART. 82. The Superior Board of Health of Constantinople, which has the sanitary establishment of Bassorah under its control, shall exercise the same power over that of Ormuz.

Pending the construction of the sanitary establishment of Ormuz, a sanitary post shall be established there under the direction of the Superior Board of Health of Constantinople.

CHAPTER II. *Arrivals by land*

## SECTION I. GENERAL RULES

ART. 83. The measures taken on land routes against arrivals from regions infected with plague or cholera shall conform to the sanitary principles formulated by the present convention.

Modern disinfecting methods shall be substituted for land quarantines. To this end disinfecting chambers and other disinfecting appliances shall be installed at well chosen points along the routes followed by travelers.

The same means shall be employed on railroad lines already built or to be built.

Freight shall be disinfected according to the principles of the present convention.

ART. 84. Each Government shall be free to close, when necessary, a part of its frontiers against passengers and freight at places where the organization of a sanitary supervision is attended with difficulties.

## SECTION II. TURKISH LAND FRONTIERS

ART. 85. The Superior Board of Health of Constantinople shall, without delay, organize the sanitary establishments of Hanikin and Kasil Dizie, near Bayazid, on the Turko-Persian and Turko-Russian frontiers.

## TITLE III. PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES

CHAPTER I. *General provisions*

ART. 86. The provisions of articles 46 and 47 of Title II are applicable to persons and objects to be embarked on a pilgrim ship sailing from a port of the Indian Ocean and Oceania, even if the port is not infected with plague or cholera.

ART. 87. When cases of plague or cholera exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in a group, have been subjected to an observation for the purpose of ascertaining that none of them is stricken with plague or cholera.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

ART. 88. If local circumstances permit, the pilgrims shall be obliged to prove that they possess the means absolutely necessary to complete the pilgrimage, especially a round-trip ticket.

ART. 89. Steamships shall alone be permitted to engage in the long-voyage transportation of pilgrims, all other vessels being forbidden to engage in this traffic.

ART. 90. Pilgrim ships engaged in coasting trade and used in making the conveyances of short duration called "coasting voyages" shall be subject to the provisions contained in the special regulations applicable to the Hedjaz



pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles enounced in the present Convention.

ART. 91. A vessel which does not embark a greater proportion of pilgrims of the lowest class than one per hundred tons' gross burden, in addition to its ordinary passengers (among whom pilgrims of the higher classes may be included), shall not be considered as a pilgrim ship.

ART. 92. Every pilgrim ship, upon entering the Red Sea or the Persian Gulf, must conform to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles set forth in the present convention.

ART. 93. The captain shall be obliged to pay all the sanitary taxes collectible from the pilgrims, which shall be comprised in the price of the ticket.

ART. 94. As far as possible, the pilgrims who land or embark at the sanitary stations should not come in contact with one another at the points of debarkation.

After landing their pilgrims, the vessels shall change their anchorage in order to reembark them.

The pilgrims who are landed shall be sent to the encampment in as small groups as possible.

They must be furnished with good drinking water, whether it is found on the spot or obtained by distillation.

ART. 95. When there is plague or cholera in Hedjaz, the provisions carried by the pilgrims shall be destroyed if the health authority deems it necessary.

## CHAPTER II. *Pilgrim ships—Sanitary arrangements*

### SECTION I. GENERAL ARRANGEMENT OF VESSELS

ART. 96. The vessel must be able to lodge pilgrims between decks.

Outside of the crew, the vessel shall furnish to every individual whatever be his age, a surface of 1.5 square meters (16 English square feet) with a height between decks of about 1.8 meters.

On vessels engaged in coasting trade each pilgrim shall have at his disposal a space of at least 2 meters wide along the gunwales of the vessel.

ART. 97. On each side of the vessel, on deck, there shall be reserved a place screened from view and provided with a hand pump so as to furnish sea water for the needs of the pilgrims. One such place shall be reserved exclusively for women.

ART. 98. In addition to the water-closets for the use of the crew, the vessel shall be provided with latrines flushed with water or provided with a stop cock, in the proportion of at least one latrine for every 100 persons embarked.

There shall be latrines reserved exclusively for women.



There shall be no water closets between decks or within the hold.

ART. 99. The vessel shall have two places arranged for private cooking by the pilgrims, who shall be forbidden to make a fire elsewhere and especially on deck.

ART. 100. An infirmary regularly fitted up and properly arranged with regard to safety and sanitary conditions shall be reserved for lodging the sick.

It must be able to receive at least 5 per cent of the pilgrims embarked, allowing at least 3 square meters per head.

ART. 101. The vessel shall be provided with the means of isolating persons who show symptoms of plague or cholera.

ART. 102. Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines.<sup>12</sup> The care and the remedies shall be furnished gratuitously to the pilgrims.

ART. 103. Every vessel embarking pilgrims shall have on board a physician holding a regular diploma and commissioned by the Government of the country to which the vessel belongs or by the Government of the port in which the vessel takes pilgrims on board. A second physician shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ART. 104. The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel.
2. The price of the tickets.
3. The daily ration of water and food allowed to each pilgrim.
4. A price list of victuals not comprised in the daily ration and to be paid for extra.

ART. 105. The heavy baggage of the pilgrims shall be registered, numbered, and placed in the hold. The pilgrims shall keep with them only such articles as are absolutely necessary, the regulations made by each Government for its vessels determining the nature, quantity, and dimensions thereof.

ART. 106. The provisions of Chapters I, II (sections I, II, and III), and III of the present title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in the principal languages of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

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<sup>12</sup> It is desirable that each vessel be provided with the principal immunizing agents (antiplague serum, Haffkine vaccine, etc.). [Footnote in original.]

## SECTION II. MEASURES TO BE TAKEN BEFORE DEPARTURE

ART. 107. At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ART. 108. Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain. The consular officer of the country to which the vessel belongs may be present at this inspection.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.<sup>13</sup>

ART. 109. The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

a) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected.

b) That the vessel is in a condition to undertake the voyage without danger; that it is properly equipped, arranged, and ventilated; that it is provided with an adequate number of small boats; that it contains nothing on board which is or might become detrimental to the health or safety of the passengers, and that the deck is of wood or of iron covered over with wood.

c) That, in addition to the provisions for the crew, there are provisions and fuel of good quality on board, suitably stored and in sufficient quantity for all the pilgrims and for the entire anticipated duration of the voyage.

d) That the drinking water taken on board is of good quality and from a source protected against all contamination; that there is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all contamination and closed in such a way that the water can only be let out through the stop cocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden.

e) That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew.

f) That the vessel has a disinfecting chamber whose safety and efficiency

<sup>13</sup> The competent authority is at present: In British India, an officer designated for this purpose by the local government (Native Passenger Ships Act 1887, Art. 7); in Dutch India, the master of the port; in Turkey, the health authority; in Austria-Hungary, the authority of the port; in Italy, the captain of the port; in France, Tunis, and Spain, the health authority; in Egypt, the quarantine and health authority, etc. [Footnote in original.]

have been ascertained by the health authority of the port of embarkation of the pilgrims.

g) That the crew comprises a physician holding a diploma and commissioned <sup>14</sup> either by the Government of the country to which the vessel belongs or by the Government of the port where the vessel takes on pilgrims, and that the vessel has a supply of medicines, all in conformity with Articles 102 and 103.

h) That the deck of the vessel is free from all cargo and other incumbrances.

i) That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ART. 110. The captain shall not sail until he has in his possession:

1. A list viscéed by the competent authority and showing the name, sex, and total number of the pilgrims whom he is authorized to embark.

2. A bill of health setting forth the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate upon the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

### SECTION III. MEASURES TO BE TAKEN DURING THE PASSAGE

ART. 111. The deck shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ART. 112. Every day the space between decks should be cleaned carefully and scrubbed with dry sand mixed with disinfectants while the pilgrims are on deck.

ART. 113. The latrines intended for passengers as well as those for the crew should be kept neat and be cleansed and disinfected three times a day.

ART. 114. The excretions and dejections of persons showing symptoms of plague or cholera shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the latrines, which shall be thoroughly disinfected after each flushing.

ART. 115. Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding Article shall be immediately disinfected. The observance of this rule is especially enjoined with regard to the clothing of persons who come near to these patients and who may have become contaminated.

<sup>14</sup> Exception is made for governments which have no commissioned physicians. [Footnote in original.]

Such of the articles mentioned above as have no value shall either be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be carried to the disinfecting chamber in impermeable sacks washed with a disinfecting solution.

ART. 116. The quarters occupied by the patients and referred to in Article 100 shall be rigorously disinfected.

ART. 117. Pilgrim ships shall be compelled to submit to disinfecting operations in conformity with the regulations in force on the subject in the country whose flag they fly.

ART. 118. The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ART. 119. If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply.

ART. 120. The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared.

2. Satisfy himself that the requirements of Article 118 relative to the distribution of water are observed.

3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of Article 119.

4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleansed in accordance with the provisions of Article 113.

5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with Articles 116 and 117.

6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present this diary to the competent authority of the port of arrival.

ART. 121. The persons intrusted with the care of the plague or cholera patients shall alone have access to them and shall have no contact with the other persons on board.

ART. 122. In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ART. 123. The captain shall see that all the prophylactic measures executed during the voyage are recorded in the ship's journal. This journal shall be presented by him to the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with Article 110 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned Article 110 and before it is viséed again by the competent authority.

ART. 124. The bill of health delivered at the port of departure shall not be changed during the course of the voyage.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in the port.
2. The incidents occurring at sea and affecting the health or life of the persons on board.
3. The sanitary condition of the port of call.

#### SECTION IV. MEASURES TO BE TAKEN ON THE ARRIVAL OF PILGRIMS IN THE RED SEA

##### *A. Sanitary measures applicable to Mussulman-pilgrim ships hailing from an infected port and bound from the south toward Hedjaz*

ART. 125. Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station of Camaran, where they shall be subjected to the measures prescribed by Articles 126 to 128.

ART. 126. Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Hedjaz.

For plague, the provisions of Articles 23 and 24 shall be applied with regard to the rats which may be found on board the vessels.

ART. 127. *Suspicious* vessels on board of which there were cases of plague or cholera at the time of departure but on which there has been no new case of plague or cholera for seven days, shall be treated in the following manner:

The pilgrims shall be landed, take a shower or sea bath, and their soiled

linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected.

In time of cholera the bilge water shall be changed.

The parts of the vessel occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Djeddah, where a second medical inspection shall take place on board. If the result thereof is favorable, and on the strength of a written affidavit by the ship's physician to the effect that there has been no case of plague or cholera during the passage, the pilgrims shall be immediately landed.

If, on the contrary, one or more real or suspected cases of plague or cholera have been discovered during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the measures applicable to infected vessels.

For plague, the provisions of Article 22, third paragraph, shall be applied with regard to the rats which may be found on board the vessels.

ART. 128. *Infected vessels*, that is, those having cases of plague or cholera on board or having had cases of plague or cholera within seven days, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated in the hospital. The other passengers shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not be infected by a particular group if plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected in a thorough manner.

However, the local health authority may decide that the discharge of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain at the Camaran establishment seven or five days, according to whether it is a question of plague or cholera. When cases of plague or cholera date back several days, the length of the isolation may be diminished. This length may vary according to the date of appearance of the last case and the decision of the health authority.

The vessel shall then proceed to Djeddah, where an individual and rigorous medical inspection shall be made. If the result thereof is favorable, the vessel shall obtain pratique. If, on the contrary, real cases of plague or cholera have appeared on board during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the treatment applicable to infected vessels.

For plague, the measures prescribed by Article 21 shall be applied with regard to the rats which may be found on board the vessels.



*1. The Camaran Station*

ART. 129. The following conditions shall exist at the Camaran station:  
The island shall be completely vacated by its inhabitants.

In order to insure the safety and facilitate the movement of vessels in the bay of Camaran Island—

1. Buoys and beacons shall be installed in sufficient number.
2. A mole or quay shall be constructed to land passengers and baggage.
3. A separate flying bridge shall be arranged for the embarkation of the pilgrims of each camp.
4. A steam tug and a sufficient number of barges shall be provided in order to land and embark the pilgrims.

ART. 130. The landing of the pilgrims from infected vessels shall be effected with the means on board. If these means are inadequate, the persons and the barges which have assisted in the landing must undergo the same treatment as the pilgrims and the infected vessel.

ART. 131. The sanitary station shall comprise the following installations and equipment:

1. A system of railway tracks connecting the landing places with the administrative and disinfecting quarters as well as with the buildings used for the various services and with the camps.
2. Quarters for the administrative office and for the personnel of the sanitary and other services.
3. Buildings for the disinfection and washing of wearing apparel and other articles.
4. Buildings in which the pilgrims shall be subjected to shower or sea baths while their clothing in use is being disinfected.
5. Hospitals separated for the two sexes and completely isolated:
  - a) For the observation of suspects;
  - b) For plague patients;
  - c) For cholera patients;
  - d) For patients stricken with other contagious diseases;
  - e) For those sick with ordinary diseases.
6. Camps suitably separated from one another, the distance between them being as great as possible. The lodgings intended for pilgrims shall be constructed on the best hygienic principles and shall not contain over twenty-five persons.
7. A well situated cemetery, remote from all habitations, without contact with any sheet of underground water, and drained half a meter below the level of the graves.
8. Steam disinfecting chambers in sufficient number and combining all the elements of safety, efficiency, and rapidity. Apparatuses for the destruction of rats.



9. Atomizers, disinfecting chambers, and the appliances necessary for chemical disinfection.

10. Machines for distilling water, apparatus for the sterilization of water by heat, and machines for manufacturing ice. For the distribution of the drinking water: Pipes and closed, tight tanks capable of being emptied only by stop-cocks or pumps.

11. A bacteriological laboratory with the necessary personnel.

12. A set of movable night-soil cans for receiving the previously disinfected fecal matters and spreading them over one of the most distant parts of the island from the camps, care being taken that these dumping grounds are properly managed from a hygienic standpoint.

13. All dirty water shall be removed from the camps and shall neither be allowed to stagnate nor be used in preparing food. The waste waters coming from hospitals shall be disinfected.

ART. 132. The health authority shall provide a building for the food supplies and one for the fuel in each camp.

The schedule of prices fixed by the competent authority shall be posted up in several places in the camp in the principal languages of the countries inhabited by the pilgrims.

The camp physician shall each day inspect the quality of the victuals and see that there is a sufficient supply thereof.

Water shall be furnished free of charge.

## 2. *Stations of Abou-Ali, Abou-Saad, Djeddah, Vasta, and Yambo*

ART. 133. The sanitary stations of Abou-Ali, Abou-Saad, and Vasta, as well as those of Djeddah and Yambo, shall fulfill the following conditions:

1. At Abou-Ali there shall be established four hospitals—two for plague patients (male and female) and two for cholera patients (male and female).

2. At Vasta a hospital for ordinary patients shall be created.

3. At Abou-Saad and Vasta stone lodgings with a capacity of fifty persons each shall be constructed.

4. Three disinfecting chambers shall be located at Abou-Ali, Abou-Saad, and Vasta, with laundries, accessories, and apparatus for the destruction of rats.

5. Shower baths shall be established at Abou-Saad and Vasta.

6. On each of the islands of Abou-Saad and Vasta there shall be installed distilling apparatus capable of furnishing altogether fifteen tons of water a day.

7. The measures with regard to fecal matters and dirty water shall be regulated in accordance with the rules adopted for Camaran.

8. A cemetery shall be established in one of the islands.

9. The sanitary arrangements at Djeddah and Yambo provided for in Article 150 shall be installed, and especially the disinfecting chambers and other means of disinfection for pilgrims leaving Hedjaz.

ART. 134. The rules prescribed for Camaran with regard to food supplies and water shall be applicable to the camps of Abou-Ali, Abou-Saad, and Vasta.

*B. Sanitary measures applicable to Mussulman-pilgrim ships hailing from the north and bound toward Hedjaz*

ART. 135. If plague or cholera is not known to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

ART. 136. If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V. MEASURES TO BE TAKEN UPON THE RETURN OF PILGRIMS

*A. Pilgrim ships returning northward*

ART. 137. Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in Articles 141 to 143.

ART. 138. Vessels bringing Mussulman pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ART. 139. The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model. Samples of this certificate shall be deposited with the consular and health authorities of Djeddah and Yambo, where the agents and captains of vessels can examine them.

Pilgrims other than Egyptians, such as Turks, Russians, Persians, Tunisians, Algerians, Moroccans, etc., can not be landed in an Egyptian port after leaving Tor. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden.

Vessels having pilgrims on board who belong to the nationalities mentioned in the foregoing paragraph shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ART. 140. Before being granted pratique, Egyptian pilgrims shall undergo an observation of three days and a medical examination at Tor, Souakim, or any other station designated by the Board of Health of Egypt.

ART. 141. If plague or cholera is known to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospital. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided by Articles 21 and 24 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of seven full days from the day on which the disinfecting operations are completed, whether it be a question of plague or of cholera. If a case of plague or cholera has appeared in one section, the period of seven days shall not begin for this section until the day on which the last case was discovered.

ART. 142. In the case contemplated in the preceding Article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ART. 143. If plague or cholera is not known to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including the debarkation and embarkation, shall not exceed seventy-two hours.

However, a pilgrim ship belonging to one of the nations which have adhered to the stipulations of the present and the previous conventions, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Board of Health of Egypt to pass through the Suez Canal in quarantine even at night when the four following conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians commissioned by the government to which the vessel belongs.

2. The vessel shall be provided with disinfecting chambers and it shall be ascertained that the soiled linen has been disinfected during the course of the voyage.

3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrimage regulations.

4. The captain shall bind himself to repair directly to a port of the country to which the vessel belongs.

The medical examination shall be made as soon as possible after debarkation at Tor.

The sanitary tax to be paid to the quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ART. 144. A vessel which has had a suspicious case on board during the voyage from Tor to Suez shall be sent back to Tor.

ART. 145. The transshipment of pilgrims is strictly forbidden in Egyptian ports.

ART. 146. Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall be authorized to proceed directly to Souakim or to such other place as the Board of Health of Alexandria may determine, where they shall submit to the same quarantine procedure as at Tor.

ART. 147. Vessels hailing from Hedjaz or from a port on the Arabian coast of the Red Sea with a clean bill of health, having no pilgrims or similar groups of people on board, and which have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

ART. 148. When plague or cholera shall have been proven to exist in Hedjaz:

1. Caravans composed of Egyptian pilgrims shall, before going to Egypt, undergo at Tor a rigid quarantine of seven days in case of cholera or plague. They shall then undergo an observation of three days at Tor, after which they shall not be granted pratique until a favorable medical inspection has been made and their belongings have been disinfected.

2. Caravans composed of foreign pilgrims who are about to return to their homes by land routes shall be subjected to the same measures as the Egyptian caravans and shall be accompanied by sanitary guards to the edge of the desert.

ART. 149. When plague or cholera has not been observed in Hedjaz, the caravans of pilgrims coming from Hedjaz by way of Akaba or Moila shall, upon their arrival at the canal or at Nakhel, be subjected to a medical examination and their soiled linen and wearing apparel shall be disinfected.

*B. Pilgrims returning southward*

ART. 150. Sufficiently complete sanitary arrangements shall be installed in the ports of embarkation of Hedjaz in order to render possible the application, to pilgrims who have to travel southward in order to return to their homes, of the measures which are obligatory by virtue of Articles 46 and 47 at the moment of departure of these pilgrims in the ports situated beyond the Straits of Bab-el-Mandeb.

The application of these measures is optional; that is, they are only to be applied in those cases in which the consular officer of the country to which the pilgrim belongs, or the physician of the vessel on which he is about to embark, deems them necessary.

CHAPTER III. *Penalties*

ART. 151. Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by him, shall be liable to a fine of two Turkish pounds.<sup>15</sup> This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

ART. 152. Every infraction of Article 104 shall be punished by a fine of thirty Turkish pounds.

ART. 153. Every captain who has committed or who has knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in Article 110 shall be liable to a fine of fifty Turkish pounds.

ART. 154. Every captain of a vessel arriving without a bill of health from the port of departure, or without a visé from the ports of call, or who is not provided with the list required by the regulations and regularly kept in accordance with Articles 110, 123, and 124, shall be liable in each case to a fine of twelve Turkish pounds.

ART. 155. Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a commissioned physician in conformity with the provisions of Article 103 shall be liable to a fine of thirty Turkish pounds.

ART. 156. Every captain convicted of having or having had on board a greater number of pilgrims than that which he is authorized to embark in conformity with the provisions of Article 110 shall be liable to a fine of five Turkish pounds for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

<sup>15</sup> The Turkish pound is worth 22 francs and 50 centimes. [Footnote in original.]

ART. 157. Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent or excepting cases of *vis major*, shall be liable to a fine of twenty Turkish pounds for each pilgrim wrongfully landed.

ART. 158. All other infractions of the provisions relative to pilgrim ships are punishable by a fine of from 10 to 100 Turkish pounds.

ART. 159. Every violation proven in the course of a voyage shall be noted on the bill of health as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

ART. 160. In Ottoman ports, violations of the provisions concerning pilgrim ships shall be proven and the fine imposed by the competent authority in conformity with Articles 173 and 174.

ART. 161. All agents called upon to assist in the execution of the provisions of the present convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

#### TITLE IV. SURVEILLANCE AND EXECUTION

##### I. *The Sanitary, Maritime, and Quarantine Board of Egypt*

ART. 162. The stipulations of Annex III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, rights and duties, and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the decrees of His Highness the Khedive under date of June 19, 1893,<sup>16</sup> and December 25, 1894,<sup>17</sup> as well as in the ministerial decision of June 19, 1894 [1893].<sup>18</sup>

The said decrees and decision are annexed to the present convention.

ART. 163. The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the light-house service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of 10 tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government should find difficulty in bearing its share of the expenses, the Powers represented in the Board of Health shall reach an understanding with the Khedival Government in order to insure the participation of the latter in the expenses contemplated.

<sup>16</sup> For text, see p. 403.

<sup>17</sup> For text, see p. 409.

<sup>18</sup> For text, see p. 410.



ART. 164. The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if necessary, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective, must be accepted by the various Powers represented on the Board.

## II. *The Superior Board of Health of Constantinople*

ART. 165. The Superior Board of Health of Constantinople shall decide on the measures to be adopted in order to prevent the introduction of epidemic diseases into the Ottoman Empire and their transmission to foreign countries.

ART. 166. The number of Ottoman delegates to the Superior Board of Health who shall take part in the voting of the Board is fixed at four members, namely:

The President of the Board or, in his absence, the person presiding over the meeting. They shall not take part in the voting except in case of a tie.

The Inspector General of the Sanitary Services.

The Service Inspector.

The Delegate acting as intermediary between the Board and the Sublime Port, called Mouhassabedgi.

ART. 167. The appointment of the Inspector General, of the Service Inspector, and of the aforementioned Delegate, who are designated by the Board, shall be ratified by the Ottoman Government.

ART. 168. The High Contracting Parties recognize the right of Roumania, as a maritime power, to be represented on the Board by one delegate.

ART. 169. The delegates of the various nations shall be physicians holding regular diplomas from a European faculty of medicine and citizens or subjects of the country which they represent, or consular officers of the grade of vice-consul at least or an equivalent grade.

The delegates shall have no connection of any kind with the local authorities or with a maritime company.

These provisions do not apply to the present incumbents.

ART. 170. The decisions of the Superior Board of Health, reached by a majority of the members who compose it, are of an executory character and without appeal.

The signatory governments agree that their representatives at Constantinople shall be instructed to notify the Ottoman Government of the present convention and to endeavor to obtain its accession thereto.

ART. 171. The enforcement and surveillance of the provisions of the present convention with regard to pilgrimages and to measures against the invasion and propagation of plague and cholera are intrusted, within the



scope of the jurisdiction of the Superior Board of Health of Constantinople, to a committee appointed entirely from among the members of this Board and composed of representatives of the various Powers which shall have adhered to the present convention.

The number of representatives of Turkey on this committee shall be three, one of them being president thereof. In case of a tie in voting, the president shall have the casting vote.

ART. 172. A corps of diplomaed physicians, disinfectors, and skilled mechanics, as well as of sanitary guards recruited from among persons who have performed military service as officers or noncommissioned officers, shall be created for the purpose of insuring the proper operation, under the direction of the Superior Board of Health of Alexandria, of the various sanitary establishments enumerated in and instituted by the present convention.

ART. 173. The health authority of the Ottoman port of call or arrival, who discovers a violation of the regulations, shall draw up a report thereof, on which the captain may enter his observations. A certified copy of this report shall be transmitted, at the port of call or arrival, to the consular officer of the country whose flag the vessel flies. The latter officer shall see that the fine is deposited with him. In the absence of a consul, the health authority shall receive this fine on deposit. The fine shall not be finally credited to the Superior Board of Health of Constantinople until the Consular Commission referred to in the following Article has pronounced upon the validity of the fine.

A second copy of the certified report shall be transmitted by the health authority who has discovered the violation to the President of the Board of Health of Constantinople, who shall communicate the document to the Consular Commission.

A minute shall be made on the bill of health by the health or consular authority, noting the violation discovered and the deposit of the fine.

ART. 174. At Constantinople there shall be created a Consular Commission to pass judgment upon the contradictory declarations of the health officer and the captain under charge. It shall be appointed each year by the consular corps. The Health Department may be represented by an agent acting as public prosecutor. The consul of the nation interested shall always be summoned and shall be entitled to vote.

ART. 175. The expenses of the establishment, within the jurisdiction of the Superior Board of Health of Constantinople, of the permanent and temporary sanitary posts contemplated by the present convention, shall be borne by the Ottoman Government as far as the construction of buildings is concerned. The Superior Board of Health of Constantinople is authorized, if there is urgent need, to advance the necessary sums out of the reserve fund; these sums shall be furnished it upon demand by "the Mixed Commission in charge of the revision of the sanitary tariff." It shall, in this case, see to the construction of these establishments.

The Superior Board of Health of Constantinople shall organize without delay the sanitary establishments of Hanikin and Kisil-Dizie, near Bayazid, upon the Turko-Persian and Turko-Russian frontiers, by means of the funds which are henceforth placed at its disposal.

The other expenses arising, within the jurisdiction of the said Board, in connection with the measures prescribed by the present convention, shall be divided between the Ottoman Government and the Superior Board of Health of Constantinople, in conformity with the understanding reached between the Government and the Powers represented on this Board.

### III. *The International Health Board of Tangier*

ART. 176. In the interest of public health, the High Contracting Parties agree that their representatives in Morocco shall again invite the attention of the International Health Board of Tangier to the necessity of enforcing the provisions of the sanitary conventions.

### IV. *Miscellaneous Provisions*

ART. 177. Each Government shall determine the means to be employed for disinfection and for the destruction of rats.<sup>19</sup>

<sup>19</sup> The following modes of disinfection are given by way of suggestion:

Old clothing, old rags, infected materials used in dressing wounds, paper, and other objects without value should be destroyed by fire.

Wearing apparel, bedding, and mattresses contaminated by plague bacilli are positively disinfected—

By passing them through a disinfecting chamber using steam under pressure, or through a chamber with flowing steam at 100° C.

By exposure to vapors of formol.

Objects which may, without damage, be immersed in antiseptic solutions (bed covers, underclothes, sheets) may be disinfected by means of solutions of sublimate in the proportion of 1 per 1,000, of phenic acid in the proportion of 3 per 100, of lysol and commercial cresyl in the proportion of 3 per 100, of formol in the proportion of 1 per 100 (one part of the commercial solution of formaldehyde in the proportion of 40 per 100), or by means of alkaline hypochlorites (of soda, potassium) in the proportion of 1 per 100, that is, one part of the usual commercial hypochlorite.

It goes without saying that the time of contact should be long enough to allow dried up germs to be penetrated by the antiseptic solutions, four to six hours being sufficient.

For the destruction of rats three methods are at present employed:

1. That using sulphurous acid mixed with a small quantity of sulphuric anhydride, which is forced under pressure into the holds, stirring the air up. This causes the death of the rats and insects and destroys the plague bacilli at the same time when the content of sulphuro-sulphuric anhydride is sufficiently great.

2. The process by which a noncombustible mixture of carbon monoxid and carbon dioxid is sent into the holds.

3. The process which utilizes carbonic acid in such a way that the content of this gas in the air of the vessel is about 30 per cent.

The last two procedures cause the death of the rodents, but are not claimed to kill the insects and plague bacilli.

The technical committee of the Paris Sanitary Conference of 1903 suggested the following three remedies, viz, a mixture of sulphuro-sulphuric anhydride, a mixture of carbon monoxid and carbonic acid, and carbonic acid, as being among those to which the gov-

ART. 178. The proceeds from the sanitary taxes and fines shall in no case be employed for objects other than those within the scope of the Boards of Health.

ART. 179. The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague and cholera, as well as the regulations relative to yellow fever.

#### *V. The Persian Gulf*

ART. 180. The expenses of construction and maintenance of the sanitary station whose creation at the Island of Ormuz is provided for by Article 81 of the present convention shall be borne by the Superior Board of Health of Constantinople. The mixed committee of revision of the said Board shall meet as soon as possible in order to furnish it, upon its demand, the necessary funds from the available reserves.

#### *VI. An International Health Bureau*

ART. 181. The Conference having taken note of the annexed conclusions of its committee on ways and means regarding the creation of an international health bureau at Paris, the French Government shall, when it judges it opportune, submit propositions to this effect through diplomatic channels to the nations represented at the Conference.<sup>20</sup>

#### TITLE V. YELLOW FEVER

ART. 182. It is recommended that the countries interested modify their sanitary regulations so as to bring them into accord with the latest scientific data regarding the mode of transmission of yellow fever, and especially regarding the part played by mosquitoes as vehicles of the germs of the disease.

#### TITLE VI. ADHESIONS AND RATIFICATIONS

ART. 183. The governments which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other signatory governments.

ART. 184. The present convention shall be ratified and the ratifications thereof deposited at Paris as soon as possible.

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ernments might have recourse, and it was of opinion that, in case they were not used by the health department itself, the latter ought to supervise each operation and ascertain that the rats have been destroyed. [Footnote in original.]

<sup>20</sup> An International Office of Public Health was organized by arrangement of Dec. 9, 1907 (TS 511), *post*, p. 742.

It shall be enforced as soon as it shall have been proclaimed in conformity with the legislation of the signatory nations. In the respective relations of the Powers which shall have ratified it, it shall supersede the international sanitary conventions signed January 30, 1892; April 15, 1893; April 3, 1894; and March 19, 1897.

The previous arrangements enumerated above shall remain in force with regard to the Powers which, having signed or adhered to them, may not ratify or accede to the present act.

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

Done at Paris on December 3, 1903, in a single copy which shall remain deposited in the archives of the Government of the French Republic, and of which certified copies shall be transmitted through diplomatic channels to the Contracting Powers.

## [For Germany:]

GROEBEN	[SEAL]
BUMM	[SEAL]
GAFFKY	[SEAL]
NOCHT	[SEAL]

## [For Austria-Hungary:]

SUZZARA	[SEAL]
EBNER	[SEAL]
DR DAIMER	[SEAL]
CHYZER	[SEAL]
ROEDIGER	[SEAL]

## [For Belgium:]

E. BECO	[SEAL]
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## [For Brazil:]

GABRIEL DE PIZA	[SEAL]
-----------------	--------

## [For Spain:]

MARQUIS DE NOVALLAS	[SEAL]
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## [For the United States:]

H. D. GEDDINGS	[SEAL]
FRANK ANDERSON	[SEAL]

## [For France:]

CAMILLE BARRÈRE	[SEAL]
GEORGES LOUIS	[SEAL]
P. BROUARDEL	[SEAL]
HENRI MONOD	[SEAL]
DR ROUX	[SEAL]
J. DE CAZOTTE	[SEAL]

## [For the United Kingdom:]

MAURICE DE BUNSEN	[SEAL]
THEODORE THOMSON	[SEAL]
FRANK G. CLEWOW	[SEAL]
ARTHUR D. ALBAN	[SEAL]

## [For Greece:]

N. DELYANNI	[SEAL]
S. CLADO	[SEAL]

## [For Italy:]

ROCCO SANTOLIVIDO	[SEAL]
PAULUCCI DE' CALBOLI	[SEAL]
ADOLFO COTTA	[SEAL]

## [For Luxemburg:]

VANNERUS	[SEAL]
----------	--------

## [For Montenegro:]

SUZZARA	[SEAL]
---------	--------

## [For the Netherlands:]

W. WELDEREN RENGERS	[SEAL]
W. RUIJSCH	[SEAL]
DR C. STÉKOULIS	[SEAL]
A. PLATE	[SEAL]

## [For Persia:]

NAZARE AGA	[SEAL]
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## [For Portugal:]

J. J. DA SILVA AMADO	[SEAL]
----------------------	--------

## [For Romania:]

G. G. GHICA	[SEAL]
DR J. CANTAGUZENE	[SEAL]

## [For Russia:]

PLATON DE WAXEL	[SEAL]
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## [For Servia:]

DR MICHEL POPOVITCH	[SEAL]
---------------------	--------

## [For Switzerland:]

LARDY	[SEAL]
DR SCHMID	[SEAL]

## [For Egypt:]

M. CHÉRIF	[SEAL]
MARC ARMAND RUFFER	[SEAL]

## ANNEXES

## Annex I

(See art. 78.)

REGULATIONS CONCERNING THE PASSAGE, IN QUARANTINE TRAINS  
THROUGH EGYPTIAN TERRITORY, OF TRAVELERS AND MAIL BAGS COM-  
ING FROM CONTAMINATED COUNTRIES

ART. 1. If an Egyptian Railroad Administration desires a quarantine train to connect with vessels arriving from contaminated ports, it shall notify the local quarantine authority at least two hours before departure.

ART. 2. The passengers shall land at the place indicated by the quarantine authority, with the consent of the Railroad Administration and the Egyptian Government, and shall pass directly and without any communication from the vessel to the train, under the supervision of a transit officer and of two or more sanitary guards.

ART. 3. The personal effects, baggage, etc., of the passengers shall be transported in quarantine with the means at the disposal of the vessel.

ART. 4. The agents of the railroad shall be obliged to obey the orders of the transit officer as regards the quarantine measures.

ART. 5. The cars assigned to this service shall be longitudinal-aisle cars. A sanitary guard shall be placed in each car and shall have supervision over the passengers. The agents of the railroad shall have no communication with the passengers.

A physician of the quarantine service shall accompany the train.

ART. 6. The heavy baggage of the passengers shall be placed in a special car to be sealed at the departure of the train by the transit officer. Upon arrival, the seals shall be withdrawn by the transit officer.

Any transshipment or embarkation during the trip shall be prohibited.

ART. 7. The closets shall be provided with cans containing a certain quantity of antiseptic for receiving the dejections of the passengers.

ART. 8. The platforms of the stations where the train is obliged to stop shall be completely vacated, except by such agents of the service as are absolutely indispensable.

ART. 9. Each train may have a dining car. The leavings of the tables shall be destroyed. The employees of this car as well as the other employees of the railroad who have for any reason come in contact with the passengers shall be subjected to the same treatment as the pilots and electricians at Port Said and Suez or to such measures as the Board may deem necessary.

ART. 10. The passengers shall be absolutely prohibited from throwing anything out of the windows, doors, etc.

ART. 11. In each train an infirmary compartment shall remain empty in

order that any persons falling ill may be isolated therein. This compartment shall be arranged according to the directions of the Quarantine Board.

If a case of plague or cholera should appear among the passengers, the patient shall be immediately isolated in the special compartment. Upon the arrival of the train this patient shall be transferred at once to the quarantine lazaretto. The other passengers shall continue their voyage in quarantine.

ART. 12. If a case of plague or cholera should appear during the trip, the train shall be disinfected by the quarantine authority.

At all events, the cars which have contained the baggage and the mails shall be disinfected immediately after the arrival of the train.

ART. 13. The transshipment from the train to the boat shall be accomplished in the same way as at arrival. The boat receiving the passengers shall be immediately placed in quarantine and mention shall be made on the bill of health of the accidents which may have occurred en route, those persons who may have been in contact with the patients being specially designated.

ART. 14. The expenses incurred by the quarantine administration shall be borne by the party asking for the quarantine.

ART. 15. The President of the Board, or his substitute, shall have a right to watch over the train during its whole trip.

The President may, moreover, set a superior employee (besides the transit officer and the guards) to watch over said train.

This employee shall have access to the train upon mere presentation of an order signed by the President.

## Annex II

(See art. 162.)

### KHEDIVAL DECREE OF JUNE 19, 1893

WE, KHEDIVE OF EGYPT,

On the recommendation of Our Minister of the Interior, with the advice and consent of our Cabinet,

Considering that it is necessary to introduce various amendments in our decree of January 3, 1881 (2 Safer 1298),

#### DECREE:

ART. 1. The Sanitary, Maritime, and Quarantine Board shall decide on the measures to be taken to prevent the introduction into Egypt, or the transmission to foreign countries, of epidemic diseases and epizootics.

ART. 2. The number of Egyptian delegates shall be reduced to four, as follows:

1. The President of the Board, appointed by the Egyptian Government and to vote only in case of a tie.

2. A European doctor of medicine, Inspector General of the Sanitary, Maritime, and Quarantine Service.



3. The Sanitary Inspector of the city of Alexandria, or whoever acts in that capacity.

4. The Veterinary Inspector of the Administration of sanitary services and public hygiene.

All the Delegates must be physicians holding a regular diploma, granted either by a European faculty of medicine or by the Government, or be regularly appointed officials in actual service, of the grade of vice consul at least, or of an equivalent grade. This provision is not applicable to the present incumbents.

ART. 3. The Sanitary, Maritime, and Quarantine Board shall exercise permanent supervision over the sanitary condition of Egypt and over arrivals from foreign countries.

ART. 4. As regards Egypt, the Sanitary, Maritime, and Quarantine Board shall receive each week, from the Board of Health and Public Hygiene, the sanitary bulletins of the cities of Cairo and Alexandria, and each month the sanitary bulletins of the provinces. These bulletins shall be transmitted at shorter intervals when, owing to special circumstances, the Sanitary, Maritime, and Quarantine Board so requests.

On its part, the Sanitary, Maritime, and Quarantine Board shall communicate to the Board of Health and Public Hygiene any decisions it may have reached and any information it may have received from abroad.

The Governments shall address to the Board, if they deem proper, the sanitary bulletin of their country, and shall notify it of epidemics and epizootics as soon as they appear.

ART. 5. The Sanitary, Maritime, and Quarantine Board shall ascertain the sanitary condition of the country and send inspecting boards wherever it may deem necessary.

The Board of Health and Public Hygiene shall be notified of the dispatch of these boards and shall endeavor to facilitate the performance of their mission.

ART. 6. The board shall adopt preventive measures for the purpose of preventing the introduction of epidemics and epizootics into Egypt via the maritime or desert frontiers, and it shall determine the points at which temporary camps and permanent quarantine establishments are to be located.

ART. 7. It shall draft the note to be written on the bill of health issued by the health offices to departing vessels.

ART. 8. In case of the appearance of epidemics or epizootics in Egypt, it shall adopt preventive measures with the object of preventing the transmission of these diseases to foreign countries.

ART. 9. The Board shall supervise and control the execution of the quarantine sanitary measures which it has adopted.

It shall draft all regulations relating to the quarantine service and see to their strict enforcement both with regard to protecting the country and to



maintaining the guarantees stipulated by international sanitary conventions.

ART. 10. It shall regulate, from a sanitary standpoint, the conditions under which pilgrims going to and returning from Hedjaz are to be transported, and watch over their state of health during pilgrimage.

ART. 11. The decisions reached by the Sanitary, Maritime, and Quarantine Board shall be communicated to the Ministry of the Interior; they shall also be made known to the Ministry of Foreign Affairs, which shall notify them, if necessary, to the agencies and consulates general.

However, the President of the Board shall be authorized to correspond directly with the consular authorities of maritime cities in current matters connected with the service.

ART. 12. The President, and, in case of his absence or impediment, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall see to the enforcement of the decisions of the Board.

For this purpose he shall correspond directly with all the agents of the Sanitary, Maritime, and Quarantine Service and with the various authorities of the countries. He shall, with the advice of the Board, direct the sanitary police of the ports, the maritime quarantine establishments, and the quarantine stations of the desert.

Finally, he shall transact current business.

ART. 13. The sanitary inspector general, the directors of sanitary offices, and the physicians of sanitary stations and quarantine camps must be selected from among physicians regularly diplomaed either by a European faculty of medicine or by the Government.

The delegate of the Board of Djeddah may be a diplomaed physician of Cairo.

ART. 14. The Board shall designate its candidates through its President to the Minister of the Interior for all offices and positions under the Sanitary, Maritime, and Quarantine Service, said Minister alone having a right to appoint them.

The same course shall be followed in regard to dismissals, transfers, and promotions.

However, the President shall have the direct appointment of all the subaltern agents, laborers, servants, etc.

The appointment of the sanitary guards shall be reserved to the Board.

ART. 15. The number of directors of sanitary offices shall be seven, their residence being at Alexandria, Damietta, Port Said, Suez, Tor, Souakim, and Kosseir.

The sanitary office of Tor may operate only during the continuance of the pilgrimage or in time of epidemic.

ART. 16. The directors of the sanitary offices shall have under their orders

all the sanitary employees of their district. They shall be responsible for the proper performance of the service.

ART. 17. The chief of the sanitary agency of El Ariche shall have the same powers and duties as those entrusted to the directors by the foregoing article.

ART. 18. The directors of the sanitary stations and quarantine camps shall have under their orders all the employees of the medical and administrative service of the establishments under their direction.

ART. 19. The sanitary inspector general shall have the supervision over all the services under the Sanitary, Maritime, and Quarantine Board.

ART. 20. It shall be the mission of the delegate of the Sanitary, Maritime, and Quarantine Board at Djeddah to furnish the Board with information as to the sanitary condition of Hedjaz, especially in time of pilgrimage.

ART. 21. A disciplinary committee composed of the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and the three delegates elected by the Board, shall be intrusted with an examination of the complaints lodged against the agents belonging to the Sanitary, Maritime, and Quarantine Service.

It shall draw up a report on each case and submit it to the consideration of Board convened in general assembly. The delegates shall be renewed every year. They shall be reeligible.

The decision of the Board shall be submitted by its President to the sanction of the Minister of the Interior.

The disciplinary committee may inflict, without consulting the Board: 1<sup>st</sup> Censure and 2<sup>d</sup> suspension of pay up to one month.

ART. 22. The disciplinary penalties shall be:

1. Censure.
2. Suspension of pay from eight days to three months.
3. Transfer without indemnity.
4. Dismissal.

All without prejudice to any actions to be brought for common law crimes or offenses.

ART. 23. Sanitary and quarantine dues shall be collected by the agents belonging to the Sanitary, Maritime, and Quarantine Service.

The latter shall conform, in regard to accounts and book keeping, to the general regulations established by the Ministry of Finance.

The accounting officers shall address their accounts and the proceeds of their collections to the President of the Board.

The accounting officer who is chief of the central bureau of accounts shall acquit them over the visa of the President of the Board.

ART. 24. The Sanitary, Maritime, and Quarantine Board shall have control over its own finances.

The administration of the receipts and expenses shall be intrusted to a Committee composed of the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and of three delegates of the Powers elected by the Board. It shall be entitled "Committee on Finances." The three delegates of the Powers shall be renewed every year. They shall be reeligible.

Subject to ratification by the Board, this Committee shall fix the salary of the employees of every grade; it shall decide on the permanent and the unforeseen expenses. Every three months, at a special meeting, it shall make a detailed report on its management to the Board. Within three months following the expiration of the budgetary year, the Board, upon the recommendation of the Committee, shall strike a final balance and transmit it through its President to the Ministry of the Interior.

The Board shall prepare the budget of its receipts and that of its expenditures. This budget shall be adopted by the Cabinet, at the same time as the general budget of the Government, as an annexed budget. In case the expenditures should exceed the receipts, the deficit shall be covered from the general resources of the Nation. However, the Board shall without delay examine into the means of balancing the receipts and expenditures. Its recommendations shall be transmitted by the President to the Minister of the Interior. Any surplus that may exist shall accrue to the treasury of the Sanitary, Maritime, and Quarantine Board; it shall, after a decision is reached by the Sanitary Board and ratified by the Cabinet, be devoted exclusively to the creation of a reserve fund for use in emergencies.

ART. 25. The President shall be obliged to order voting done by secret ballot whenever three members of the Board so request. Voting by secret ballot shall be compulsory whenever it is a question of the choice of Delegates of the Powers to form part of the Disciplinary Committee or of the Committee on Finances and when it is a question of appointing, dismissing, transferring, or promoting employees.

ART. 26. The Governors, Prefects of Police, and Mudirs shall be responsible, as far as concerns them, for the enforcement of the sanitary regulations. They, as well as the civil and military authorities, shall give their assistance, whenever legally called upon by the agents of the Sanitary, Maritime, and Quarantine Service, in order to insure the prompt enforcement of the measures taken in the interest of public health.

ART. 27. All previous decrees and regulations are repealed as far as contrary to the foregoing provisions.

ART. 28. Our Minister of the Interior is intrusted with the enforcement of

the present decree, which shall not be enforceable until November 1, 1893.

Done in the Palace of Ramleh, June 19, 1893.

ABBAS HILMI

By the Khedive:

RIAZ,

*Head of the Cabinet, Minister of the Interior*

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KHEDIVAL DECREE OF DECEMBER 25, 1894

WE, KHEDIVE OF EGYPT,

On the recommendation of Our Minister of Finance, with the advice and consent of our Cabinet;

With the consent of the Commissioner-Directors of the Public Debt Fund as regards article 7;

With the consent of the Powers,

DECREE:

ART. 1. Beginning with the fiscal year 1894, there shall be deducted annually from the present receipts of lighthouse dues the sum of 40,000 pounds Egyptian, which shall be employed as explained in the following articles.

ART. 2. The sum deducted in 1894 shall be used: 1st To cover any deficit during the fiscal year 1894 of the Quarantine Board, in case it has been impossible to entirely cover such deficit with the resources derived from the reserve fund of said Board, as will be stated in the following article; 2d to meet the extraordinary expenses necessitated by the fitting up of the sanitary establishments of Tor, Suez, and Moses Spring.

ART. 3. The present reserve fund of the Quarantine Board will be used to cover the deficit of the fiscal year 1894, and it shall not be reduced to an amount less than 10,000 pounds Egyptian.

If the deficit should not be fully covered, the remainder shall be met with the resources created in article 1.

ART. 4. From the sum of 80,000 pounds Egyptian derived from the fiscal years 1895 and 1896 there shall be deducted: 1st An amount equal to that which has been paid out in 1894 from the same receipts, to be applied to the deficit of said year 1894, so as to bring up to 40,000 pounds Egyptian the sums allotted to the extraordinary works provided for in article 1 for Tor, Suez, and Moses Spring; 2d the sums necessary in order to cover the deficit of the budget of the Quarantine Board for the fiscal years 1895 and 1896.

After the aforementioned deduction has been made, the surplus shall be devoted to the construction of new lighthouses in the Red Sea.

ART. 5. Beginning with the fiscal year 1897, this annual sum of 40,000

Egyptian pounds shall be used to cover possible deficits of the Quarantine Board. The amount necessary for this purpose shall be conclusively determined by taking as a basis the financial results of the fiscal years 1894 and 1895 of the Board.

The surplus shall be devoted to a reduction in the lighthouse dues, it being understood that these dues shall be reduced in the same proportion in the Red Sea and the Mediterranean.

ART. 6. In consideration of the aforementioned deductions and allotments the Government shall, beginning with 1894, be relieved of any obligation in regard to the expenses, ordinary or extraordinary, of the Quarantine Board.

It is understood, however, that the expenses borne hitherto by the Egyptian Government shall continue to be borne by it.

ART. 7. Beginning with the fiscal year 1894, upon the settlement of account of the excesses with the Public Debt Fund, the share of these excesses due the Government shall be increased by an annual sum of 20,000 pounds Egyptian.

ART. 8. It has been agreed between the Egyptian Government and the Governments of Germany, Belgium, Great Britain, and Italy that the sum allotted to a reduction of the lighthouse dues, in accordance with article 5 to the present decree, shall be deducted from the sum of 40,000 pounds Egyptian provided for in the letters annexed to the Commercial Conventions concluded between Egypt and said Governments.

ART. 9. Our Minister of Finance is charged with the enforcement of the present decree.

Done at the Palace of Koubbeh, December 25, 1894.

ABBAS HILMI

By the Khedive:

N. NUBAR,

*Head of the Cabinet*

AHMER MAZLOUM,

*Minister of Finance*

BOUTROS GHALI,

*Minister of Foreign Affairs*

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MINISTERIAL DECISION OF JUNE 19, 1893, CONCERNING THE OPERATION  
OF THE SANITARY, MARITIME, AND QUARANTINE SERVICE

THE MINISTER OF THE INTERIOR,

In view of the Decree of June 19, 1893,

DECIDES:

TITLE I. *The Sanitary, Maritime, and Quarantine Board*

ART. 1. The President shall be obliged to convene the Sanitary, Maritime, and Quarantine Board in regular session on the first Tuesday of each month.

He shall likewise be obliged to convene it whenever three members so request.

He shall, finally, convene the Board in extra session whenever circumstances demand the immediate adoption of an important measure.

ART. 2. The letter of convocation shall indicate the questions to be considered. Except in cases of urgency, no final decisions shall be made on any but questions mentioned in the letter of convocation.

ART. 3. The secretary of the Board shall prepare the minutes of the meetings.

These minutes must be presented for signature to all the members who have attended the meeting.

They shall be copied in full on a register which shall be preserved in the archives concurrently with the original minutes.

A provisional copy of the minutes shall be delivered to any member of the Board so requesting.

ART. 4. A Permanent Board composed of the President, Inspector General of the Sanitary, Maritime, and Quarantine Service, and two Delegates of the Powers elected by the Board, shall be charged with making decisions and taking measures in urgent matters.

The Delegates of the Nation interested shall always be summoned to attend, and shall be entitled to vote.

The President shall vote only in case of a tie.

The decisions shall be communicated at once by letter to all the members of the Board.

This Board shall be renewed every three months.

ART. 5. The President, or, in his absence, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall direct the deliberations of the Board, but shall vote only in case of a tie.

The President shall have general direction of the service. He shall be charged with causing the enforcement of the decisions of the Board.

#### SECRETARIAT

ART. 6. The secretary of the Board, chief of the secretariat, shall "centralize" the correspondence with the Ministry of the Interior and the various agents of the Sanitary, Maritime, and Quarantine Service.

It shall be in charge of the statistics and archives. It shall have added to it clerks and interpreters in sufficient number to attend to the discharge of business.

ART. 7. The secretary of the Board, chief of the secretariat, shall attend the meetings of the Board and prepare the minutes.

He shall have under his orders the employees and servants of the secretariat.

He shall direct and supervise their work, under the authority of the President.

He shall have custody of and be responsible for the archives.



## BUREAU OF ACCOUNTS

ART. 8. The chief of the central bureau of accounts shall be "the accounting officer."

He shall not be permitted to assume office until he has furnished a bond the amount of which shall be fixed by the Sanitary, Maritime, and Quarantine Board.

He shall, under the direction of the Committee on Finance, supervise the operations of the employees whose duty it is to receive the sanitary and quarantine dues.

He shall draw up the statements and accounts which are to be transmitted to the Ministry of the Interior after being adopted by the Committee on Finance and approved by the Board.

## THE SANITARY INSPECTOR GENERAL

ART. 9. The sanitary inspector general shall have supervision of all the services under the Board. He shall exercise this supervision under the conditions provided in article 19 of the Decree dated June 19, 1893.

He shall, at least once a year, inspect each of the sanitary offices, agencies, or posts.

Besides, the President shall, upon the recommendation of the Council and according to the needs of the service, determine the inspections which the Inspector General shall make.

In case of impediment of the Inspector General, the President shall designate, with the consent of the Board, the official who is to take his place.

Every time the Inspector General has visited an office, agency, sanitary post, sanitary station, or quarantine camp, he shall give an account to the President of the Board, in a special report, of the results of his inspection.

During the intervals between his rounds of inspection, the Inspector General shall, under the authority of the President, take part in the direction of the general service. He shall take the place of the President in case of absence or impediment.

TITLE II. *Service of Ports, Quarantine Stations, and Sanitary Stations*

ART. 10. The sanitary, maritime, and quarantine policing along the Egyptian coast of the Mediterranean and Red Seas, as well as on the land frontiers, in the direction of the desert, shall be intrusted to the directors of the health offices, the directors of sanitary stations or quarantine camps, the chiefs of sanitary agencies or sanitary posts, and the employees under their orders.

ART. 11. The directors of the health offices shall have the direction of and be responsible for the service both of the office at the head of which they are placed and of the sanitary posts thereunder.

They shall see to the strict enforcement of the regulations on sanitary, maritime, and quarantine police. They shall obey the instructions they receive



from the President of the Board and shall give the necessary orders and instructions to all the employees of their office, as well as to the employees of the sanitary posts attached thereto.

They shall be charged with the examination and speaking of vessels and with the application of the quarantine measures, and, in the cases provided by the regulations, they shall proceed to make medical inspections and inquiries regarding violations of quarantines.

In administrative matters they shall correspond only with the President, to whom they shall transmit all sanitary information which they gather while discharging their duties.

ART. 12. In regard to salary the directors of the health offices shall be divided into two classes:

The first class offices, which are four in number, viz: Alexandria, Port Said, Suez Basin and camp at Moses Spring, and Tor.

The second class offices, three in number, viz: Damietta, Souakim, and Kosseir.

ART. 13. The chiefs of the sanitary agencies shall have the same duties and powers, as regards the agency, as the directors as regards their office.

ART. 14. There shall be a single agency at El Ariche.

ART. 15. The chiefs of the sanitary posts shall have under their orders the employees of the post which they are directing. They shall be under the orders of the director of one of the health offices.

They shall be charged with the duty of carrying out the sanitary quarantine measures called for by the regulations.

They shall not be permitted to issue any bill of health or authorized to visé any bills of health except those of vessels departing with pratique.

They shall compel vessels arriving at their ports with a foul bill of health or under irregular conditions to put into a port where there is a health office.

They can not make sanitary inquests themselves, but they must call upon the director of their office for this purpose.

Outside of cases of absolute urgency, they shall correspond only with this director in all administrative matters. In urgent sanitary and quarantine matters, such as the measures to be taken in regard to an arriving vessel, or the annotation to be made on the bill of health of a departing vessel, they shall correspond directly with the President of the Board; but they must communicate this correspondence to their director without delay.

They shall be obliged to give notice, by the quickest route, to the President of the Board regarding shipwrecks of which they have knowledge.

ART. 16. The sanitary posts shall be six in number, as follows:

Posts of Port Neuf, Aboukir, Brullos, and Rosetta, under the Alexandria office.

Posts of Kantara and of the inland port of Ismailia, under the Port Said office.

The Board may create new sanitary posts, according to the needs of the service and its resources.

ART. 17. The permanent or temporary service of the sanitary stations and quarantine camps shall be intrusted to directors having under their orders sanitary employees, guards, porters, and servants.

ART. 18. It shall be the duty of the directors to compel persons sent to the sanitary station or the camp to submit to quarantine. They shall cooperate with the physicians in isolating the different categories of quarantined persons and in preventing any jeopardization. Upon the expiration of the period fixed, they shall grant or withhold pratique in accordance with the regulations, cause merchandise and wearing apparel to be disinfected, and apply quarantine to the persons employed in this operation.

ART. 19. They shall exercise constant supervision over the execution of the measures prescribed, as well as over the state of health of the quarantined persons and the employees of the establishment.

ART. 20. They shall be responsible for the progress of the service and shall give an account thereof, in a daily report, to the President of the Sanitary, Maritime, and Quarantine Board.

ART. 21. The physicians attached to the sanitary stations and quarantine camps shall be under the directors of these establishments. They shall have the druggists and hospital attendants under their orders.

They shall watch over the state of health of the quarantined persons and of the employees, and shall direct the infirmary of the sanitary station or of the camp.

Pratique shall not be granted to persons in quarantine until an inspection and favorable report have been made by the physician.

ART. 22. In each sanitary office, sanitary station, or quarantine camp, the director shall also be "accounting officer."

He shall, under his own actual personal responsibility, designate the employee to be in charge of the receipt of the sanitary and quarantine dues.

The chiefs of sanitary agencies or posts shall also be accounting officers, and shall be personally charged with collecting the dues.

The agents charged with the collection of the dues must conform, as regards the guarantees to be given, the keeping of the documents, the time of payments, and in general everything relating to the financial part of their service, to the regulations issued by the Ministry of Finance.

ART. 23. The expenses of the Sanitary, Maritime, and Quarantine Service shall be defrayed with the means at the disposal of the Board itself, or, with the consent of the Ministry of Finance, from such fund as the latter may designate.

Cairo, June 19, 1893.

## Annex III

(See art. 181.)

RESOLUTIONS OF THE WAYS AND MEANS COMMITTEE OF THE SANITARY  
CONFERENCE OF PARIS CONCERNING AN INTERNATIONAL BUREAU OF  
HEALTH

I. An International Bureau of Health shall be set up according to the principles governing the establishment and functioning of the International Bureau of Weights and Measures.<sup>21</sup> This Bureau shall have its headquarters at Paris.

II. The duty of the International Bureau shall be to gather information on the development of infectious diseases. For this purpose, it will receive information from the principal health authorities of the participating States.

III. The Bureau shall periodically set forth the results of its work in official reports which shall be sent to the contracting Governments. These reports shall be made public.

IV. The Bureau shall be financed by the contributions of the contracting Governments.

V. The Government in whose territory the International Bureau of Health is established shall, within three months after signature of the acts of the Conference, submit rules and regulations for the organization and functioning of this institution to the contracting States for approval.

## PROCÈS-VERBAL OF SIGNATURE

Session of Thursday, December 3, 1903

Mr. Barrère, Presiding

On Thursday, December 3, 1903, the International Sanitary Conference met in plenary session at 3 o'clock in the afternoon in the Ministry of Foreign Affairs.

There were present:

For Germany:

Count Groeben, Counselor of Legation and First Secretary of the Imperial Embassy of Germany at Paris;

Mr. Bumm, Superior Privy Government Counselor, Member of the Board of Health of the Empire;

Dr. Gaffky, Privy Medical Counselor of the Grand Duchy of Hesse and Professor at the University of Giessen, Member of the Board of Health of the Empire;

<sup>21</sup> For text of convention of May 20, 1875 (TS 378), establishing such bureau, see *ante*, p. 39.

Dr. Nocht, Physician of the Port of Hamburg, Member of the Board of Health of the Empire.

For the Argentine Republic:

Dr. Davél, Chief of the Department of Infectious Diseases at the Casa de Expósitos at Buenos Aires.

For Austria-Hungary:

*For Austria and for Hungary:* M. le Chevalier Alexandre de Suzzara, Division Chief in the Imperial and Royal Ministry of Foreign Affairs;

*For Austria:* Mr. Noël Ebner d'Ebenthal, President of the Imperial and Royal Maritime Department at Trieste;

Mr. Joseph Daimer, Counselor in the Imperial and Royal Ministry of the Interior;

*For Hungary:* Mr. Kornel Chyzer, Counselor in the Royal Hungarian Ministry of the Interior;

Mr. Ernest Roediger, Section Counselor.

For Belgium:

Mr. Beco, Chief Clerk of the Ministry of Agriculture, Director General of the Health and Public Hygiene Service.

For Brazil:

Mr. G. de Piza, Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic.

For Denmark:

Count Reventlow, Minister of Denmark near the President of the French Republic.

For Spain:

Mr. Fernand Jordan de Urries y Ruiz de Arana, Marquis de Novallas, Chamberlain of His Majesty, First Secretary of the Royal Embassy of Spain at Paris.

For the United States:

Dr. H. D. Geddings, Assistant Surgeon General of the Medical Service and of the Navy Hospital;

Mr. Frank Anderson, Medical Inspector of the Navy.

For France:

Mr. Camille Barrère, Ambassador of the French Republic near His Majesty the King of Italy;

Mr. Georges Louis, Minister Plenipotentiary, 1st Class, Director of Consulates and Commercial Affairs in the Ministry of Foreign Affairs;

Professor Brouardel, Honorary Dean of the Faculty of Medicine of Paris, President of the Advisory Board of Public Hygiene of France, member of the Institute and of the Academy of Medicine;

Mr. Henry Monod, Counselor of State, Director of Public Assistance and Hygiene in the Ministry of the Interior, member of the Academy of Medicine;

Dr. Emile Roux, Assistant Director of the Pasteur Institute, Vice President of the Advisory Board of Public Hygiene of France, member of the Academy of Sciences and of the Academy of Medicine;

Mr. Jacques de Cazotte, Assistant Director of Consular Affairs in the Ministry of Foreign Affairs;

Dr. Legrand, Medical Officer of France at Alexandria.

For Great Britain:

Mr. Maurice William Ernest de Bunsen, Minister Plenipotentiary, acting First Secretary of the Royal British Embassy at Paris;

Dr. Theodore Thomson, of the Local Government Board;

Dr. Frank Gerard Clemow, Delegate of Great Britain to the Superior Board of Health of Constantinople;

Mr. Arthur David Alban, Consul of His Britannic Majesty at Cairo;

Mr. John Richardson, Chief Physician, member of the Sanitary Committee of the Army, delegate of British India.

For Greece:

Mr. Delyanni, Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic;

Dr. S. Clado, physician of the Royal Greek Legation at Paris.

For Italy:

Commander Rocco Santoliquido, Director General of Public Health of Italy;

Marquis Paulucci de' Calboli, Counselor at the Royal Embassy of Italy at Paris;

M. le Chevalier Adolfo Cotta, Chief of the Office of General Affairs, Bureau of Public Health of Italy.

For the Grand Duchy of Luxemburg:

Mr. Vannerus, Chargé d'Affaires of Luxemburg at Paris.

For Montenegro:

M. le Chevalier Alexandre de Suzzara, Division Chief in the Imperial and Royal Ministry of Foreign Affairs of Austria-Hungary.

For the Netherlands:

Baron W.B.R. de Welderen Rengers, Counselor of the Royal Legation of the Netherlands at Paris;

Dr. W. P. Ruijsch, Inspector General of the Health Service in Southern Holland and Zealand, member of the Superior Board of Hygiene;

Dr. C. Stékoulis, delegate of the Netherlands to the Superior Board of Health of Constantinople;

Mr. A. Plate, President of the Chamber of Commerce of Rotterdam, extraordinary member of the Superior Board of Hygiene.

For Persia:

General Nazare Aga Yémin-es-Saltané, Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic.

For Portugal:

Dr. José Joaquim da Silva Amado, of His Very Faithful Majesty's Council, professor at the Institute of Hygiene of Lisbon, Vice President of the Royal Academy of Sciences.

For Roumania:

Mr. Grégoire G. Ghika, Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic;

Dr. Jean Cantacuzène, member of the Superior Board of Health of Roumania.

For Russia:

Mr. Platon de Waxel, present Counselor of State.

For Servia:

Dr. Michel Popovitch, Chargé d'Affaires at Paris.

For Sweden and Norway:

Mr. H. Akerman, Minister of Sweden near the President of the French Republic.

For Switzerland:

Mr. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation near the President of the French Republic;

Dr. F. Schmid, Director of the Federal Health Bureau.

For the Ottoman Empire:

Dr. Duca Pacha, Inspector General of the Health Administration of the Ottoman Empire;

General Djellal Ismaïl Pacha, Professor *agrégé* of internal medicine at the Imperial School of Medicine.

*For Egypt:* Mohamed Cherif Pacha, Under Secretary of State in the Ministry of Foreign Affairs;

Dr. M. A. Ruffer, President of the Sanitary, Maritime, and Quarantine Board of Egypt.

The President presented to the Conference the authentic text of the draft



Convention containing the results of the work of the Conference. He invited the delegates having the necessary powers to sign this Convention, the diplomatic instrument of which had been prepared in one original according to a custom established by several precedents.

This original will be deposited in the archives of the Government of the Republic and a certified copy of it will be sent through diplomatic channels to each of the signatory Powers.

The delegates of Belgium, Spain, France, Italy, Luxemburg, Montenegro, Russia, Roumania, and Switzerland announced that they were ready to sign the Convention.

Dr. Da Silva Amado, delegate of Portugal, stated, in the name of his Government, that he was authorized to sign the Convention *ad referendum*.

Mr. Delyanni, delegate of Greece, made the same statement.

Dr. Duca Pacha, delegate of the Ottoman Empire, read the following declaration:

"The Ottoman delegates declare in the name of their Government that they are authorized to accede *ad referendum*, with the reservations which they have made in the protocols and in the procès-verbaux, as well as on the occasion of the votes, concerning questions numbers 1, 2, 3, 4, 5, 7, and 9 of Mr. Proust's report, and maintain their protests with respect to question no. 6, concerning the modification of the Superior Board of Health of Constantinople; no. 8, concerning the obligation of the Superior Board of Health of Constantinople to carry out the decisions of the Conference; no. 10, concerning the establishment of an International Bureau of Health, these being questions which the Imperial Ottoman Government considers outside the prerogatives of the Conference, and in the discussions of which the Ottoman delegates did not participate.

"The Ottoman delegates also maintain their protests made at the plenary session of November 16, 1903, concerning the declaration of the sanitary condition of the pilgrimage and of Hedjaz, and declare that they protest against any sending of foreign physicians to Hedjaz to accompany pilgrims of their nationality."

Mr. Barrère, President of the Conference, noted that, under these conditions, the Ottoman delegates could sign only the procès-verbal of signature.

Mr. Akerman, delegate of Sweden and Norway, stated that he was not authorized to sign the Convention either for Sweden or for Norway. Furthermore, he reserved the right of each of the United Kingdoms to accede to the Convention after examination.

General Nazare Aga, delegate of Persia, declared that he was signing the Convention *ad referendum*.



Count Reventlow, delegate of Denmark, declared that he was not authorized to sign the Convention but only the procès-verbaux concerning the results of the work of the Conference.

Count Groeben, first delegate of Germany, read the following declaration:

"While it authorizes the delegates of Germany to sign the Convention, the Imperial Government has instructed them to make the following declaration:

1. Art. 15, 3d par.—"The German Government hopes, with regard to the regulations concerning the deratization fees, that all the Governments will agree not to include, in their special schedules of fees, a surcharge for deratization in cases where it is done by a company or by a private individual.

2. Art. 24, I, a) [c]—"The fact that, in article 24, I, a) [c], mention is made only of "articles" must not lead to the conclusion that, on other vessels (see articles 21, 22, 26, and 27), disinfection of articles would not also be permitted.

"Article 12, concerning the disinfection of articles, must be considered applicable to all vessels.

3. Art. 181 and Annex III—"The Imperial Government renews the reservations made by its delegation in the Ways and Means Committee concerning such an establishment."

The Conference acknowledged this declaration.

Cherif Pacha, first delegate of Egypt, stated that, in signing the Convention *ad referendum*, the Egyptian plenipotentiaries had to state that the Khedival Government was not in a position to accept the provisions of article 163.

The Conference acknowledged this declaration.

Baron Welderen Rengers, first delegate of the Netherlands, read the following communication:

"The Netherland delegation is authorized to sign the present Convention with the statement that its Government interprets article 169 of the Convention in such a manner as to give it the right to appoint, as delegate to the Superior Board of Health of Constantinople, at such time as its present delegate is no longer on duty, either a Dutch physician holding a regular diploma or a consular officer holding at least the rank of Vice Consul, regardless of the country he represents or his nationality."

The Conference acknowledged this declaration.

Mr. de Bunsen, first delegate of Great Britain, made the following declaration:

"In authorizing the delegates of Great Britain to sign the Convention, the Government of His Britannic Majesty instructed them to make the following declaration in its name:

"With respect to the question of an International Bureau of Health (art. 181 and annex III of the Convention), the Government of His Majesty renews the reservations made by its delegation in the Ways and Means Committee concerning the usefulness of such an establishment.

"With respect to articles 81, 82, and 180 (sanitary station of Ormuz), it renews the declaration made by its delegation at the sixth plenary session of the Conference, adding to it the following reservations, which it also attaches to its acceptance of the said articles:

"Let it be clearly understood: (1) that the mixed committee for revision of the sanitary fees is authorized to provide funds for the construction of the said station only with the agreement of all its members, and (2) that the said station may be opened only after the reorganization of the Superior Board of Health of Constantinople, in accordance with the provisions of the present Convention.

"The British plenipotentiaries declare, furthermore, that the provisions of the present Convention shall not be applicable to any of the colonies, possessions or protectorates of His Britannic Majesty until after notification to this effect shall have been sent by the Representative of His Britannic Majesty at Paris to the Minister of Foreign Affairs of the French Republic in the name of such colony, possession, or protectorate.

"It is understood by the British Government that the right to denounce the present Convention, as well as the right of the Powers to agree on the introduction of modifications in the text of the Convention, stands, as it resulted from the Convention of Venice of 1897.

"With respect to the cost of deratization when this measure is taken by a company or a private individual, the delegation of England shares in the wish expressed by the delegation of Germany."

The Conference acknowledged this declaration.

Mr. de Piza, delegate of Brazil, stated that he would sign the Convention *ad referendum*.

Mr. de Suzzara, delegate of Austria-Hungary, read the following declaration, which was acknowledged by the Conference:

"Austria-Hungary, in signing the Convention, does not think that it can depart from the reservations made by its delegation during the discussions of the Ways and Means Committee concerning the establishment provided for in article 181 of the Convention."

The delegates of the United States of America declared that they were ready to sign the Convention *ad referendum*, making reservations only with respect to the substitution of *observation* for *surveillance*, in view of the particular legislation of the various States of the Union.

The Conference acknowledged this declaration.

Mr. Popovitch, delegate of Servia, stated that he was in a position to sign the Convention *ad referendum*.

With the foregoing declarations, the Convention was signed by the delegates having the necessary full powers.

The President then read the following *voeu* made by the Conference with respect to Moroccan pilgrims:

"The Conference moved that the Moroccan pilgrimage be duly subjected to regulations and that a sanitary station be installed in Morocco in an easily accessible, well-isolated place near the headquarters of the Board, at Malabata for instance, so that the Board may supervise the execution of the sanitary measures."

In witness whereof, the undersigned, delegates to the International Sanitary Conference of Paris, have signed the present Procès-verbal, to which a certified copy of the Convention will be attached.

[For Germany:]

GROEBEN

BUMM

GAFFKY

NOCHT

[For Argentina:]

DR DAVEL

[For Austria-Hungary:]

SUZZARA

EBNER

DR DAIMER

ROEDIGER

CHYZER

[For Belgium:]

BECO

[For Brazil:]

GABRIEL DE PIZA

[For Denmark:]

REVENTLOW

[For Spain:]

MARQUIS DE NOVALLAS

[For the United States:]

FRANK ANDERSON

H. D. GEDDINGS

[For France:]

CAMILLE BARRÈRE

GEORGES LOUIS

P. BROUARDEL

HENRI MONOD

DR ROUX

J. DE CAZOTTE

H. LEGRAND

[For the United Kingdom:]

MAURICE DE BUNSEN

THEODORE THOMSON

FRANK G. CLEMOW

ARTHUR D. ALBAN

J. RICHARDSON

[For Greece:]

N. DELYANNI

S. CLADO

[For Italy:]

ROCCO SANTOLIVUDDO

PAULUCCI DE' CALBOLI

ADOLFO COTTA

[For Luxembourg:]

VANNERUS

[For Montenegro:]

SUZZARA

[For the Netherlands:]

W. WELDEREN RENGERS

W. RUIJSCH

DR C. STÉKOULIS

A. PLATE

[For Persia:]

NAZARE AGA

[For Portugal:]

J. J. DA SILVA AMADO

[For Romania:]

GR G. GHICA

DR J. CANTACUZÈNE

[For Russia:]

PLATON DE WAXEL

[For Serbia:]

DR MICHEL POPOVITCH

[For Sweden and Norway:]

H. AKERMAN

[For Switzerland:]

LARDY

DR SCHMID

[For the Ottoman Empire:]

DR DUGA

DR DJELLAL

[For Egypt:]

M. CHÉRIF

MARC ARMAND RUFFER

## SUPPRESSION OF WHITE SLAVE TRAFFIC

*Agreement and procès-verbal of signature signed at Paris May 18, 1904*

*Ratifications deposited at Paris January 18, 1905*<sup>1</sup>

*Senate advice and consent to adherence March 1, 1905*<sup>2</sup>

*Adherence declared by the President of the United States June 6, 1908*

*Entered into force July 18, 1905; for the United States June 6, 1908*

*Proclaimed by the President of the United States June 15, 1908*

*Amended by protocol of May 4, 1949*<sup>3</sup>

35 Stat. 1979; Treaty Series 496

### [TRANSLATION]

### AGREEMENT

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden and Norway, and the Swiss Federal Council, being desirous to assure to women who have attained their majority and are subjected to deception or constraint, as well as minor women and girls, an efficacious protection against the criminal traffic known under the name of trade in white women ("*Traite des Blanches*," ) have resolved to conclude an arrangement with a view to concert

<sup>1</sup> A procès-verbal of deposit of ratifications dated at Paris Jan. 18, 1905, provided for an extension of time for deposit of ratifications by Belgium, the Netherlands, and Portugal, the only signatories not depositing ratifications on Jan. 18, 1905; for text, see 1 LNTS 91.

<sup>2</sup> The Senate resolution gave advice and consent to a project of arrangement adopted on July 25, 1902, which was confirmed word for word, and without change, by the formal agreement of May 18, 1904.

<sup>3</sup> 2 UST 1997; TIAS 2332. For intervening conventions of May 4, 1910, Sept. 30, 1921, and Oct. 11, 1933, relating to suppression of traffic in women and children, to none of which the United States became a party, see *British and Foreign State Papers*, vol. 103, p. 244, 9 LNTS 415, and 150 LNTS 431, respectively.

proper measures to attain this purpose and have appointed as their Plenipotentiaries, that is to say:

The President of the French Republic:

His Excellency M. Th. Delcassé, Deputy, Minister for Foreign Affairs of the French Republic;

His Majesty the German Emperor, King of Prussia:

His Serene Highness Prince Radolin, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of the Belgians:

M. A. Leghait, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Denmark:

Count F. Reventlow, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Spain:

His Excellency M. F. de Léon y Castillo, Marquis del Muni, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency Sir Edmund Monson, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of Italy:

His Excellency Count Torielli Brusati di Vergano, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

Her Majesty the Queen of the Netherlands:

M. le Chevalier de Stuers, her Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Portugal and of the Algarves:

M. T. de Souza-Roza, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the Emperor of All the Russias:

His Excellency M. de Nidow, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of Sweden and Norway:

For Sweden and for Norway, M. Åkerman, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

And the Swiss Federal Council:

M. Charles-Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation to the President of the French Republic;

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

Each of the Contracting Governments agrees to establish or designate an authority who will be directed to centralize all information concerning the procurement of women or girls with a view to their debauchery in a foreign country; that authority shall have the right to correspond directly with the similar service established in each of the other Contracting States.

#### ART. 2

Each of the Governments agrees to exercise a supervision for the purpose of seeking, particularly in the stations, harbors of embarkation and on the journey, the conductors of women or girls intended for debauchery. Instructions shall be sent for that purpose to the officials or to any other qualified persons, in order to procure, within the limits of the laws, all information of a nature to discover a criminal traffic.

The arrival of persons appearing evidently to be the authors, the accomplices or the victims of such a traffic will be notified, in each case, either to the authorities of the place of destination or to the interested diplomatic or consular agents, or to any other competent authorities.

#### ART. 3

The Governments agree to receive, in each case, within the limits of the laws, the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status and to ascertain who has induced them to leave their country. The information received will be communicated to the authorities of the country of origin of the said women or girls, with a view to their eventual return.

The Governments agree, within the limits of the laws and as far as possible, to confide temporarily and with a view to their eventual return, the victims of criminal traffic, when they are without any resources, to some institutions of public or private charity or to private individuals furnishing the necessary guaranties.

The Governments agree also, within the limits of the laws and as far as possible, to return to their country of origin such of those women or girls who ask their return or who may be claimed by persons having authority over them. Return will be made only after reaching an understanding as to their



identity and nationality, as well to the place and date of their arrival at the frontiers.—Each of the Contracting Parties will facilitate the transit on his territory.

The correspondence relative to the return will be made, as far as possible, through the direct channel.

#### ART. 4

In case the woman or girl to be sent back can not herself pay the expenses of her transportation and she has neither husband, nor relations, nor guardian to pay for her the expenses occasioned by her return, they shall be borne by the country on the territory of which she resides as far as the nearest frontier or port of embarkation in the direction of the country of origin,—and by the country of origin for the remainder.

#### ART. 5

The provisions of the above articles 3 and 4 shall not infringe upon the provisions of special conventions which may exist between the contracting Governments.

#### ART. 6

The contracting Governments agree, within the limits of the laws, to exercise, as far as possible, a supervision over the bureaux or agencies which occupy themselves with finding places for women or girls in foreign countries.

#### ART. 7

The non-signatory States are admitted to adhere to the present arrangement. For this purpose, they shall notify their intention, through the diplomatic channel, to the French Government, which shall inform all the contracting States.

#### ART. 8

The present arrangement shall take effect six months after the date of the exchange of ratifications. In case one of the Contracting Parties shall denounce it, that denunciation shall take effect only as regards that Party and then twelve months only from the date of the day of the said denunciation.

#### ART. 9

The present arrangement shall be ratified and the ratifications shall be exchanged at Paris, as soon as possible.

In faith whereof, the respective Plenipotentiaries have signed the present arrangement, and thereunto affixed their seals.

Done at Paris, May 18, 1904, in single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic, and of which one copy, certified correct, shall be sent to each Contracting Party.

[For France:] DELCASSÉ	[SEAL]	[For Italy:] G. TORNIELLI	[SEAL]
[For Germany:] RADOLIN	[SEAL]	[For the Netherlands:] A. DE STUERS	[SEAL]
[For Belgium:] A. LEGHAIT	[SEAL]	[For Portugal:] T. DE SOUZA ROZA	[SEAL]
[For Denmark:] F. REVENTLOW	[SEAL]	[For Russia:] NELIDOW	[SEAL]
[For Spain:] F. DE LEON Y CASTILLO	[SEAL]	[For Sweden and Norway:] <i>The Minister of Sweden and Norway,</i> ÅKERMAN	[SEAL]
[For the United Kingdom:] EDMUND MONSON	[SEAL]	[For Switzerland:] LARDY	[SEAL]

### PROCÈS-VERBAL OF SIGNATURE

The undersigned Plenipotentiaries, assembled this day for the purpose of proceeding to the signature of the Agreement intended to secure effective protection against the "White Slave Traffic," have exchanged the following Declaration respecting the application of the said Agreement to the respective Colonies of the Contracting States:—

#### *Article 1*

The countries signatories of the Agreement have the right to accede thereto at any time for their Colonies or foreign possessions.

They may do this either by a general Declaration comprehending all their Colonies or possessions within the accession, or by specially naming those comprised therein, or by simply indicating those which are excluded.

#### *Article 2*

The Government of His Britannic Majesty declare that they reserve the right to accede to the Agreement, and to denounce it for each of the British Colonies or possessions.

The German Government declare that they reserve their decisions on the subject of their Colonies.

The Danish Government declare that they reserve the right to accede to the Agreement for the Danish Colonies.

The Spanish Government declare that they reserve their decisions on the subject of their Colonies.

The French Government declare that the Agreement shall apply to all French Colonies.

The Italian Government declare that the Agreement shall apply to the Colony of Erythræa.

The Netherland Government declare that the Agreement shall apply to all the Netherland Colonies.

The Portuguese Government declare that they reserve the right to decide subsequently whether the Agreement shall be put in force in any of the Portuguese Colonies.

The Russian Government declare that the Agreement shall be applicable in its integrity to all the territory of the Empire in Europe and in Asia.

*Article 3*

Any Governments who may subsequently have declarations to make on the subject of their Colonies shall make them in the form provided in Article 7 of the Agreement.

At the moment of proceeding to the signature of the Agreement, his Serene Highness Prince Radolin, Ambassador of Germany, desires, in the name of his Government, to make the following declaration:—

In the view of the German Government, the Rules which may exist between the German Empire and the country of origin respecting the mutual assistance of paupers are not applicable to persons who are repatriated in virtue of the present Agreement on their way through Germany.

In faith whereof Plenipotentiaries have signed this procès-verbal.

Done at Paris, May 18, 1904.

EDMUND MONSON

RADOLIN

A. LECHAIT

F. REVENTLOW

F. DE LEON Y CASTILLO

DELGASSÉ

G. TORNIELLI

A. DE STUERS

T. DE SOUZA ROZA

NELIDOW

ÅKERMAN

LARDY

## EXEMPTION OF HOSPITAL SHIPS FROM TAXATION IN TIME OF WAR

*Convention and final act signed at The Hague December 21, 1904*

*Senate advice and consent to ratification February 21, 1905*

*Ratified by the President of the United States October 16, 1906*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated March 26, 1907*

*Entered into force March 26, 1907*

*Proclaimed by the President of the United States May 21, 1907*

35 Stat. 1854; Treaty Series 459

[TRANSLATION]

### CONVENTION REGARDING HOSPITAL SHIPS

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; the President of the Peruvian Republic; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam, and the Swiss Federal Council,

Taking into consideration that the Convention concluded at The Hague on July 29, 1899<sup>1</sup> for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864,<sup>2</sup> has sanctioned the principle of the intervention of the Red Cross in naval wars by provisions in favor of hospital ships;

<sup>1</sup> TS 396, *ante*, p. 263.

<sup>2</sup> TS 377, *ante*, p. 7.

Desirous of concluding a convention to the end of facilitating by additional provisions the mission of such ships;

Have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: M. de Schlözer, His envoy extraordinary and minister plenipotentiary to The Hague;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary: M. Alexander Okolicsanyi d'Okolicsna, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of the Belgians: M. Baron Guillaume, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of China: Hoo Wei-teh, His envoy extraordinary and minister plenipotentiary at St. Petersburg;

His Majesty the Emperor of Corea: Young Chan Min, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Denmark: M. W. de Grevenkop Castenskiold, chargé d'affaires of the Kingdom at The Hague;

His Majesty the King of Spain: M. Arthur de Baguer, His envoy extraordinary and minister plenipotentiary at The Hague;

The President of the United States of America: Mr. John W. Garrett, charge d'affaires ad interim of the Republic at The Hague;

The President of the United Mexican States: M. Zenil, envoy extraordinary and minister plenipotentiary of the Republic at Vienna;

The President of the French Republic: M. de Monbel, envoy extraordinary and minister plenipotentiary of the Republic at The Hague;

His Majesty the King of the Hellenes: M. D. G. Metaxas, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Italy: M. Tugini, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of Japan: M. Nobukata Mitsuhashi, His envoy extraordinary and minister plenipotentiary at The Hague;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; M. Count H. de Villers, chargé d'affaires of the Grand Duchy at Berlin;

His Highness the Prince of Montenegro: M. N. Tcharykow, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of All the Russias at The Hague;

Her Majesty the Queen of the Netherlands: M. Baron Melvil de Lynden, Her minister of foreign affairs, and M. T. M. C. Asser, Her minister of state, member of Her council of state;

The President of the Peruvian Republic: M. C. G. Candamo, envoy extraordinary and minister plenipotentiary of the Republic at Paris and at London;

His Imperial Majesty the Shah of Persia: Mirza Samad Khan, momtazos saltanah, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Portugal and the Algarves, etc.: M. Count de Selir, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Roumania: M. Jean N. Papiniu, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of All the Russias: M. Martens, His privy counselor, permanent member of the council of the imperial ministry of foreign affairs;

His Majesty the King of Servia: M. M. Vesnitch, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Siam: Phya Raja Nupraphandh, His envoy extraordinary and minister plenipotentiary at The Hague;

The Swiss Federal Council: M. G. Carlin, envoy extraordinary and minister plenipotentiary of the Confederation at The Hague:

Who, after communication of their full powers, found to be in good and due form, have agreed on the following provisions:

#### ARTICLE 1

Hospital ships, concerning which the conditions set forth in Articles 1, 2, and 3 of the Convention concluded at The Hague on July 29, 1899, for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864, are fulfilled shall be exempted, in time of war, from all dues and taxes imposed on vessels for the benefit of the State, in the ports of the Contracting Parties.

#### ARTICLE 2

The provision of the foregoing article does not prevent the application, by means of visitation or other formalities, of fiscal or other laws in force at said ports.

#### ARTICLE 3

The rule laid down in article first is binding only on the Contracting Powers in case of war between two or more of them.

The said rule shall cease to be binding from the time when a non-Contracting Power shall join one of the belligerents in a war between Contracting Powers.

#### ARTICLE 4

The present Convention which, bearing the date of this day, may be signed until the first of October 1905 by the Powers expressing their desire to do so, shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague. A procès-verbal of the deposit of the ratifications shall be drawn up and a copy thereof, duly certified, shall be delivered through the diplomatic channel to all the Contracting Powers.

## ARTICLE 5

The non-signatory Powers are permitted to adhere to the present Convention after October first 1905.

They shall, to that end, make their adhesion known to the Contracting Powers by means of a written notification addressed to the Government of the Netherlands and communicated by the latter to the other Contracting Powers.

## ARTICLE 6

In the event of one of the High Contracting Powers denouncing the present Convention, such denunciation shall not take effect until one year after the notification made in writing to the Government of the Netherlands and immediately communicated by the latter to all the other Contracting Powers. This denunciation shall only affect the notifying Power.

In testimony whereof the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the twenty-first of December one thousand nine hundred and four, in a single copy which shall remain filed in the archives of the Government of the Netherlands and copies of which, duly certified, shall be delivered through the diplomatic channel to the Contracting Powers.

[For Germany:]  
VON SCHLÖZER [SEAL]  
(Under reservation of the declaration made at the meeting of the Conference held December 21, 1904.)<sup>a</sup>

[For Austria-Hungary:]  
OKOLICSANYI d'OKOLICSNA [SEAL]

[For Belgium:]  
GUILLAUME [SEAL]

[For China:]  
HOO WEI-TEH [SEAL]

[For Korea:]  
YOUNG CHAN MIN [SEAL]

[For Denmark:]  
W. GREVENKOP CASTENSKIOLD [SEAL]

[For Spain:]  
A. de BAGUER [SEAL]

[For the United States:]  
JOHN W. GARRETT [SEAL]

[For Mexico:]  
J. ZENIL [SEAL]

[For France:]  
MONBEL [SEAL]

[For Greece:]  
D. G. METAXAS [SEAL]

[For Italy:]  
TUGINI [SEAL]

[For Japan:]  
NOBUKATA MITSUHASHI [SEAL]

[For Luxemburg:]  
CTE. de VILLERS [SEAL]

[For Montenegro:]  
N. TCHARYKOW [SEAL]

[For the Netherlands:]  
BN. MELVIL de LYNDEN [SEAL]  
T. M. C. ASSER [SEAL]

[For Peru:]  
C. G. CANDAMO [SEAL]

[For Persia:]  
M. SAMAD [SEAL]

[For Portugal:]  
CONDE de SELIR [SEAL]

<sup>a</sup> The German declaration reads, in translation, as follows: "The Imperial Government reserves the right not to apply this Convention to States in the ports of which dues and taxes are imposed on German hospital ships for the benefit of any entity other than the State."



[For Romania:]		[For Serbia:]	
J. N. PAPINIU	[SEAL]	MIL. R. VESNITCH	[SEAL]
(Under reservation of reciprocity and of pilotage dues.)		[For Siam:]	
		RAJA NUPRAPHANDH	[SEAL]
[For Russia:]		[For Switzerland:]	
MARTENS	[SEAL]	CARLIN	[SEAL]

## FINAL ACT

At the moment of proceeding to sign the Convention having for its object the exemption of hospital ships in time of war in the ports of the Contracting Parties from all dues and taxes imposed on vessels for the benefit of the State, the Plenipotentiaries signing the present Act express the wish that, in view of the highly humanitarian mission of these ships, the Contracting Governments may take the measures necessary in order to exempt these ships within a short time also from the payment of the dues and taxes collected in their ports for the benefit of others than the State, especially those collected for the benefit of municipalities or of private companies or persons.

In witness whereof the Plenipotentiaries have signed the present procès-verbal, which, bearing the date of this day, may be signed up to the first of October, 1905.

Done at The Hague, the twenty-first of December, nineteen hundred and four, in a single copy, which shall remain on file in the archives of the Government of the Netherlands, and of which certified copies shall be delivered through the diplomatic channel to the Powers signing the aforementioned Convention.

The plenipotentiary of H. M. the Emperor of Germany, King of Prussia  
v. SCHLÖZER

The plenipotentiary of H. M. Imperial and Royal Apostolic [Austria-Hungary]  
OKOLICSANYI D'OKOLICSNA

The plenipotentiary of H. M. the King of the Belgians  
GUILLAUME

The plenipotentiary of H. M. the Emperor of China  
HOO WEI-TEH

The plenipotentiary of H. M. the Emperor of Corea  
Y. C. MIN

The plenipotentiary of H. M. the King of Denmark  
W. GREVENKOP CASTENSKIOLD

The plenipotentiary of H. M. the King of Spain  
A. DE BAGUER

The plenipotentiary of the United States of America  
JOHN W. GARRETT

The plenipotentiary of the United Mexican States  
J. ZENIL

The plenipotentiary of the French Republic  
MONBEL

The plenipotentiary of H. M. the King of the Hellenes  
D. G. METAXAS

The plenipotentiary of H. M. the King of Italy  
TUGINI

The plenipotentiary of His Majesty the Emperor of Japan  
NOBUKATA MITSUHASHI

The plenipotentiary of H. R. H. the Grand Duke of Luxemburg, Duke of Nassau  
CTE. DE VILLERS

The plenipotentiary of H. H. the Prince  
of Montenegro  
N. TCHARYKOW

The plenipotentiary of Her Majesty the  
Queen of the Netherlands  
T. M. C. ASSER

The plenipotentiary of the Peruvian Re-  
public  
C. G. CANDAMO

The plenipotentiary of H. I. M. the  
Shah of Persia  
M. SAMAD

The plenipotentiary of H. M. the King  
of Portugal and of the Algarves,  
etc.  
CONDE DE SELIR

The plenipotentiary of H. M. the King  
of Roumania  
J. N. PAPINIU

The plenipotentiary of H. M. the Em-  
peror of All the Russias  
MARTENS

The plenipotentiary of H. M. the King  
of Servia  
VESNITCH

The plenipotentiary of H. M. the King  
of Siam  
RAJA NUPRAPHANDH

The plenipotentiary of the Swiss Con-  
federation  
CARLIN

## INTERNATIONAL INSTITUTE OF AGRICULTURE

*Convention signed at Rome June 7, 1905*

*Senate advice and consent to ratification June 27, 1906*

*Ratified by the President of the United States July 7, 1906*

*Ratification of the United States deposited at Rome August 13, 1906*

*Entered into force July 19, 1906;<sup>1</sup> for the United States August 13, 1906*

*Proclaimed by the President of the United States January 29, 1908*

*Replacement in part: Protocol of April 21, 1926,<sup>2</sup> substituted new text for the third and fourth paragraphs of article 10*

*Terminated February 27, 1948,<sup>3</sup> in accordance with terms of article III of protocol of March 30, 1946,<sup>4</sup> providing for dissolution of the Institute and transfer of its functions and assets to the Food and Agriculture Organization of the United Nations*

35 Stat. 1918; Treaty Series 489

[TRANSLATION]

### CONVENTION

In a series of meetings held at Rome, from May 29 to June 6, 1905, the delegates of the Powers convened at the Conference for the creation of an International Institute of Agriculture, having agreed upon the text of a Convention to be dated June 7, 1905, and this text having been submitted for approval to the Governments which took part in the said conference, the undersigned, having been furnished with full powers found in good and due form, have agreed, in the names of their respective Governments, on what follows:

#### ART. 1

There is hereby created a permanent international institute of agriculture, having its seat at Rome.

<sup>1</sup> Date of deposit of second ratification.

<sup>2</sup> TS 903, *post*, vol. 2.

<sup>3</sup> For explanation of termination date, see TIAS 1719, p. 4, footnote 1. For text of Final Act of the Permanent Committee of the Institute, dated Feb. 27, 1948, see *Department of State Bulletin*, June 27, 1948, p. 828.

<sup>4</sup> TIAS 1719, *post*.

## ART. 2

The international institute of agriculture is to be a government institution, in which each adhering power shall be represented by delegates of its choice.

The institute shall be composed of a general assembly and a permanent committee, the composition and duties of which are defined in the ensuing articles.

## ART. 3

The general assembly of the institute shall be composed of the representatives of the adhering governments. Each nation, whatever be the number of its delegates, shall be entitled to a number of votes in the assembly which shall be determined according to the group to which it belongs, and to which reference will be made in article 10.

## ART. 4

The general assembly shall elect for each session from among its members a president and two vice-presidents.

The sessions shall take place on dates fixed by the last general assembly and according to a programme proposed by the permanent committee and adopted by the adhering governments.

## ART. 5

The general assembly shall exercise supreme control over the international institute of agriculture.

It shall approve the projects prepared by the permanent committee regarding the organization and internal workings of the institute. It shall fix the total amount of expenditures and audit and approve the accounts.

It shall submit to the approval of the adhering governments modifications of any nature involving an increase in expenditure or an enlargement of the functions of the institute. It shall set the date for holding the sessions. It shall prepare its regulations.

The presence at the general assemblies of delegates representing two-thirds of the adhering nations shall be required in order to render the deliberations valid.

## ART. 6

The executive power of the institute is intrusted to the permanent committee, which, under the direction and control of the general assembly, shall carry out the decisions of the latter and prepare propositions to submit to it.

## ART. 7

The permanent committee shall be composed of members designated by the respective governments. Each adhering nation shall be represented in the

permanent committee by one member. However, the representation of one nation may be intrusted to a delegate of another adhering nation, provided that the actual number of members shall not be less than fifteen.

The conditions of voting in the permanent committee shall be the same as those indicated in article 3 for the general assemblies.

#### ART. 8

The permanent committee shall elect from among its members for a period of three years a president and a vice-president, who may be reelected. It shall prepare its internal regulations, vote the budget of the institute within the limits of the funds placed at its disposal by the general assembly, and appoint and remove the officials and employees of its office.

The general secretary of the permanent committee shall act as secretary of the assembly.

#### ART. 9

The institute, confining its operations within an international sphere, shall—

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to;

(c) Indicate the wages paid for farm work;

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them;

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit;

(f) Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural societies, academies, learned bodies, etc.

All questions concerning the economic interests, the legislation, and the administration of a particular nation shall be excluded from the consideration of the institute.

## ART. 10

The nations adhering to the institute shall be classed in five groups, according to the place which each of them thinks it ought to occupy.

The number of votes which each nation shall have and the number of units of assessment shall be established according to the following gradations:

Groups of nations	Numbers of votes	Units of assessment
I. . . . .	5	16
II. . . . .	4	8
III. . . . .	3	4
IV. . . . .	2	2
V. . . . .	1	1

In any event the contribution due per unit of assessment shall never exceed a maximum of 2,500 francs.

As a temporary provision the assessment for the first two years shall not exceed 1,500 francs per unit.

Colonies may, at the request of the nations to which they belong, be admitted to form part of the institute on the same conditions as the independent nations.

## ART. 11

The present Convention shall be ratified and the ratifications exchanged as soon as possible by depositing them with the Italian Government.

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

Done at Rome the 7th of June one thousand nine hundred and five, in a single original, deposited with the Ministry of Foreign Affairs of Italy, of which certified copies shall be sent through the diplomatic channel to the contracting States.

For Italy:  
TITTONI [SEAL]

For Montenegro:  
GENERAL MITAR [SEAL]  
MARTINOVICH

For Russia:  
KROUPENSKY [SEAL]

For Argentine Republic:  
BALD.° M. FONSECA [SEAL]

For Roumania:  
NICOLAS FLÉVA [SEAL]

For Servia:  
M. MILOVANOVITCH [SEAL]

For Belgium:  
L. VERHAEGHE DE NAEYER [SEAL]

For El Salvador:  
J. GUSTAVO GUERRERO [SEAL]

For Portugal:  
M. DE CARVALHO E [SEAL]  
VASCONCELLOS

For United States of Mexico:  
G. A. ESTEVA [SEAL]

For Luxemburg:  
L. VERHAEGHE DE NAEYER [SEAL]

For Switzerland:  
J. B. PIODA [SEAL]

For Persia:		For Norway:	
N. MALCOLM	[SEAL]	CARL LÖVENSKIÖLD	[SEAL]
For Japan:		For Egypt:	
T. OHYAMA	[SEAL]	AZIZ IZZET	[SEAL]
For Ecuador:		For Great Britain and Ireland:	
J. T. MERA	[SEAL]	EDWIN H. EGERTON	[SEAL]
For Bulgaria:		For Guatemala:	
D. MINTCHOVITCH	[SEAL]	THOMAS SEGARINI	[SEAL]
For Denmark:		For Ethiopia:	
CTE MOLTKE	[SEAL]	GIUSEPPE CUBONI	[SEAL]
For Spain:		For Nicaragua:	
DUC DE ARCOS	[SEAL]	JEAN GIORDANO DUC DE	[SEAL]
For France:		ORATINO	
CAMILLE BARRÈRE	[SEAL]	For United States of America:	
For Sweden:		HENRY WHITE	[SEAL]
BILDT	[SEAL]	For Brazil:	
For The Netherlands:		BARROS MOREIRA	[SEAL]
JONKHEER VAN DER GOES	[SEAL]	For Costa Rica:	
For Greece:		RAFAEL MONTEALEGRE	[SEAL]
CHRIST. MIZZOPOULOS	[SEAL]	For Chile:	
For Uruguay:		VICTOR GREZ	[SEAL]
JEAN CUESTAS	[SEAL]	For Peru:	
For Germany:		ANDRÉS A. CACERES	[SEAL]
A. MONTS	[SEAL]	For China:	
For Cuba:		HOUANG KAO	[SEAL]
CARLOS DE PEDROSO	[SEAL]	For Paraguay:	
For Austria-Hungary:		F. S. BENUCCI	[SEAL]
H. Lützow, <i>Ambassador of</i>	[SEAL]	For Turkey:	
<i>Austria-Hungary</i>		M. RÉCHID	[SEAL]



# INTERNATIONAL ASSOCIATION OF SEISMOLOGY

*Revised convention adopted at the International Seismological Conference held at Berlin August 15, 1905*<sup>1</sup>

*Effective from April 1, 1904; participation of the United States in the Association effective from April 1, 1906*<sup>2</sup>

*Terminated March 31, 1916, in accordance with the terms of article 16; assets of the Association transferred to the International Research Council*

*Comptes-rendus des séances de la troisième réunion de la Commission permanente de l'Association internationale de sismologie réunie à Zermatt, du 30 Août au 2 Septembre, 1909 (Budapest, 1910)*

[TRANSLATION]

## CONVENTION RELATING TO THE ESTABLISHMENT OF THE INTERNATIONAL ASSOCIATION OF SEISMOLOGY—JULY 1903

*Revised August 1905*

### ART. 1

The purpose of the Association is the study of seismology problems whose solution requires the cooperation of many stations distributed around the globe.

In order to achieve that purpose it seems advisable:

- (a) to make observations in accordance with common principles;
- (b) to institute experiments for the elucidation of matters of special importance;
- (c) to establish and maintain seismic observatories in all countries that may need financial help from the Association;
- (d) to organize a Central Office in which all reports sent by the various observatories shall be assembled, studied and published.

<sup>1</sup>Convention first drafted at the Second International Seismological Conference at Strasbourg July 24–28, 1903.

<sup>2</sup>The U.S. Congress made provision for U.S. membership in the International Seismological Association by act of June 30, 1906 (34 Stat. 728); the U.S. quota of expenses of the Association was first paid for the fiscal year beginning Apr. 1, 1906.

## ART. 2

All states that make application to the President of the Permanent Commission and declare their adherence to this Convention shall be members of the Association.

## ART. 3

All States, members of the Association, pledge themselves to contribute annually to the Central Office, through their Governments or through one of their scientific societies, the quota fixed in article 4.

These annual assessments must total at least 25,000 francs (or 20,000 marks).

## ART. 4

The annual quotas shall be determined on the basis of the population of the States, according to the following schedule:

(a) A State whose population is less than five million inhabitants will pay an annual quota of 500 francs (or 400 marks);

(b) A State whose population is between five and ten million inhabitants will pay an annual quota of 1000 francs (or 800 marks).

(c) A State whose population is between ten and twenty million inhabitants will pay an annual quota of 2000 francs (or 1600 marks).

(d) A State whose population is over twenty million inhabitants will pay an annual quota of 4000 francs (or 3200 marks).

The annual assessments of the States shall not be modified by new admissions of States to the Association. A newly admitted State shall pay the assessment corresponding to its population, in accordance with the above schedule.

## ART. 5

The organs of the Association shall be:

- a) the General Assembly.
- b) the Permanent Commission.
- c) the Central Office.

## ART. 6

The General Assembly shall be composed of delegates of the member States of the Association. It shall meet at least once every four years.

In a case where the entire quota is paid by a scientific society, its delegate shall have the right to vote as representative of the State to which the society belongs.

It shall be convened by the President of the Permanent Commission and with the consent of the latter.

The notice of meeting shall include the agenda of the General Assembly.

The President of the Permanent Commission may be appointed President of the General Assembly.

Societies, academics, and scientific institutes concerned with seismology may, at their request, be authorized by the President of the Permanent Commission to delegate one or more of their members to the General Assembly, but in an advisory capacity only.

Persons invited by the President of the Permanent Commission may attend meetings of the General Assembly.

#### ART. 7

At meetings of the General Assembly, each member State of the Association represented by one or more delegates shall have only one vote on questions relating to the establishment of the Association or to administrative matters.

States members of the Association that have not sent a delegate to the General Assembly may give their vote to one of the delegates present.

The delegates of at least half of the States members of the Association must be present in order to constitute a quorum.

No decision may be taken on a matter not listed on the agenda accompanying the notice of a meeting of the General Assembly unless it is approved by a number of delegates equal to at least half the number of States members of the Association.

#### ART. 8

The General Assembly may set up committees to examine scientific matters. All delegates may participate in meetings of these committees.

In the balloting of the General Assembly, decisions on scientific questions shall be taken by an absolute majority of the votes of all delegates present.

#### ART. 9

In doubtful or mixed questions, the vote shall be taken by States (see article 7) if the delegate of any State so requests.

#### ART. 10

In case of a tie in voting either by States or by delegates, the President shall cast the deciding vote.

#### ART. 11

The Permanent Commission shall be composed of the Director of the Central Office and a member appointed by each State to take part in this Commission.

The Permanent Commission shall elect its own President, Vice President, and Secretary General.

The offices of President of the Permanent Commission and Director of the Central Office may not be held by the same person.

The President's correspondence with States members of the Association shall be prepared by the Secretary General and be signed by him and by the President.

The Permanent Commission shall take care of current business either at its meetings or after an exchange of views by correspondence. It shall draw up its own rules of procedure.

It shall be responsible for the execution of the decisions of the General Assembly and the proper use of the funds at its disposal.

#### ART. 12

The sums paid by the States members of the Association, and the income from other sources, shall be used:

- a) to defray the Association's administrative and publication expenses;
- b) to pay the salary of the Secretary General;
- c) to pay the fees or remunerations due for theoretical works or for experiments commissioned by the General Assembly;
- d) to cover the expenses of construction and upkeep of the seismological observatories founded by the Association.

The distribution of funds among these various items shall be determined by the Permanent Commission.

The sums so allocated shall be expended on the responsibility of the Director of the Central Office and under the supervision of the Permanent Commission.

The sums so allocated shall be expended on the responsibility of the Director of the Central Office and under the supervision of the Permanent Commission.

All payments shall be ordered by the Director of the Central Office with the authorization of the President of the Permanent Commission.

A justification of disbursements and a statement of receipts shall be published in the minutes of the meetings of the Permanent Commission.

Any unused funds shall be carried forward as assets in the budget of the following year and applied to the expenses of that year.

#### ART. 13

The Central Office shall be connected with one of the principal seismological stations, whose director shall at the same time serve as director of the Central Office. The seismological station shall be designated by the General Assembly.

The Central Office shall receive reports or observations from the various countries, draw general conclusions therefrom, and publish them.

#### ART. 14

The Director of the Central Office shall submit an annual report to the President of the Permanent Commission covering the whole field of activity of this Office. He shall also submit to him the work program for the following year. This annual report, as well as the work program, shall be published and sent to all the delegates of States members of the Association.

On scientific matters, the Director of the Central Office shall correspond directly with the members of the Permanent Commission, with the national seismological offices, and with learned societies or individuals concerned with seismology.

#### ART. 15

The Secretary General shall submit to each General Assembly a report on the work and the situation of the Association. He shall also publish the minutes of meetings of the Permanent Commission, the proceedings of the General Assemblies, and the results of work performed in the name of the Association (art. 1, par. 2b). He shall have charge of the correspondence and, under the direction of the President of the Permanent Commission, of such current business of the Association as does not fall within the province of the Director of the Central Office.

#### ART. 16

This convention is concluded for a period of twelve years beginning April 1, 1904. Upon the expiration of this initial term, it shall continue in force for four-year periods, unless terminated on six months' notice to that effect.

[The following countries were, at some time during the existence of the organization, members of the Association: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, the Congo, France, Germany, Greece, Hungary, Italy, Japan, Mexico, the Netherlands, Norway, Portugal, Romania, Russia, Serbia, Spain, Switzerland, the United Kingdom, and the United States.]

## WHANGPOO CONSERVANCY

*Agreement signed at Peking September 27, 1905*

*Entered into force September 27, 1905*

*Amended by agreement of April 9, 1912,<sup>1</sup> as supplemented*

*Terminated as between the United States and China on May 20, 1943,  
by treaty of January 11, 1943<sup>2</sup>*

Treaty Series 448

### [TRANSLATION]

With reference to the provisions of the Final Protocol of 1901<sup>3</sup> relating to the establishment of a Whangpu Conservancy Board, its functions and revenues, China being now desirous of substituting a different arrangement, assuming charge herself of the work and making herself responsible for the whole cost, and the Powers who were parties to the Protocol having given their consent thereto, the following arrangement has been agreed to.

### ARTICLE I

The works in connection with the straightening of the channel of the Whangpu River and of the improvement of the bars above and below Wusung together with the maintenance of such improvements shall all be placed under the management of the Shanghai Customs Taot'ai and the Commissioner of Customs. The control of the Whangpu River Police, lights, beacons, sanitary matters, pilot service, et cetera, shall be under the same control as formerly.

### ARTICLE II

Within three months from the date of signing this agreement, China will herself select an engineer well versed in river conservancy work, and if a majority of the Representatives of the Powers parties to the Final Protocol consider him well qualified, China will at once appoint him to undertake the work. If after the commencement of the work a new appointment, for reasons deemed valid by a majority of said Representatives, becomes neces-

<sup>1</sup> *Post*, p. 879.

<sup>2</sup> TS 984, *post*.

<sup>3</sup> Protocol dated Sept. 7, 1901 (TS 397), *ante*, p. 302.

sary, the selection and appointment shall be made in the manner above mentioned.

### ARTICLE III

For all contracts for undertaking the river works in whole or in part and for purchasing materials and machinery and the like, public tenders shall be invited and the most advantageous shall be accepted.

### ARTICLE IV

Every quarter a detailed report of the work done and an account of monies expended on the river works shall be made and forwarded for the inspection of the Consular Body at Shanghai.

### ARTICLE V

The authorization of the Shanghai Customs Taot'ai and of the Commissioner of Customs shall be necessary before new bunds or jetties can be constructed, pontoons placed in position, or hulks stationed in the river.

### ARTICLE VI

The Shanghai Customs Taot'ai and the Commissioner of Customs shall have authority to expropriate existing moorings and to establish a system of public moorings in the river.

### ARTICLE VII

No dredging or other operations shall be carried out without the authorization of the Shanghai Customs Taot'ai and the Commissioner of Customs.

### ARTICLE VIII

The Shanghai Customs Taot'ai and the Commissioner of Customs shall have power to acquire any land outside the foreign settlements necessary for the work of improvement and maintenance of the Whangpu River, and to dispose of such land. If for this purpose it is considered necessary to proceed by way of expropriation, the price in the case of a foreigner's property shall be fixed by a commission composed of (1) a person selected by the Consular authority of the owner, (2) another chosen by the Shanghai Customs Taot'ai and the Commissioner of Customs, and (3) another chosen by the Senior Consul. In case the Senior Consul is also the Consular authority of the owner, the Consul next in authority shall choose the third member of the Commission. The Consular authority of the owner shall provide for the execution of the arbitrator's decision. When the land is the property of a Chinese the Customs shall fix the price and enforce the decision in an analogous manner.

Foreign and Chinese riparian owners shall have the right of preemption



over all land formed in front of their property by reclamation from the river in the course of the execution of the works of the improvement of the channel, at a price to be fixed by a commission formed in the same manner as prescribed in the preceding paragraph, or as the case may be by the Customs Authorities.

#### ARTICLE IX

The Chinese Government bears the whole cost of the river works and without levying for this purpose dues on riparian property, shipping or goods.

#### ARTICLE X

China now sets aside and assigns the entire opium duty of Szechuan and of Hsuehou Fu in Kiangsu as security for the whole cost of the river works; and in accordance with the estimated cost as stated in the Protocol of 1901, will annually supply 460,000 Haikwan taels for this purpose for a term of twenty years. If during any given year after the commencement of the work it is necessary to incur an extraordinary expenditure for the purchase of materials, machinery, etc., China may raise to meet it a loan for the required amount and issue bonds on the security of the above mentioned opium revenues. The total sum annually provided for sinking fund and for interest on such loan, as well as for expenses of all kinds on account of works and maintaining works already completed shall not be less than 460,000 Haikwan taels, to be paid in equal monthly instalments by the Provincial authorities concerned to the Shanghai Customs Taot'ai and the Commissioner of Customs. Should the revenues assigned fall short, the Chinese Government will provide the amount specified from other sources.

#### ARTICLE XI

If the works are not carried out with diligence, care and economy, by a majority vote the Consular Body may unite to point out the fact to the Shanghai Customs Taot'ai and the Commissioner of Customs, and call upon them to direct the engineer to take steps to remedy the matters complained of, and if the work is still not properly done, they may recommend the Engineer's dismissal and the selection and appointment of another engineer, in the manner described in Article II. In case no notice is taken by the Shanghai Customs Taot'ai and Commissioner of Customs of their representations, the Consular Body may report to the Representatives of the Powers interested.

#### ARTICLE XII

After the present stipulations have been discussed, agreed upon and signed, section (b) of Article XI and Annex 17 of the Protocol of 1901 will be suspended. But if China does not, in accordance with this new agreement, annually furnish the necessary funds, so that the requirements of the

works are impeded, or if she omits to fulfil any other of the essential stipulations of this agreement, the original stipulations of the Protocol of 1901 and of Annex 17 thereto shall immediately come into force.

Done at Peking the 27th September 1905.

[For Germany:]		[For the United Kingdom:]	
A. v. MUMM	[SEAL]	ERNEST SATOW	[SEAL]
[For Austria-Hungary:]		[For Italy:]	
A. VON ROSTHORN	[SEAL]	C. BAROLI	[SEAL]
[For Belgium:]		[For Japan:]	
E. DE GAIFFIER	[SEAL]	Y. UCHIDA	[SEAL]
[For Spain:]		[For the Netherlands:]	
MANUEL DE CARCER	[SEAL]	A J CITTERS	[SEAL]
[For the United States:]		[For Russia:]	
W. W. ROCKHILL	[SEAL]	G. KOZAKOW	[SEAL]
[For France:]		[For China:]	
G. DUBAIL	[SEAL]	PRINCE OF CH'ING	[SEAL]
		[ideographic signature]	

## SANITARY CONVENTION (INTER-AMERICAN)

*Convention signed at Washington October 14, 1905*

*Senate advice and consent to ratification February 22, 1906*

*Ratified by the President of the United States May 29, 1906*

*Ratification of the United States deposited at Washington May 29, 1906*

*Entered into force April 30, 1906;<sup>1</sup> for the United States May 29, 1906*

*Proclaimed by the President of the United States March 1, 1909*

*Replaced by convention of November 14, 1924,<sup>2</sup> as amended, as between contracting parties to the later convention, except that provisions of articles V, VI, XIII–XVIII, XXV, XXX, XXXII–XXXIV, XXXVII–XLV, XLIX, and L continued in force insofar as they did not conflict with provisions of 1924 convention; replaced by International Sanitary Regulations (World Health Organization Regulations No. 2) of May 25, 1951,<sup>3</sup> as amended, as between states bound by the regulations*

35 Stat. 2094; Treaty Series 518

### CONVENTION

The Presidents of the Republics of Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Peru, United States of America, and Venezuela:

Having found that it is useful and convenient to codify all the measures destined to guard the public health against the invasion and propagation of yellow fever, plague and cholera, have designated as their Delegates, to wit:

Republic of Chile, Sr. Dr. D. Eduardo Moore, Professor of the Medical Faculty, Hospital Physician;

Republic of Costa Rica, Sr. Dr. D. Juan J. Ulloa, Ex-Vice-President, Ex-Minister of the Interior of Costa Rica, Ex-President of the Medical Faculty of Costa Rica;

Republic of Cuba, Sr. Dr. D. Juan Guiteras, Member of the Superior Board of Health of Cuba, Director of the "Las Animas" Hospital, Professor of General Pathology and Tropical Medicine of the University of Havana, and Sr.

<sup>1</sup> Date of deposit of second ratification.

<sup>2</sup> TS 714, *post*, vol. 2.

<sup>3</sup> 7 UST 2255; TIAS 3625.

Dr. D. Enrique B. Barnet, Executive Chief of the Health Department of Havana, Member and Secretary of the Superior Board of Health of Cuba;

Republic of Ecuador, Sr. Dr. D. Serafin S. Wither, Chargé d'Affaires and Consul-General of Ecuador in New York, and Sr. Dr. D. Miguel H. Alcívar, Member of the Superior Board of Health of Guayaquil, Professor of the Medical Faculty and Surgeon of the General Hospital of Guayaquil;

Republic of the United States of America, Dr. Walter Wyman, Surgeon General of the Public Health and Marine Hospital Service of the United States; Dr. H. D. Geddings, Assistant Surgeon General of the Public Health and Marine Hospital Service of the United States, and Representative of the United States at the Sanitary Convention of Paris; Dr. J. F. Kennedy, Secretary of the Board of Health of the State of Iowa; Dr. John S. Fulton, Secretary of the Board of Health of the State of Maryland; Dr. Walter D. McCaw, Major, Surgeon in the United States Army; Dr. J. D. Gatewood, Surgeon in the United States Navy; Dr. H. L. E. Johnson, Member of the American Medical Association (Member of the Board of Trustees);

Republic of Guatemala, Sr. Dr. D. Joaquín Yela, Consul-General of Guatemala in New York;

Republic of Mexico, Sr. Dr. D. Eduardo Licéaga, President of the Superior Council of Health of Mexico, Director and Professor of the National School of Medicine, Member of the Academy of Medicine;

Republic of Nicaragua, Sr. Dr. D. J. L. Medina, Member of the Second Pan-American Medical Congress of the City of Havana in 1901;

Republic of Peru, Sr. Dr. D. Daniel Eduardo Lavorería, Professor of the Medical Faculty, Member of the National Academy of Medicine, Physician of the "Dos de Mayo" Hospital, Chief of the Division of Hygiene of the Ministry of Fomento;

Dominican Republic, Sr. D. Emilio C. Joubert, Minister Resident in Washington; and

Republic of Venezuela, Sr. D. Nicolás Veloz-Goiticoa, Chargé d'Affaires of Venezuela,

Who, having made an interchange of their powers, and found them good, have agreed to adopt, ad referendum, the following propositions:

## CHAPTER I

*Regulations to be observed by the powers signatory to the convention as soon as plague, cholera or yellow fever may appear in their territory*

### SECTION I. NOTIFICATION AND SUBSEQUENT COMMUNICATIONS TO OTHER COUNTRIES

ARTICLE I. Each government should immediately notify other governments of the first appearance in its territory of authentic cases of plague, cholera or yellow fever.

ARTICLE II. This notification is to be accompanied, or very promptly followed, by the following additional information:

- (1) The neighborhood where the disease has appeared.
- (2) The date of its appearance, its origin, and its form.
- (3) The number of established cases, and the number of deaths.
- (4) For plague: The existence among rats or mice of plague, or of an unusual mortality; for yellow fever: The existence of *stegomyia fasciata* in the locality.
- (5) The measures taken immediately after the first appearance.

ARTICLE III. The notification and the information prescribed in Articles I and II are to be addressed to diplomatic and consular agents in the capital of the infected country; but this is to be construed as not preventing direct communication between officials charged with the public health of the several countries.

For countries which are not thus represented, they are to be transmitted directly by telegraph to the governments of such countries.

ARTICLE IV. The notification and the information prescribed in Articles I and II are to be followed by further communications dispatched in a regular manner in order to keep the governments informed of the progress of the epidemic.

These communications, which are to be made at least once a week, and which are to be as complete as possible, should indicate in detail the precautions taken to prevent the extension of the disease.

They should set forth: First, the prophylactic measures taken relative to sanitary or medical inspection, to isolation and disinfection; Second, the measures taken relative to departing vessels to prevent the exportation of the disease, and, especially under the circumstances mentioned in paragraph 4 of Article II of this section, the measures taken against rats and mosquitoes.

ARTICLE V. The prompt and faithful execution of the preceding provisions is of the very first importance.

The notifications only have a real value if each government is warned in time of cases of plague, cholera or yellow fever and of suspicious cases of those diseases supervening in its territory. It cannot then be too strongly recommended to the various governments to make obligatory the declaration of cases of plague, cholera or yellow fever, and of giving information of all unusual mortality of rats and mice especially in ports.

ARTICLE VI. It is understood that neighboring countries reserve to themselves the right to make special arrangements with a view of organizing a service of direct information between the chiefs of administration upon the frontiers.

SECTION II. CONDITIONS SHOWING A GIVEN TERRITORIAL AREA TO BE  
INFECTED, OR TO HAVE BEEN FREED FROM INFECTION

ARTICLE VII. Information of a first case of plague, cholera or yellow fever does not justify against a territorial area where it may appear, the application of the measures prescribed in Chapter II as hereinafter indicated.

Upon the occurrence of several non-imported cases of plague, or a non-imported case of yellow fever or when cases of cholera form a focus, the area is to be declared infected.

ARTICLE VIII. To limit the measures to the affected regions alone, governments should only apply them to persons and articles proceeding from the contaminated or infected areas.

By the word "area" is understood a well determined portion of territory described in the information which accompanies or follows notification, thus, a province, a state, "a government," a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a "polder," a hamlet, etc., whatever may be the extent and population of these portions of territory.

But this restriction, limited to the infected area, should only be accepted upon the formal condition that the government of the infected country shall take the necessary measures; 1, to prevent, unless previously disinfected, the exportation of articles named in 1 and 2 of Article XII, coming from the contaminated area; and 2, measures to prevent the extension of the epidemic; and provided further that there be no doubt that the sanitary authorities of the infected country have faithfully complied with Article I of this Convention.

When an area is infected, no restrictive measure is to be taken against departures from this area if these departures have occurred five days, at least, before the beginning of the epidemic.

ARTICLE IX. That an area should no longer be considered as infected, official proof must be furnished:

First, That there has been neither a death nor a new case of plague or cholera for five days after isolation,<sup>4</sup> death, or cure of the last plague or cholera case. In the case of yellow fever the period shall be eighteen days, but each government may reserve the right to extend this period.

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<sup>4</sup>The word "isolation" signifies isolation of the patient, of the persons who care for him and the forbidding of visits of all other persons, the physician excepted. By isolation in the case of yellow fever is understood the isolation of the patient in an apartment so screened as to prevent the access of mosquitoes. [Footnote in original.]



Second, That all the measures of disinfection have been applied; in the case of plague, that the precautions against rats have been observed, and in the case of yellow fever that the measures against mosquitoes have been executed.

## CHAPTER II

### *Measures of defense by other countries against territories declared to be infected*

#### SECTION I. PUBLICATION OF PRESCRIBED MEASURES

ARTICLE X. The government of each country is obliged to immediately publish the measures which it believes necessary to take against departures either from a country or from an infected territorial area.

The said government is to communicate at once this publication to the diplomatic or consular agent of the infected country residing in its capital as well as to the International Sanitary Bureau.

The government shall be equally obliged to make known through the same channels the revocation of these measures or modifications which may be made in them.

In default of a diplomatic or consular agency in the capital, communications are made directly to the government of the country interested.

#### SECTION II. MERCHANDISE—DISINFECTION—IMPORTATION AND TRANSIT—BAGGAGE

ARTICLE XI. There exists no merchandise which is of itself capable of transmitting plague, cholera or yellow fever. It only becomes dangerous in case it is soiled by pestous or choleraic products, or, in the case of yellow fever, when such merchandise may harbor mosquitoes.

ARTICLE XII. No merchandise or objects shall be subjected to disinfection on account of yellow fever, but in cases covered by the previous article the vehicle of transportation may be subjected to fumigation to destroy mosquitoes. In the case of cholera and plague disinfection should only be applied to merchandise and objects which the local sanitary authority considers as infected.

Nevertheless, merchandise, or objects enumerated hereafter, may be subjected to disinfection, or prohibited entry, independently of all proof that they may or may not be infected:

1. Body linen, wearing apparel in use, clothing which has been worn, bedding already used.

When these objects are transported as baggage, or in the course of a change of residence (household furniture), they should not be prohibited, and are to be subjected to the regulations prescribed by Article XIX.



Baggage left by soldiers and sailors, and returned to their country after death, are considered as objects comprised in the first paragraph of No. 1 of this article.

2. Rags, and rags for making paper, with the exception, as to cholera, of rags which are transported as merchandise in large quantities compressed in bales held together by hoops.

New clippings coming directly from spinning mills, weaving mills, manufacturing or bleacheries, shoddy, and clippings of new paper, should not be forbidden.

ARTICLE XIII. In the case of cholera and plague there is no reason to forbid the transit through an infected district of merchandise, and the objects specified in Nos. 1 and 2 of the preceding article if they are so packed that they cannot have been exposed to infection in transit.

In like manner, when merchandise or objects are so transported that, in transit, they cannot come in contact with soiled objects, their transit across an infected territorial area should not be an obstacle to their entry into the country of destination.

ARTICLE XIV. The entry of merchandise and objects specified in Nos. 1 and 2 of Article XII should not be prohibited, if it can be shown to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

ARTICLE XV. The method and place of disinfection, as well as the measures to be employed for the destruction of rats, and mosquitoes, are to be fixed by authority of the country of destination, upon arrival at said destination. These operations should be performed in such a manner as to cause the least possible injury to the merchandise.

It devolves upon each country to determine questions relative to the payment of damages resulting from disinfection, or from the destruction of rats or mosquitoes.

If taxes are levied by a sanitary authority, either directly or through the agency of any company or agent, to insure measures for the destruction of rats and mosquitoes on board ships, the amount of these taxes ought to be fixed by a tariff published in advance, and the result of these measures should not be a source of profit for either state or sanitary authorities.

ARTICLE XVI. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (postal parcels not included), are not to be submitted to any restriction or disinfection. In case of yellow fever postal parcels are not to be subjected to any restrictions or disinfection.

ARTICLE XVII. Merchandise, arriving by land or by sea, should not be detained permanently at frontiers or in ports.

Measures which it is permissible to prescribe with respect to them are specified in Article XII.

Nevertheless, when merchandise, arriving by sea in bulk (vrac) or in defective packages, is contaminated by pest-stricken rats during the passage,

and is incapable of being disinfected, the destruction of the germs may be assured by putting said merchandise in a warehouse for a period to be decided by the sanitary authorities of the port of arrival.

It is to be understood that the application of this last measure should not entail delay upon any vessel nor extraordinary expenses resulting from the want of warehouses in ports.

ARTICLE XVIII. When merchandise has been disinfected by the application of the measures prescribed in Article XII, or put temporarily in warehouses in accordance with the third paragraph of Article XVII, the owner, or his representative, has the right to demand from the sanitary authority which has ordered such disinfection, or storage, a certificate setting forth the measures taken.

ARTICLE XIX. Baggage. In the case of soiled linen, bed clothing, clothing and objects forming a part of baggage or furniture coming from a territorial area declared contaminated, disinfection is only to be practiced in cases where the sanitary authority considers them as contaminated. There shall be no disinfection of baggage on account of yellow fever.

### SECTION III. MEASURES IN PORTS AND AT MARITIME FRONTIERS

ARTICLE XX. Classification of ships. A ship is considered as infected which has plague, cholera or yellow fever on board, or which has presented one or more cases of plague or cholera within seven days, or a case of yellow fever at any time during the voyage.

A ship is considered as suspected on board of which there have been a case or cases of plague or cholera at the time of departure or during the voyage, but no new case within seven days; also such ships as have lain in such proximity to the infected shore as to render them liable to the access of mosquitoes.

The ship is considered *indemne*, which, although coming from an infected port, has had neither death nor case of plague, cholera or yellow fever on board, either before departure, during the voyage, or at the time of arrival, and which in the case of yellow fever has not lain in such proximity to the shore, as to render it liable, in the opinion of the sanitary authorities, to the access of mosquitoes.

ARTICLE XXI. Ships infected with plague are to be subjected to the following regulations:

1. Medical visit (Inspection).
2. The sick are to be immediately disembarked and isolated.
3. Other persons should also be disembarked, if possible, and subjected to an observation,<sup>5</sup> which should not exceed five days dating from the day of arrival.

<sup>5</sup> The word "observation" signifies isolation of the passengers, either on board ship or at a sanitary station before being given free pratique. [Footnote in original.]

4. Soiled linen, personal effects in use, the belongings of crew <sup>6</sup> and passengers which, in the opinion of the sanitary authorities are considered as infected should be disinfected.

5. The parts of the ship which have been inhabited by those stricken with plague, and such others as, in the opinion of the sanitary authorities are considered as infected, should be disinfected.

6. The destruction of rats on shipboard should be effected before or after the discharge of cargo, as rapidly as possible, and in all cases with a maximum delay of forty-eight hours, care being taken to avoid damage of merchandise, the vessel and its machinery.

For ships in ballast, this operation should be performed immediately before taking on cargo.

ARTICLE XXII. Ships suspected of plague, are to be subjected to the measures which are indicated in Nos. 1, 4 and 5 of Article XXI.

Further, the crew and passengers may be subjected to observation, which should not exceed five days, dating from the arrival of the ship. During the same time, the disembarkment of the crew may be forbidden, except for reasons of duty.

The destruction of rats on shipboard is recommended. This destruction is to be effected before or after the discharge of cargo, as quickly as possible, and in all cases with a maximum delay of forty-eight hours, taking care to avoid damage to merchandise, ships, and their machinery.

For ships in ballast, this operation should be done, if done at all, as early as possible, and in all cases before taking on cargo.

ARTICLE XXIII. Ships *indemne* from plague are to be admitted to free pratique immediately, whatever may be the nature of their bill of health.

The only regulation which the sanitary authorities at a port of arrival may prescribe for them consists of the following measures:

1. Medical visit (inspection).

2. Disinfection of soiled linen, articles of wearing apparel, and the other personal effects of the crew and passengers, but only in exceptional cases when the sanitary authorities have special reason to believe them infected.

3. Without demanding it as a general rule, the sanitary authorities may subject ships coming from an infected port to a process for the destruction of the rats on board before or after the discharge of cargo. This operation should be done as soon as possible, and in all cases should not last more than twenty-four hours, care being taken to avoid damaging merchandise, ships, and their machinery, and without interfering with the passing of passengers and crew between the ship and the shore. For ships in ballast, this procedure, if practiced, should be put in operation as soon as possible, and in all cases before taking on cargo.

<sup>6</sup> The term "crew" is applied to persons who may make, or, who have made, a part of the personnel of the vessel and of the administration thereof, including stewards, waiters, "cafedji," etc. The word is to be construed in this sense wherever employed in the present Convention. [Footnote in original.]

When a ship coming from an infected port has been subjected to a process for the destruction of rats, this process should only be repeated if the ship has touched meanwhile at an infected port, and has been alongside a quay in such port, or if the presence of sick or dead rats on board is proven.

The crew and passengers may be subjected to a surveillance, which should not exceed five days, to be computed from the date when the ship sailed from the infected port. The landing of the crew may also, during the same time, be forbidden except for reasons of duty.

Competent authority at the port of arrival may always demand, under oath, a certificate of the ship's physician, or in default of a physician, of the captain, setting forth that there has not been a case of plague on board since departure, and that no marked mortality among the rats has been observed.

ARTICLE XXIV. When upon an *indemne* ship rats have been recognized as pest-stricken as a result of bacteriological examination, or when a marked mortality has been established among these rodents, the following measures should be applied:

1. Ships with plague-stricken rats:

(a) Medical visit (Inspection).

(b) Rats should be destroyed before or after the discharge of cargo, as rapidly as possible, and in all cases with a delay not to exceed forty-eight hours; the deterioration of merchandise, vessels and machinery to be avoided. Upon ships in ballast, this operation should be performed as soon as possible, and in all cases before taking on cargo.

(c) Such parts of the ship and such articles as the local sanitary authority regards as infected, shall be disinfected.

(d) Passengers and crew may be submitted to observation the duration of which should not exceed five days dating from the day of arrival, except in special cases where the sanitary authority may prolong the observation to a maximum of ten days.

2. Ships where a marked mortality among rats is observed:

(a) Medical visit (Inspection).

(b) An examination of rats, with a view to determining the existence of plague, should be made as quickly as possible.

(c) If the destruction of rats is judged necessary, it shall be accomplished under the conditions indicated above in the case of ships with plague-stricken rats.

(d) Until all suspicion may be eliminated, the passengers and crew may be submitted to observation, the duration of which should not exceed five days counting from the date of arrival, except in special cases when the sanitary authority may prolong the observation to a maximum of ten days.

ARTICLE XXV. The sanitary authorities of the port must deliver to the captain, the owner, or his agent, whenever a demand for it is made, a cer-

tificate setting forth that the measures for the destruction of rats have been efficacious and indicating the reasons why these measures have been applied.

ARTICLE XXVI. Ships infected with cholera are to be subjected to the following regulations:

1. Medical visit (Inspection).
2. The sick are to be immediately disembarked and isolated.
3. Other persons ought also to be disembarked, if possible, and subjected, dating from the arrival of the ship, to an observation, the duration of which shall not exceed five days.
4. Soiled linen, wearing apparel, and personal effects of crew and passengers which, in the opinion of the sanitary authority of the port, are considered as infected, are to be disinfected.
5. The parts of the ship which have been inhabited by persons sick with cholera, or which are considered by the sanitary authority as infected are to be disinfected.
6. The bilge-water is to be discharged after disinfection.

The sanitary authority may order the substitution of good potable water for that which is contained in the tanks on board.

The discharge or throwing overboard into the water of a port, of dejecta, shall be forbidden unless they have been previously disinfected.

ARTICLE XXVII. Ships suspected of cholera are to be subjected to measures prescribed under Nos. 1, 4, 5 and 6 of Article XXVI.

The crew and passengers may be subjected to an observation which should not exceed five days, to date from the arrival of the ship. It is recommended during the same time to prevent the debarkation of the crew except for reasons of duty.

ARTICLE XXVIII. Ships *indemne* of cholera are to be admitted to free pratique immediately, whatever may be the nature of their bill of health.

The only regulations which the sanitary authority of a port may prescribe in their case are the measures provided in Nos. 1, 4 and 6 of Article XXVI.

The crews and passengers may be submitted, in order to show their state of health, to an observation, which should not exceed five days to be computed from the date when the ship sailed from the infected port.

It is recommended that during the same time the debarkation of the crew be forbidden except for reasons of duty.

Competent authority at the port of arrival may always demand, under oath, a certificate from the ship's surgeon, or, in the absence of a surgeon, from the captain, setting forth that there has not been a case of cholera upon the ship since sailing.

ARTICLE XXIX. Competent authority will take account, in order to apply the measures indicated in Articles XXI to XXVIII, of the presence of a physician on board and a disinfecting apparatus in ships of the three categories mentioned above.



In regard to plague, it will equally take account of the installation on board of apparatus for the destruction of rats.

Sanitary authorities of such countries, where it may be convenient to make such regulations may dispense with the medical visit and other measures toward *indemne* ships which have on board a physician specially commissioned by their country.

ARTICLE XXX. Special measures may be prescribed in regard to crowded ships, notably emigrant ships, or any other ship presenting bad hygienic conditions.

ARTICLE XXXI. Any ship not desiring to be subjected to the obligations imposed by the authority of the port in virtue of the stipulations of the present Convention is free to proceed to sea.

It may be authorized to disembark its cargo after the necessary precautions shall have been taken; namely, First, isolation of the ship, its crew and passengers; Second, in regard to plague, demand for information relative to the existence of an unusual mortality among rats; Third, in regard to cholera, the discharge of the bilge-water after disinfection and the substitution of a good potable water for that which is provided on board the ship.

Authority may also be granted to disembark such passengers as may demand it, upon condition that these submit themselves to all measures prescribed by the local authorities.

ARTICLE XXXII. Ships coming from a contaminated port, which have been disinfected and which may have been subjected to sanitary measures applied in an efficient manner, shall not undergo a second time the same measures upon their arrival at a new port, provided that no new case shall have appeared since the disinfection was practiced, and that the ships have not touched in the meantime at an infected port.

When a ship only disembarks passengers and their baggage, or the mails, without having been in communication with terra firma, it is not to be considered as having touched at a port, provided that in the case of yellow fever it has not approached sufficiently near the shore to permit the access of mosquitoes.

ARTICLE XXXIII. Passengers arriving on an infected ship have the right to demand of the sanitary authority of the port a certificate showing the date of their arrival and the measures to which they and their baggage have been subjected.

ARTICLE XXXIV. Packet boats shall be subjected to special regulations, to be established by mutual agreement between the countries in interest.

ARTICLE XXXV. Without prejudice to the right which governments possess to agree upon the organization of common sanitary stations, each country should provide at least one port upon each of its seaboards, with an organization and equipment sufficient to receive a vessel, whatever may be its sanitary condition.

When an *indemne* vessel, coming from an infected port, arrives in a large mercantile port, it is recommended that she be not sent to another port for the execution of the prescribed sanitary measures.

In every country, ports liable to the arrival of vessels from ports infected with plague, cholera or yellow fever, should be equipped in such a manner that *indemne* vessels may there undergo, immediately upon their arrival the prescribed measures, and not be sent for this purpose to another port.

Governments should make declaration of the ports which are open in their territories to arrivals from ports infected with plague, cholera or yellow fever.

ARTICLE XXXVI. It is recommended that in large seaports there be established:

(a) A regular medical service and a permanent medical supervision of the sanitary conditions of crews, and the inhabitants of the port.

(b) Places set apart for the isolation of the sick and the observation of suspected persons. In the stegomyia belt there must be a building or part of a building screened against mosquitoes, and a launch and ambulance similarly screened.

(c) The necessary installation for efficient disinfection and bacteriological laboratories.

(d) A supply of potable water above suspicion, for the use of the port, and the installation of a system of sewerage and drainage, adequate for the removal of refuse.

#### SECTION IV. MEASURES UPON LAND FRONTIERS.—TRAVELERS.— RAILROADS.—FRONTIER ZONES.—RIVER ROUTES

ARTICLE XXXVII. Land quarantines should no longer be established, but the governments reserve the right to establish camps of observation if they should be thought necessary for the temporary detention of suspects.

This principle does not exclude the right for each country to close a part of its frontier in case of necessity.

ARTICLE XXXVIII. It is important that travelers should be submitted to a surveillance on the part of the personnel of railroads, to determine their condition of health.

ARTICLE XXXIX. Medical intervention is limited to a visit (inspection) with the taking of temperature of travelers, and the succor to be given to those actually sick. If this visit is made, it should be combined as much as possible with the customhouse inspection to the end that travelers may be detained as short a time as possible. Only persons evidently sick should be subjected to a searching medical examination.

ARTICLE XL. As soon as travelers, coming from an infected locality, shall have arrived at their destination, it would be of the greatest utility to submit them to a surveillance which should not exceed ten or five days, counting from the date of departure, the time depending upon whether it is a question



of plague or cholera. In case of yellow fever the period should be six days.

ARTICLE XLI. Governments may reserve to themselves the right to take particular measures in regard to certain classes of persons, notably vagabonds, emigrants and persons traveling or passing the frontier in bands.

ARTICLE XLII. Coaches intended for the transportation of passengers and mails should not be retained at frontiers.

In order to avoid this retention a system of relays ought to be established at frontiers, with transfer of passengers, baggage and mails. If one of these carriages be infected or shall have been occupied by a person suffering from plague, cholera or yellow fever, it shall be detached from the train for disinfection at the earliest possible moment.

ARTICLE XLIII. Measures concerning the passing of frontiers by the personnel of railroads and of the Post Office are a matter for agreement of the sanitary authorities concerned. These measures should be so arranged as not to hinder the service.

ARTICLE XLIV. The regulation of frontier traffic, as well as the adoption of exceptional measures of surveillance should be left to special arrangement between contiguous countries.

ARTICLE XLV. The power rests with governments of countries bordering upon rivers to regulate by special arrangement the sanitary regime of river routes.

#### *Articles Relating to Yellow Fever*

ARTICLE XLVI. Ships infected with yellow fever are to be subjected to the following regulations:

1. Medical visit (Inspection).
2. The sick are to be immediately disembarked protected by netting against the access of mosquitoes and transferred to the place of isolation in an ambulance or a litter similarly screened.
3. Other persons should also be disembarked if possible, and subjected to an observation of six days, dating from the day of arrival.
4. In the place set apart for observation, there shall be screened apartments or cages where anyone presenting an elevation of temperature above 37.6 degrees Centigrade shall be screened until he may be carried in the manner indicated above to the place of isolation.
5. The ship shall be moored at least two hundred metres from the inhabited shore.
6. The ship shall be fumigated for the destruction of mosquitoes before the discharge of cargo, if possible. If a fumigation be not possible before the discharge of the cargo, the health authorities shall order, either
  - (a) The employment of immune persons for discharging the cargo, or
  - (b) If non-immunes be employed they shall be kept under observation during the discharging of cargo and for six days, to date from the last day of exposure on board.

ARTICLE XLVII. Ships suspected of yellow fever are to be subjected to the measures which are indicated in Nos. 1, 3 and 5 of the preceding article; and, if not fumigated, the cargo shall be discharged as directed under subparagraph (a) or (b) of the same article.

ARTICLE XLVIII. Ships *indemne* from yellow fever, coming from an infected port, after the medical visit (inspection), shall be admitted to free pratique, provided the duration of the trip has exceeded six days.

If the trip be shorter, the ship shall be considered as suspected until the completion of a period of six days, dating from the day of departure.

If a case of yellow fever develop during the period of observation, the ship shall be considered as infected.

ARTICLE XLIX. All persons who can prove their immunity to yellow fever, to the satisfaction of the health authorities shall be permitted to land at once.

ARTICLE L. It is agreed that in the event of a difference of interpretation of the English and Spanish texts, the interpretation of the English text shall prevail.

### *Transitory Disposition*

The governments which may not have signed the present Convention are to be admitted to adherence thereto upon demand; notice of this adherence to be given through diplomatic channels to the government of the United States of America and by the latter to the other signatory governments.

Made and signed in the City of Washington on the 14th day of the month of October, nineteen hundred and five, in two copies, in English and Spanish respectively, which shall be deposited in the State Department of the Government of the United States of America, in order that certified copies thereof, in both English and Spanish, may be made to transmit them through diplomatic channels to each one of the signatory countries.

[For Chile:]

D. EDUARDO MOORE

[For Costa Rica:]

JUAN J. ULLOA

[For Cuba:]

JUAN GUIERAS  
E. B. BARNET

[For the Dominican Republic:]

EMILIO C. JOUBERT

[For Ecuador:]

M. H. ALCÍVAR

[For the United States:]

WALTER WYMAN  
H. D. GEDDINGS  
JOHN S. FULTON  
WALTER D. McCRAW  
J. D. GATEWOOD  
H. L. E. JOHNSON, M.D.

[For Guatemala:]

JOAQUÍN YÉLA

[For Mexico:]

E. LICÉAGA

[For Nicaragua:]

J. L. MEDINA M.D.

[For Peru:]

DANIEL EDO LAVORERÍA

[For Venezuela:]

N. VELOZ GOITICOA

## MOROCCO (GENERAL ACT OF ALGECIRAS)

*General act of the international conference of Algeciras and additional protocol signed at Algeciras April 7, 1906*

*Senate advice and consent to ratification, with an understanding,<sup>1</sup> December 12, 1906*

*Ratified by the President of the United States, with an understanding<sup>1</sup> and a reservation,<sup>2</sup> December 14, 1906*

*Ratifications deposited at Madrid December 31, 1906*

*Entered into force December 31, 1906*

*Proclaimed by the President of the United States January 22, 1907*

*Termination in part: Extraterritorial jurisdiction in Morocco relinquished by the United States October 6, 1956<sup>3</sup>*

34 Stat. 2905; Treaty Series 456

### [TRANSLATION]

#### GENERAL ACT OF THE INTERNATIONAL CONFERENCE OF ALGECIRAS

In the Name of Almighty God:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire;

<sup>1</sup> The U.S. understanding reads as follows:

"... the Senate understands that the participation of the United States in the Algeciras Conference, and in the formulation and adoption of the General Act and Protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880 [July 3, 1880 (TS 246), *ante*, p. 71], all of which are in terms of amity with this government; and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

<sup>2</sup> The U.S. reservation, made at the time of signature and maintained in the President's ratification and proclamation, reads as follows:

"The Government of the United States of America, having no political interest in Morocco and no desire or purpose having animated it to take part in this conference other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the General Act of Algeciras and to the additional protocol, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American citizens and interests in Morocco, it does so without assuming obligation or responsibility for the enforcement thereof."

<sup>3</sup> *Department of State Bulletin*, Nov. 26, 1956, p. 844.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary;

His Majesty the King of the Belgians;

His Majesty the King of Spain;

The President of the United States of America;

The President of the French Republic;

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India;

His Majesty the King of Italy;

His Majesty the Sultan of Morocco;

Her Majesty the Queen of the Netherlands;

His Majesty the King of Portugal and of the Algarves, etc., etc., etc.;

His Majesty the Emperor of All the Russias;

His Majesty the King of Sweden;

Inspired by the interest attaching itself to the reign of order, peace, and prosperity in Morocco, and recognizing that the attainment thereof can only be effected by means of the introduction of reforms based upon the triple principle of the sovereignty and independence of His Majesty the Sultan, the integrity of his domains, and economic liberty without any inequality, have resolved, upon the invitation of His Shereefian Majesty, to call together a conference at Algeciras for the purpose of arriving at an understanding upon the said reforms, as well as examining the means for obtaining the resources necessary for their application, and have appointed as their delegates plenipotentiary the following:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire:

Mr. Joseph de Radowitz, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Christian, Count of Tattenbach, His Envoy Extraordinary and Minister Plenipotentiary to His Very Faithful Majesty.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

Rudolph, Count of Welsersheimb, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Leopold, Count Bolesta-Kozichbrodzki, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the King of the Belgians:

Maurice, Baron Joostens, His Envoy Extraordinary and Minister Plenipotentiary to his Catholic Majesty, and

Conrad, Count of Buisseret Steenbecque de Blarenghem, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the King of Spain:

Don Juan Manuel Sanchez y Gutiérrez de Castro, Duke of Almodóvar del Río, His Minister of State, and

Don Juan Pérez-Caballero y Ferrer, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians.

The President of the United States of America:

Mr. Henry White, Ambassador Extraordinary and Plenipotentiary of the United States of America to His Majesty the King of Italy, and

Mr. Samuel R. Gummeré, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Morocco.

The President of the French Republic:

Mr. Paul Révoil, Ambassador Extraordinary and Plenipotentiary of the French Republic to the Swiss Confederation, and

Mr. Eugène Regnault, Minister Plenipotentiary.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

Sir Arthur Nicolson, His Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of All the Russias.

His Majesty the King of Italy:

Emile, Marquis Visconti Venosta, Knight of the Order of the Very Holy Annunciation, and

Mr. Giulio Malmusi, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the Sultan of Morocco:

El Hadj Mohammed Ben-el Arbi Ettorrés, His Delegate at Tangier and Ambassador Extraordinary,

El Hadj Mohammed Ben Abdesselam El Mokri, His Minister of Expenses,

El Hadj Mohammed Es-Seffar, and Sid Abderrhaman Bennis.

Her Majesty the Queen of the Netherlands:

Jonkheer Hannibal Testa, Her Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty.

His Majesty the King of Portugal and of the Algarves, etc., etc., etc.:

Anthony, Count of Tovar, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty, and

Francis Robert, Count of Martens Ferrao, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the Emperor of All the Russias:

Arthur, Count Cassini, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Mr. Basile de Bacheracht, His Minister to Morocco.

His Majesty the King of Sweden:

Mr. Robert Sager, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty and His Very Faithful Majesty.

Who, furnished with full powers, which were found in good and due form, have, in conformity with the programme upon which His Shereefian Majesty and the powers have agreed, successively discussed and adopted:

I. A declaration relative to the organization of the police.

II. A regulation concerning the detection and repression of the contraband of arms.

III. An act of concession for a Moroccan State Bank.

IV. A declaration concerning a better return of taxes, and the creation of new revenues.

V. A regulation concerning the customs of the Empire and the repression of fraud and smuggling.

VI. A declaration relative to public services and public works.

And having decided that these different documents might usefully be coordinated in a single instrument, they have united them in a general act composed of the following articles:

## CHAPTER I

### *Declaration relative to the organization of the police*

ARTICLE 1. The conference summoned by His Majesty the Sultan to pronounce on the measures necessary to organize the police declares that the following provisions should be made:

ART. 2. The police shall be under the sovereign authority of His Majesty the Sultan. It shall be recruited by the Maghzen from Moorish Moham-medans, commanded by Moorish Kaid, and distributed in the eight ports open to commerce.

ART. 3. In order to aid the Sultan in the organization of this police, Spanish officers and noncommissioned officers as instructors, and French officers and noncommissioned officers as instructors, shall be placed at His disposal by their respective Governments, which shall submit their designation to the approval of His Shereefian Majesty. A contract drawn between the Maghzen and these instructors, in conformity to the regulation provided by article 4, shall deter-



mine the conditions of their engagement and fix their pay, which must not be less than double of the pay corresponding to the rank of each officer or non-commissioned officer. In addition they will be allowed living expenses, varying according to their residences. Proper lodgings will be placed at their disposal by the Maghzen, which will likewise supply them with their horses and the necessary fodder.

The Governments having jurisdiction over the instructors reserve the right to recall them and replace them by others, accepted and engaged under the same conditions.

ART. 4. These officers and noncommissioned officers for a period of five years, to date from the ratification of the act of the conference, shall give their service to the organization of a body of Shereefian police. They shall assure instruction and discipline in conformity with the regulations to be drawn up in respect thereto. They shall also see that the men enlisted are fit for military service. In a general way they shall supervise the administration of the soldiers and superintend the payment of their salary, which shall be effected by the "Amin," assisted by the accounting officer instructor. They shall extend to the Moorish authorities invested with the command of these bodies their technical aid in the exercise of the said command.

The regulations to assure the recruit, discipline, instruction, and administration of the bodies of police shall be established by mutual agreement between the Shereefian Minister of War or his delegate, the inspector provided by article 7, and the highest ranking French and Spanish instructors.

The regulations shall be submitted to the Diplomatic Body at Tangier, which will formulate its opinion within a month's time. After that period the regulations shall be enforced.

ART. 5. The total strength of the police shall not be more than 2,500 men, nor less than 2,000. It shall be distributed, according to the importance of the ports, in groups varying between 150 and 600 men. The number of Spanish and French officers shall be between sixteen and twenty; of Spanish and French noncommissioned officers, between thirty and forty.

ART. 6. The funds necessary to maintain and pay soldiers and officers and noncommissioned officer instructors shall be advanced by the State Bank to the Shereefian Treasury within the limits of the annual budget assigned to the police, which shall not exceed two million and a half pesetas for an effective strength of two thousand five hundred men.

ART. 7. During the same period of five years a general inspection shall be made into the working of the police. Such inspection shall be intrusted by His Shereefian Majesty to a superior officer of the Swiss army, who will be submitted to His approval by the Swiss Federal Government. This officer will be styled Inspector-General and reside at Tangier.

He shall inspect at least once a year the different bodies of the police, and



after such inspection he shall draw up a report which he will address to the Maghzen.

In addition to such regular reports, he will, if he regards it as necessary, draw up special reports with reference to the working of the police.

Without directly intervening either in the command or the instruction, the Inspector-General will ascertain the results obtained by the Shereefian police, as regards the maintenance of order and security in the places where this police shall have been established.

ART. 8. A copy of the reports and communications made to the Maghzen by the Inspector-General, with reference to his mission, shall at the same time be transmitted to the Dean of the Diplomatic Body at Tangier, in order that the Diplomatic Body be enabled to satisfy itself that the Shereefian police acts in conformity to the decisions taken by the conference, and to see whether it guarantees effectively, and in conformity with the treaties, the security of person and property of foreign citizens, subjects, and protégés, as well as that of commercial transactions.

ART. 9. In the case of complaints filed with the Diplomatic Body by the legation concerned, the Diplomatic Body may, upon notice given to the representative of the Sultan, direct the Inspector-General to investigate and report for all available purposes in the matter of such complaints.

ART. 10. The Inspector-General shall receive an annual salary of 25,000 francs. In addition, he will be allowed 6,000 francs for the expenses of his tours. The Maghzen will place at his disposal a suitable residence and will look after the maintenance of his horses.

ART. 11. The material conditions of his engagement and of his establishment, as provided by article 10, shall be the subject of a contract drawn up between him and the Maghzen. A copy of this contract shall be communicated to the Diplomatic Body.

ART. 12. The staff of instructors of the Shereefian police (officers and non-commissioned officers) shall be Spanish at Tetuan, mixed at Tangier, Spanish at Larache, French at Rabat, mixed at Casablanca, and French in the other three ports.

## CHAPTER II

### *Regulation concerning the detection and repression of the contraband of arms*

ART. 13. Throughout the Shereefian Empire, except in the cases specified by articles 14 and 15, the importation and sale is forbidden of arms of war, parts of guns, ammunition of any nature, loaded or unloaded, powder, saltpeter, gun cotton, nitroglycerin, and all compositions destined exclusively for the manufacture of ammunition.

ART. 14. Such explosives as are necessary for industry and public works may, however, be introduced. A regulation drawn up in the manner indicated

by article 18 shall determine the conditions under which their importation may be effected.

ART. 15. The arms, parts of guns, and ammunition intended for the troops of His Shereefian Majesty will be admitted after the fulfillment of the following formalities:

A declaration signed by the Moorish Minister of War, describing the number and nature of such articles ordered abroad, must be presented to the legation of the country of their origin, whose visa shall be affixed thereto.

The passage through the customs of the cases and packages containing the arms and munitions, delivered at the order of the Moorish Government, shall be effected upon the presentation:

1°. Of the aforesaid declaration,

2°. Of the invoice indicating the number and weight of the packages and the number and kind of the arms and munitions contained therein. This document must be visaed by the legation of the country of their origin, which will mark on the back the successive amounts previously passed through the customs. This visa will be refused when the order shall have been entirely delivered.

ART. 16. The importation of sporting and high-priced arms, parts of guns, cartridges loaded and unloaded, is likewise forbidden. It may none the less be authorized:

1°. For the strictly personal requirements of the importer,

2°. For supplying the gunshops authorized by article 18.

ART. 17. Sporting and high-priced arms and the ammunition for the same will be admitted for the strictly personal requirements of the importer on presentation of a permit issued by the representative of the Maghzen at Tangier. If the importer is a foreigner, this permit will only be granted at the request of his legation.

With respect to ammunition for sporting purposes, each permit shall allow a maximum of a thousand cartridges or the supplies necessary for the manufacture of a thousand cartridges. The permit shall only be issued to those who have never been sentenced for any offense.

ART. 18. The trade in sporting and high-priced arms, not rifled, of foreign manufacture, as well as of the ammunition appertaining to the same, shall be regulated, as soon as circumstances permit, by a Shereefian decision made in conformity with the advice of a majority of the Diplomatic Body at Tangier. This shall be the case, as well, with decisions intended to suspend or restrict the exercise of such trade.

Only such persons as have secured a special and temporary license from the Moorish Government shall be allowed to open and operate retail shops for the sale of sporting guns and ammunition. This license shall only be given at the written request of the applicant, indorsed by his legation.

Regulations drawn up in the manner indicated by the first paragraph of this article shall determine the number of such retail shops which may be opened at Tangier and, if occasion arises, in the ports that may be later designated. They shall fix the formalities to be imposed on the importation of explosives intended for industry and public works, of arms and ammunition intended to supply such shops, as well as the maximum quantity of stock that can be kept.

In case of the violation of the regulating ordinances, the license may be temporarily or permanently withdrawn without prejudice to other penalties incurred by the offenders.

ART. 19. Every introduction of, or attempt to introduce, the prohibited merchandise shall make it liable to confiscation, and further to the punishments and fines mentioned below, which shall be pronounced by the competent jurisdiction.

ART. 20. The introduction or attempt to introduce in a port open to commerce, or through a customhouse, shall be punished:

1°. By a fine of from 500 to 2,000 pesetas and an additional fine equal to three times the value of the imported merchandise;

2°. By imprisonment of from five days to a year, or else by only one of these two punishments.

ART. 21. The introduction or attempt to introduce outside a port open to commerce or a customhouse shall be punished:

1°. By a fine of from 1,000 to 5,000 pesetas and an additional fine equal to three times the value of the imported merchandise;

2°. By imprisonment of from three months to two years, or else by only one of these two punishments.

ART. 22. The fraudulent sale, the receiving and peddling, of merchandise prohibited by the present regulations shall be punished according to the penalties specified in article 20.

ART. 23. The accomplices in the offenses set forth in articles 20, 21, and 22 shall be liable to the same penalties as the principals. The elements determining complicity shall be adjudged according to the laws of the court in charge of the case.

ART. 24. When there is good reason to suppose that a vessel anchored in a port open to commerce carries guns, ammunition, or other prohibited merchandise, with a view of introducing the same into Morocco, the officers of the Shereefian customs shall so inform the competent consular authority, in order that the latter may carry out, in company with a delegate of the Shereefian customs, such investigations, verifications, or searches as may be judged necessary.

ART. 25. In the case of the introduction or the attempted introduction by sea of prohibited merchandise outside of a port open to commerce, the Moorish customs authorities may bring the vessel to the nearest port, to be turned over to the consular authority, who shall have the right to seize it and continue such seizure until payment of the fines decreed. The vessel may, however, be released at any period of the trial, provided that the judicial proceedings shall not be impeded thereby, on the deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 26. The Maghzen may retain the confiscated merchandise either for its own use, if able to utilize it, on condition that the subjects of the Empire shall not be able to get possession of it, or it shall dispose of it abroad.

The conveyances of the same on shore may be confiscated and shall be sold for the profit of the Shereefian Treasury.

ART. 27. The sale of arms condemned by the Moorish Government shall be prohibited throughout the Shereefian Empire.

ART. 28. Rewards taken out of the amount of the fines levied are to be given to the informants who have been instrumental in discovering forbidden merchandise and to the agents who have effected its seizure. Such rewards shall be assigned after deducting, if necessary, the costs of the trial, one-third to be distributed by the customs among the informants, one-third to the officers who seized the merchandise, and one-third to the Moroccan Treasury.

If the seizure has been effected without the intervention of an informer, one-half of the fines shall go to the officer making the seizure and the other half to the Shereefian Treasury.

ART. 29. The Moorish customs authorities shall notify directly the diplomatic or consular agents of any violations of this regulation, committed by those under their jurisdiction, in order that the same may be prosecuted before the proper jurisdiction.

Similar violations committed by Moorish subjects shall be submitted directly by the customs to the Shereefian authority.

A delegate of the customs shall be assigned to follow the procedure of cases pending before the different jurisdictions.

ART. 30. In the region bordering on Algeria, the enforcement of the regulation on the contraband of arms shall be the exclusive concern of France and Morocco.

Similarly, the enforcement of the regulation on the contraband of arms in the Riff and in general in the regions bordering on the Spanish possessions shall be the exclusive concern of Spain and Morocco.

## CHAPTER III

*Act of concession for a State Bank*

ART. 31. A bank shall be established in Morocco under the name of the "State Bank of Morocco," to exercise the following specified rights, which are granted to it by His Majesty the Sultan for a period of forty years, to date from the ratification of this act.

ART. 32. The Bank, which will have power to carry on all transactions entering into the operations of a bank, shall have the exclusive privilege of issuing notes to bearer, payable on presentation and receivable for public dues throughout the Moorish Empire.

The Bank shall maintain for a period of two years, to date from its going into operation, cash on hand at least equal to half its notes in circulation, and equal to at least one-third after the expiration of said period of two years. At least one-third of such cash on hand is to be gold bullion or gold coin.

ART. 33. The Bank shall, to the exclusion of every other bank or establishment of credit, discharge the duty of disbursing treasurer of the Empire. To this end the Moorish Government shall take all necessary measures to deposit in the Bank the proceeds of the customs revenues, exclusive of the part thereof applied to the loan of 1904, and such other revenues as it may designate.

With reference to the special tax established in order to carry out certain public works, the Moorish Government must have the same deposited in the Bank, as well as the revenues it may later pledge for its loans, the Bank being especially charged with the payments thereon, except, however, in the case of the loan of 1904, which is governed by special contract.

ART. 34. The Bank shall be the financial agent of the Government both within and without the Empire, without prejudice to the Government's right to apply to other banking houses or establishments of credit for its public loans. The Bank, however, shall enjoy, in regard to such loans, a right of preference, other conditions being equal, over any banking or credit establishment.

For Treasury notes or other short-term notes which the Moorish Government may wish to negotiate without making it a public issue, the Bank shall, however, be charged, to the exclusion of every other establishment, with negotiating the same for the account of the Moorish Government, either in Morocco or abroad.

ART. 35. The Bank shall make advances to the Moroccan Government on account current up to a million francs, chargeable against Treasury receipts.

The Bank shall likewise open a credit account for the Government for the period of ten years, to date from its establishment, such account not to exceed two-thirds of its initial capital.

This credit account shall be distributed over several years and employed primarily for the expenses of establishing and maintaining the bodies of police, organized in conformity to the decisions adopted by the conference, and secondarily for the expenses of such works of public interest as might not be charged to the special fund as provided for by the following article.

The maximum rate for these two advances will be 7 per cent, bank commission included, and the Bank may ask the Government to give as security an equal amount in Treasury notes.

If before the expiration of the said term of ten years the Moorish Government should contract a loan, the Bank would have the right to obtain the immediate reimbursement of its advances made in accordance with the second paragraph of the present article.

ART. 36. The proceeds of the special tax (articles 33 and 66) shall form a special fund for which the Bank shall keep a separate account. This fund shall be employed in conformity to the regulations adopted by the conference.

In the case of its insufficiency, and chargeable to later receipts, the Bank may open a special credit for such fund, the amount of which should not exceed the total of the receipts for the previous year.

The conditions of the rate and commission shall be the same as those established by the preceding article for advances to the Treasury on account current.

ART. 37. The Bank shall take such measures as it may deem conducive to a sounder monetary situation in Morocco. Spanish currency shall continue to be permitted to circulate as legal tender.

In consequence, the Bank shall have the exclusive charge of purchasing precious metals, of striking and melting coins, as well as of all its other monetary operations for the account and profit of the Moorish Government.

ART. 38. The home office of the Bank shall be at Tangier, but it shall establish branches and agencies in the principal cities of Morocco or in any other place it may deem expedient.

ART. 39. The land necessary for the establishment of the Bank, as well as its branches and agencies in Morocco, shall be placed gratuitously at its disposal by the Government, and at the expiration of the concession the Government shall retake possession of it and reimburse the Bank for the cost of building these establishments. The Bank shall further be authorized to purchase such houses and land as it may require for the same purpose.

ART. 40. The Shereefian Government shall insure and be responsible for the safety and protection of the Bank, its branches and agencies. To this end it shall place an adequate guard at the disposal of each establishment in every city.

ART. 41. The Bank, its branches and agencies, shall be exempt from all imposts or dues, ordinary or extraordinary, existing or to be created. The same exemption shall be extended to real estate devoted to its use, and to the certificates and coupons of its shares and to its notes. The importation and exporta-



tion of metals and coins intended for banking operations shall be authorized and exempted from every tax.

ART. 42. The Shereefian Government shall exercise its high supervision over the Bank by a High Commissioner, whom it shall appoint after a previous agreement with the Bank's Board of Directors.

This High Commissioner shall have the right to examine into the management of the Bank. He shall supervise the issuance of bank notes and shall see that the provisions of the concession are strictly observed.

The High Commissioner shall sign every note or affix thereto his seal. He shall be charged with the supervision of the relations between the Bank and the Imperial Treasury.

He shall take no part in the administration or transaction of the banking business, but he shall always have the right to attend the meetings of the Censors.

The Shereefian Government shall appoint one or two deputy commissioners, who shall be especially charged with the supervision of the financial transactions of the Treasury with the Bank.

ART. 43. A set of rules defining the relations of the Bank and of the Moorish Government shall be framed by the special committee provided for in article 57 and approved by the Censors.

ART. 44. The Bank, organized with the approval of the Government of His Shereefian Majesty in the form of a corporation, shall be governed by the French law relative thereto.

ART. 45. Actions instituted in Morocco by the Bank shall be brought before the Consular Court of the defendant or before the jurisdiction of Morocco, in accordance with the rules of competence established by the Shereefian treaties and firmans.

Actions instituted in Morocco against the Bank shall be brought before a special tribunal consisting of three consular magistrates and two associates. The Diplomatic Body shall, each year, arrange the list of magistrates, associates, and substitutes.

This tribunal shall apply to such cases the rules of law, procedure, and competence established by the French legislation in commercial matters. Appeals from judgments pronounced by this tribunal shall be taken to the Federal Court of Lausanne, whose decision shall be final.

ART. 46. In case of dispute over the clauses of the concession or litigation arising between the Moorish Government and the Bank, the difference shall be referred, without appeal or recourse, to the Federal Court of Lausanne.

All disputes arising between the shareholders and the Bank in regard to the enforcement of the by-laws or by reason of the corporate business shall likewise be referred, without appeal or recourse, to the same court.

ART. 47. The by-laws of the Bank shall be framed on the following bases by a special committee provided for in article 57. They shall be approved by the Censors and ratified by the General Assembly of Shareholders.



ART. 48. The General Constituent Assembly of the corporation shall fix the place where the meetings of the shareholders and the sessions of the Board of Directors shall be held; the latter, however, shall have the faculty of meeting at any other city if it deems it expedient.

The office of the manager of the Bank shall be at Tangier.

ART. 49. The Bank shall be administered by a Board of Directors consisting of as many members as there are parts in the initial capital.

The Directors shall have the most extensive powers for the administration and management of the corporation; they shall especially appoint the managers, assistant managers, and members of the commission indicated in article 54, as well as the managers of branches and agencies.

The employees of the company shall be recruited so far as possible from among the citizens, subjects, or protégés of the several powers which have taken part in subscribing the capital.

ART. 50. The Directors, who shall be appointed by the General Assembly of Shareholders, shall be nominated by the groups subscribing the capital.

The first Board shall remain five years in office. At the expiration of this period, there shall be a renewal at the rate of three members annually. The order of outgoing Directors shall be determined by lot; they may be reelected.

On the constitution of the corporation, each subscribing group shall have the right to nominate as many directors as it shall have subscribed entire parts, but such groups shall not be compelled to select candidates of their own nationality.

The subscribing groups shall not retain their right of nominating directors when the latter are superseded or reelected, unless they can prove that they still have in their possession at least one-half the share conferring that right upon them.

In a case where, by reason of these provisions, a subscribing group should be no longer in a position to nominate a director, the General Assembly of Shareholders shall make a direct nomination.

ART. 51. Each of the following institutions: the Bank of the German Empire, the Bank of England, the Bank of Spain, and the Bank of France, shall, with their Government's approval, appoint a Censor for the State Bank of Morocco.

The Censors shall remain in office four years. The outgoing Censors may be reappointed.

In the case of death or resignation the institution which had appointed the former incumbent shall fill the vacancy, but only for the unexpired term of the vacated office.

ART. 52. The Censors who shall exercise their mandate by virtue of this act of the Signatory Powers shall, in the interests of the latter, see that the Bank is efficiently operated and insure the strict observance of the clauses of the concession and of the statutes. They shall see that the regulations governing the issuance of notes are precisely fulfilled, and shall supervise the op-

erations tending to put the monetary situation on a sound basis, but they shall never, under any pretext, interfere in the conduct of business or in the internal administration of the Bank.

Each of the Censors shall be empowered to examine at all times the Bank accounts, and to call for information either from the Board of Directors or the manager's office with regard to the management of the Bank, and attend the meetings of the Board of Directors, but only in an advisory capacity.

The four Censors shall meet at Tangier in the discharge of their duties at least once every two years, at a time to be fixed by them. Other meetings at Tangier or elsewhere may take place if three of the Censors should demand it.

The four Censors shall draw up in common accord an annual report, which shall be annexed to that of the Board of Directors. The Board of Directors shall transmit without delay a copy of such report to each of the Governments signatory to the act of the conference.

ART. 53. The Censors' emoluments and traveling expenses shall be fixed by the committee on by-laws. They shall be paid directly by the banks charged with their nomination, and the amount reimbursed to these institutions by the State Bank of Morocco.

ART. 54. To assist the manager's office a committee shall be established at Tangier, the members of which shall be chosen by the Board of Directors, without distinction of nationality, from among the notables residing at Tangier and holding shares of the Bank.

This committee, which shall be presided over by one of the managers or assistant managers, shall give its advice on questions of discounts and opening of credit accounts.

It shall transmit a monthly report on these various subjects to the Board of Directors.

ART. 55. The capital, of which the amount shall be fixed by the special committee designated in article 57, shall be not less than fifteen million francs nor more than twenty million francs, and shall be of gold coin, and the shares thereof, of the value of five hundred francs each, shall be inscribed with the various gold coinages at a fixed rate of exchange, as determined by the by-laws.

The said capital may thereafter be increased at one or more times by a decision of the General Assembly of Shareholders.

The subscription to the increased capital shall be reserved for all shareholders, without distinction of groups, in proportion to their individual holdings.

ART. 56. The initial capital of the Bank shall be divided into as many equal parts as there are participants among the powers represented at the conference.

To this end, each power shall designate a bank which shall exercise either for itself or for a group of banks the above-specified right of subscription, as well as the right of nomination of the Directors, as provided in article 50.

Any bank selected as head of a group may, with its Government's authorization, be superseded by another bank of the same country.

States wishing to avail themselves of their rights of subscription must notify such intention to the Royal Government of Spain within a period of four weeks from the signature of this act by the representatives of the powers.

Two parts, however, equal to those reserved to each of the subscribing groups, shall be assigned to the *consortium* of banks signatory of the contract of June 12, 1904, in compensation for the cession which shall be made by the *consortium* to the State Bank of Morocco:

1°. of the rights specified in article 33 of the contract;

2°. of the right inscribed in article 32 (paragraph 2) of the contract concerning the available balance of the customs receipts, with the express reservation of the general preferential right to the aggregate proceeds of customs granted to bondholders by article 11 of the same contract.

ART. 57. Within a period of three weeks from the time of closing the subscriptions, notified by the Royal Government of Spain to the powers interested, a special committee composed of delegates appointed by the subscribing groups, as provided in article 50 for the appointment of Directors, shall meet with a view to elaborating the by-laws of the Bank.

The General Constituent Assembly shall meet two months after the ratification of this act.

The functions of such special committee shall cease upon the organization of the corporation.

The special committee shall fix the place of its meetings.

ART. 58. No modification shall be made in the by-laws except on the motion of the Board of Directors and with the advice and consent of the Censors and the Imperial High Commissioner.

Such modifications must be voted by a three-quarters majority, either present or represented, of the General Assembly of Shareholders.

#### CHAPTER IV

##### *A declaration concerning a better return of taxes and the creation of new revenues*

ART. 59. As soon as the "tertib" shall have been put into regular operation with regard to Moorish subjects, the representatives of the powers at Tangier shall subject their citizens, subjects, and protégés in the Empire to the application thereof. But it is understood that this tax shall not be applied to foreign subjects except—

(a) Under the conditions stipulated by the regulation of the Diplomatic Body at Tangier on November 24, 1903;

(b) At places where it shall effectively be collected from Moorish subjects.

The consular authorities shall retain a certain percentage of the receipts of the taxes they collect from those subject to their jurisdiction to cover the cost of tax bills and collection.

The rate of such percentage shall be fixed by mutual agreement between the Maghzen and the Diplomatic Body at Tangier.

ART. 60. In accordance with the right granted by article 11 of the Madrid Convention,<sup>4</sup> foreigners shall have the right to acquire property throughout the Shereefian Empire, and His Majesty the Sultan shall issue to his administrative and judicial officers such instructions as may be necessary for them not to refuse the registration of deeds without lawful cause. Subsequent transfers, either by deeds between living parties or by death, shall continue without hindrance.

In the ports open to commerce and within a radius of ten kilometers around such ports, His Majesty the Sultan, generally and without it being necessary henceforth for foreign subjects to obtain a special permission for each purchase of property, now grants the consent required by article 11 of the Madrid Convention.

At Ksar el Kebir, Arzila, Azemour, and eventually in other towns of the coast or the interior, the general authorization stated above is likewise granted to foreigners, but only for purchasers within a radius of two kilometers around those towns.

Wherever foreigners may have acquired property they will be permitted to erect buildings in compliance with regulations and usage.

Before authorizing the execution of deeds for transferring property, the Cadi will have to satisfy himself of the validity of the title in conformity to the Mohammedan law.

The Maghzen shall designate in each city and district specified in this article the Cadi who shall have charge of such verification.

ART. 61. With a view to creating new resources for the Maghzen, the conference recognizes in principle that a tax may be established on city buildings.

A part of the receipts thus realized shall be set aside for the requirements of municipal streets and hygiene, and generally for the expense of improvement and conservation of the cities.

The tax is due from the Moorish or foreign owner, without distinction, but the tenant or the holder of the key shall be responsible to the Moorish Treasury.

Regulations issued jointly by the Shereefian Government and the Diplomatic Body at Tangier shall establish the rate, its method of collection and application, and shall determine the quota of revenue thus created which shall be devoted to the expense of improvement and conservation of the cities.

At Tangier this quota shall be turned over to the International Sanitary

<sup>4</sup> Convention dated July 3, 1880 (TS 246), *ante*, p. 71.

Council, which shall decide as to its use until the creation of a municipal organization.

ART. 62. His Shereefian Majesty having decided in 1901 that the Moorish officials who collect the agricultural taxes should no longer receive either the "sokhra" or the "mouna," the conference is of the opinion that this rule should be made general, so far as is possible.

ART. 63. The Shereefian delegates have stated that habou property, or certain State property, notably buildings of the Maghzen, occupied at a rental of 6 per cent, are held by persons subject to foreign jurisdiction without regular title or by virtue of contracts subject to revision. The conference, desirous of remedying this state of affairs, charges the Diplomatic Body at Tangier to solve these two questions equitably, in accord with the special commissioner whom His Shereefian Majesty may be pleased to designate to that effect.

ART. 64. The conference takes formal note of the proposition formulated by the Shereefian delegates on the subject of taxes to be created on certain trades, industries, and professions.

If as the result of the collection of such taxes from Moorish subjects the Diplomatic Body at Tangier should deem it advisable to extend the same to those under foreign jurisdiction, it is hereby specified that the said taxes shall be exclusively municipal.

ART. 65. The conference adheres to the proposition proposed by the Moorish delegation to create, with the assistance of the Diplomatic Body—

- (a) A stamp tax on contracts and notarial acts brought before "adouls."
- (b) A maximum transfer tax of 2 per cent on sales of real estate.
- (c) A statistical and weighing tax of a maximum of 1 per cent ad valorem on merchandise transported by coasting vessels.
- (d) A passport fee to be collected from Moorish subjects.
- (e) Eventually, wharfage and light-house dues, the proceeds of which shall be devoted to harbor improvement.

ART. 66. Merchandise of foreign origin shall temporarily be subject on entry into Morocco to special taxes amounting to 2½ per cent ad valorem. The whole proceeds of this special tax shall form a special fund, which shall be devoted to the execution of and expenses connected with public works for the development of navigation and the general trade of the Shereefian Empire.

The programme of works and their order of priority shall be determined jointly by the Shereefian Government and the Diplomatic Body at Tangier.

The surveys, estimates, plans, and specifications appertaining thereto shall be made by a competent engineer, appointed by the Shereefian Government jointly with the Diplomatic Body. This engineer may, if necessary, be assisted by one or more assistant engineers. Their salaries shall be charged to the special fund.

The special fund will be deposited with the State Bank of Morocco, which is to keep its accounts.

Public contracts shall be awarded in the form and under the general terms prescribed by the regulations that the Diplomatic Body at Tangier is charged to frame, together with the representative of His Shereefian Majesty.

The board of awards shall consist of one representative of the Shereefian Government, of five delegates of the Diplomatic Body, and of the engineer.

The award shall be given in favor of the bidder who, in conformity with the specifications, may submit the bid offering the most advantageous general terms.

As for the sums yielded by the special tax and collected at the custom-houses, in the districts specified in article 103 of the Customs Regulations, their expenditure will be determined upon by the Maghzen, with the consent of the neighboring power, in accordance with the clauses of this article.

ART. 67. The conference, without detriment to the observations offered upon this point, expresses the wish that the export duties on the following merchandise be reduced as follows:

Chick-peas .....	20 per cent
Corn .....	20 "
Barley .....	50 "
Wheat .....	34 "

ART. 68. His Shereefian Majesty will consent to increase from six to ten thousand the number of head of cattle of the bovine species which each power shall have the right to export from Morocco. Such exportation may be effected through any custom-house. If by misfortune there should be a scarcity of cattle in any particular district His Shereefian Majesty shall have the right to temporarily forbid the exportation of cattle through the port or ports of that district. Such measure shall not exceed two years; nor shall it be applied at the same time to all the ports of the Empire.

It is further understood that the preceding provisions do not modify the other conditions for the exportation of cattle as fixed by previous firmans.

The conference expresses the additional wish that a veterinary inspection be organized as soon as possible at the seaports.

ART. 69. In accordance with the previous decisions of His Shereefian Majesty, and notably the decision of September 28th, 1901, the transportation is allowed by coasting vessels, between all ports of the Empire, of cereals, grains, vegetables, fruits, eggs, poultry, and, in general, of merchandise and animals of every kind, of Moroccan origin or not; except horses, donkeys, and camels, for which a special permit from the Maghzen will be necessary. Such coasting trade may be carried on by vessels of every nationality without such articles being subjected to payment of the export duties, but subject to the special taxes and regulations relative thereto.

ART. 70. The rate of sojourn and anchorage dues levied on ships in



Moorish ports being fixed by treaties with certain powers, the said powers are disposed to consent to a revision of such dues.

The Diplomatic Body at Tangier is therefore charged to effect an agreement with the Maghzen on the terms of such revision, which can not, however, take place until after the improvement of the ports.

ART. 71. The customs storage dues shall be collected in all Moorish ports where there are adequate warehouses, in conformity to the regulations existing or to be adopted in regard thereto by the Government of His Shereefian Majesty in accord with the Diplomatic Body at Tangier.

ART. 72. Opium and kiff will continue to be a monopoly of the Shereefian Government. The importation of opium specially intended for medicinal purposes will, however, be allowed by special permit issued by the Maghzen at the request of the legation, the physician, or apothecary importing the same. The Shereefian Government and the Diplomatic Body shall jointly determine the maximum quantity which may be thus introduced.

ART. 73. The representatives of the powers take note of the Shereefian Government's intention to extend to tobacco of all kinds the monopoly existing in the case of snuff. They reserve the right of their citizens, subjects, and protégés to be duly indemnified for damages which the said monopoly may cause such of them as carry on a tobacco business established under the present system. In case no amicable agreement shall be reached, the damages shall be fixed by experts designated by the Maghzen and the Diplomatic Body, in conformity with the provisions governing expropriation for public purposes.

ART. 74. The principle of awarding contracts on bids without preference of nationality shall be applied to the farming of the monopoly of opium and kiff. The same rule would apply to the tobacco monopoly, if created.

ART. 75. If the occasion should arise to modify any of the provisions of this declaration, the Maghzen and the Diplomatic Body at Tangier shall reach an understanding on this point.

ART. 76. In all the cases provided for by the present declaration where the Diplomatic Body shall be called upon to intervene, except in what concerns articles 64, 70, and 75, the decision shall be reached by a majority of the votes.

## CHAPTER V

### *A regulation concerning the customs of the Empire and the repression of fraud and smuggling*

ART. 77. Every captain of a merchantman coming from a foreign or a Moorish port shall, within twenty-four hours after having been granted free pratique in any of the ports of the Empire, deposit at the customs an exact copy of his manifest, signed by him and certified to by the vessel's consignee.



He shall furthermore, if required to do so, produce before the customs authorities the original of his manifest.

The customs shall have power to station one or more watchmen on board to prevent illicit trade.

ART. 78. The following are exempt from depositing the manifest:

- 1°. Men-of-war or ships chartered for the account of a power;
- 2°. Boats belonging to private individuals for their personal use and never carrying any merchandise;
- 3°. Boats or craft used for shore fisheries;
- 4°. Yachts intended only as pleasure boats and registered as such at their home ports;
- 5°. Ships especially charged with laying down and repairing telegraphic cables;
- 6°. Boats exclusively used in life-saving service;
- 7°. Hospital ships;
- 8°. Training ships of the merchant marine not engaged in commercial operations.

ART. 79. The manifest deposited at the customs shall state the nature and origin of the cargo, with the marks and numbers of the cases, bales, bundles, casks, etc.

ART. 80. If there is serious reason to suspect the accuracy of the manifest, or in case the captain of the ship should refuse to allow the visit and verifications of customs officers, the case shall be brought to the attention of proper consular authority, in order that the latter, in company with a delegate of the Shereefian customs, shall undertake the investigations, visits, and verifications that he may judge necessary.

ART. 81. If after twenty-four hours, as stated in article 77, the captain has not deposited his manifest, he shall incur, unless the delay be a case of *vis major*, a fine of 150 pesetas for each day's delay; provided, however, that the fine shall not exceed 600 pesetas. If the captain has fraudulently presented an inaccurate or incomplete manifest, he shall be personally condemned to pay a sum equal to the value of the merchandise for which he has failed to produce the manifest, and a fine of from 500 to 1,000 pesetas, and the vessel and merchandise shall be further liable to seizure by consular authority as security for such fine.

ART. 82. Any person about to pass through the customs merchandise imported or intended for exportation shall file in the custom-house a detailed statement setting forth the nature, quality, weight, number, measurement, and value of the merchandise, as well as the nature, marks, and numbers of the packages containing the same.

ART. 83. If there should be found at the time of the visit fewer packages or less merchandise than declared, the declarant, unless able to prove that he has acted in good faith, shall pay double duties for the missing merchandise,

and the merchandise presented shall be retained in the customs as security for such double duty. If, on the contrary, there should be found at the time of the visit an excess of packages, or quantity, or weight of the merchandise, this excess shall be seized and confiscated for the benefit of the Maghzen, unless the person making the declaration can prove his good faith.

ART. 84. If the declaration should be found inaccurate as to kind or quality, and the declarant is unable to prove his good faith, the merchandise wrongly declared shall be seized and confiscated by the proper authority for the benefit of the Maghzen.

ART. 85. If the declaration should be found inaccurate as to the declared value, and the declarant should be unable to prove his good faith, the customs may either levy the duty in kind, then and there, or, if the merchandise is indivisible, take the said merchandise by at once paying to the declarant its declared value, plus 5 per cent.

ART. 86. If the declaration should be found false as to the nature of the merchandise the latter shall be considered as not having been declared, and the offense shall fall under articles 88 and 90 hereinbelow, and shall be punished by the penalties provided for in the said articles.

ART. 87. The smuggling, flagrant or attempted, in or out of the country, by land or by sea, of merchandise subject to duty shall be punishable by confiscation of the merchandise, without prejudice to the penalties and fines hereinbelow, which shall be imposed by the proper jurisdiction.

In addition, the conveyances on shore shall be seized and confiscated when smuggled goods form the greater part of the load.

ART. 88. The smuggling, flagrant or attempted, in or out of the country, through a port open to commerce or through a custom-house, shall be punished by a fine not to exceed triple the value of the merchandise so smuggled and by imprisonment of from five days to six months, or by only one of these penalties.

ART. 89. The smuggling, flagrant or attempted, in or out of the country, outside of a port open to commerce or of a custom-house, shall be punished by a fine of from 300 to 500 pesetas, and by an additional fine equal to three times the value of the merchandise, or by imprisonment of from a month to a year.

ART. 90. The accomplices in offenses as provided by articles 88 and 89 shall be liable to the same penalties as the principals. The elements constituting complicity shall be adjudged according to the law of the tribunal in charge of the case.

ART. 91. In the case of smuggling, flagrant or attempted, in or out of the country, by a vessel outside of a port open to commerce, the Moorish customs shall have the right to take such vessel to the nearest port, to be turned over to the consular authority, and the said authority may seize and detain the vessel until it shall have paid the amount of the penalties imposed.

The vessel shall be released at any stage of the action, in so far as the preliminary judicial proceedings are not impeded thereby, upon deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 92. The provisions of the preceding articles are also applicable to coasting vessels.

ART. 93. Such merchandise as is not subject to an export duty, shipped in a Moorish port to be transported by sea to some other port in the Empire, shall be accompanied by a certificate issued by the customs, under penalty of being subjected to the payment of import duties, and even of being confiscated, if not entered in the manifest.

ART. 94. The transportation by coasting vessels of products subject to export duties can only be effected by depositing at the custom-house of the port of departure the amount of export duties on such merchandise and taking receipt therefor.

This money shall be returned to the depositor by the custom-house where it was deposited, on production of a declaration on which the customs certify the arrival of such merchandise and of the receipt for the deposit of the amount of the duties. The documents proving the arrival of the merchandise shall be produced within three months from the time of shipment. After this term, unless the delay be a case of *vis major*, the amount deposited shall become the property of the Maghzen.

ART. 95. The import and export duties shall be paid cash at the custom-house where liquidation has been made. The *ad valorem* duties shall be liquidated according to the cash wholesale value of the merchandise delivered in the custom-house and free from customs duties and storage dues. Damages to the merchandise, if any, shall be taken into account in appraising the depreciation thereby caused. Merchandise can only be removed after the payment of customs duties and storage.

The holding of the goods or the collection of duty shall, in every case, be made the subject of a regular receipt delivered by the officer in charge.

ART. 96. The value of the chief articles of merchandise dutiable in the Moorish customs is to be appraised every year under the conditions specified in the foregoing article by a committee on customs valuations, meeting at Tangier, and consisting of:

- 1°. Three members appointed by the Moorish Government,
- 2°. Three members appointed by the Diplomatic Body at Tangier,
- 3°. One delegate of the State Bank,
- 4°. One agent of the delegation of the 5% Moroccan loan of 1904.

This committee shall appoint from twelve to twenty honorary members resident in Morocco, whom it shall consult when called upon to determine the value, and whenever it may see fit. These honorary members shall be selected from the lists of notables drawn up in the case of foreign subjects by

each legation, and in the case of Moors by the Sultan's representative. They shall be appointed as far as possible in proportion to the importance of the commerce of each nation.

The committee shall be appointed for the term of three years.

The schedule of values fixed by it shall serve as a basis for the appraisals which the administration of Moorish customs shall make in every custom-house. It shall be posted at all custom-houses and in the chanceries of the legations and consulates at Tangier.

The schedule may be revised at the end of six months in case of considerable changes in the values of certain articles.

ART. 97. A permanent committee, to be known as the "Committee of Customs," shall be organized at Tangier and appointed for a term of three years. It shall consist of a special commissioner of His Shereefian Majesty, of a member of the diplomatic or consular body appointed by the Diplomatic Body at Tangier, and of a delegate from the State Bank. It shall be empowered to add to its members, in an advisory capacity, one or more representatives of the customs service.

This committee shall exercise its high supervision over the customs service, and shall have the right to propose to His Shereefian Majesty such measures as are likely to effect improvement in the service and assure the regularity and supervision of operations and collections (landing, shipping, land transportation, handling, the incoming and outgoing of merchandise, storage, appraisal, liquidation and collection of duties). The creation of such a Committee of Customs shall in no way infringe the rights stipulated in favor of the bondholders by articles 15 and 16 in the loan contract of June 12th, 1904.

Instructions to be drawn up by the Committee of Customs and the services interested therein shall determine the details of the enforcement of article 96 and of the present article. They shall be submitted to the advice and consent of the Diplomatic Body.

ART. 98. In custom-houses where sufficient warehouses exist the customs service shall take charge of the disembarked merchandise as soon as it is turned over by the captain of the vessel to the officers in charge of the lighterage, who shall receipt therefor, and until such time as it shall have been regularly cleared from the customs. The customs service is responsible for injuries caused by loss of or damage to merchandise which may be imputed to the fault or negligence of its officers. It is not responsible for damages resulting either from the natural decay of merchandise, or from too lengthy a storage in the warehouse, or from cases of *vis major*.

In custom-houses where there are not sufficient warehouses the agents of the Maghzen are required only to employ such means of preservation as may be at the disposal of the custom-house.

A revision of the storage regulations now in force shall be made under the direction of the Diplomatic Body, whose decisions shall be taken by a majority vote, in concert with the Shereefian Government.

ART. 99. Confiscated merchandise and conveyances shall be sold under direction of the customs service within eight days from the date of final judgment rendered by the competent tribunal.

ART. 100. The net proceeds of the sale of confiscated merchandise and articles become the final property of the State; as to pecuniary fines and compromises thereof, the amount, after deduction of costs of all kinds, shall be divided between the Shereefian Treasury and those who have participated in the repression of fraud or smuggling:

One-third to be distributed by the customs among the informants,  
 One-third to the officers who have seized the goods,  
 One-third to the Moorish Treasury.

If the seizure has been made without the intervention of an informant, one-half the fine shall be awarded to the officers making the seizure and the other half to the Moorish Treasury.

ART. 101. The Moorish customs authorities shall directly inform the diplomatic or consular agents of any violations of this regulation which may have been committed by those under their jurisdiction, in order that they may be prosecuted before the competent court.

Similar violations by Moorish subjects shall be brought directly by the customs before the Shereefian authority.

A delegate of the customs shall be charged to follow the legal proceedings in cases pending before the several jurisdictions.

ART. 102. Every confiscation, fine, or penalty must be imposed on foreigners by consular jurisdiction, and on Moorish subjects by Shereefian jurisdiction.

ART. 103. In the region bordering on Algeria the enforcement of these regulations shall be the exclusive concern of France and Morocco.

The enforcement of these regulations in the Riff and in general in the regions bordering on the Spanish possessions shall likewise be the exclusive concern of Spain and Morocco.

ART. 104. The provisions of the present regulations, other than those relating to penalties, may be revised by unanimous decision of the Diplomatic Body at Tangier and in accord with the Maghzen, at the expiration of a term of two years from the date of their taking effect.

## CHAPTER VI

### *A declaration relative to public services and public works*

ART. 105. With a view to assuring the application of the principle of economic liberty without any inequality, the Signatory Powers declare that none of the public services in the Shereefian Empire can be alienated for the advantage of private interests.

ART. 106. In case the Shereefian Government should invoke the aid of foreign capital or foreign industry for the working of public services or for



the operation of public works, roads, railways, ports, telegraphs, and other public works, the Signatory Powers reserve to themselves the right to see to it that the authority of the State over these great enterprises of general interest remains entire.

ART. 107. The validity of the concessions which may be made under the terms of article 106, as well as for Government supplies, shall, throughout the Shereefian Empire, be subordinated to the principle of public awards on proposals, without preference of nationality, whenever applicable under the rules followed in foreign laws.

ART. 108. As soon as the Shereefian Government shall have decided to invite proposals for execution of public works, it shall so inform the Diplomatic Body. It shall later communicate to it the plans, specifications, and all documents annexed to the call for proposals, in order to enable the nationals of all the Signatory Powers to form a clear idea of the contemplated works and compete for the same. A sufficient term for this shall be specified in the call for proposals.

ART. 109. The specifications shall not contain, either directly or indirectly, any condition or provision which may be prejudicial to free competition and which may give advantage to competitors of one nationality over those of another nationality.

ART. 110. The contracts shall be awarded in the form and according to the general conditions prescribed by the regulations which the Shereefian Government shall draw up with the assistance of the Diplomatic Body.

The contracts shall be awarded by the Shereefian Government to the bidder who, while conforming himself to the specifications, shall have submitted the bid fulfilling the most advantageous general conditions.

ART. 111. The rules of articles 106 to 110 shall be applied to concessions for working cork forests, in accordance with the customary provisions in foreign laws.

ART. 112. The Shereefian firman shall determine the conditions of the concessions and the working of mines and quarries. In the composition of this firman, the Shereefian Government shall be guided by foreign laws relating to such matters.

ART. 113. If in the cases mentioned in articles 106 to 112 it should become necessary to occupy certain property, its expropriation may be effected by previous payment of a fair indemnity, in conformity to the following rules:

ART. 114. Expropriation can only be effected on the ground of public utility and when necessity for the same shall have been ascertained by any administrative investigation, the formalities of which shall be determined by Shereefian regulations drawn up with the assistance of the Diplomatic Body.

ART. 115. If the property holders are Moorish subjects, His Shereefian Majesty shall take the necessary measures, that no hindrance shall impede the execution of works that he shall have declared to be of public utility.

ART. 116. If the owners are foreigners the method of expropriation shall be as follows:

In case of disagreement between the competent administration and the owner of the property to be expropriated, the indemnity shall be fixed by a special jury, or, if the occasion arises, by arbitration.

ART. 117. This jury shall be composed of six expert appraisers, three to be selected by the owner, three by the administration desiring to expropriate. A majority vote shall rule.

If there be no majority, the owner and the administration shall each appoint an arbitrator, and the two arbitrators shall name an umpire.

In case no agreement can be reached in selecting an umpire he shall be appointed by the Diplomatic Body at Tangier.

ART. 118. The arbitrators shall be selected from a list drawn up at the beginning of each year by the Diplomatic Body, and they shall be selected, as far as possible, from experts not living within the district in which the work is to be carried out.

ART. 119. The owner may appeal from the arbitrators' decision to a competent jurisdiction, and in accordance with the rules set for arbitration cases by the law of the country to which he belongs.

## CHAPTER VII

### *General provisions*

ART. 120. With a view to harmonizing its legislation, if the occasion arises, with the engagements contracted under the present General Act, each of the Signatory Powers engages to take the necessary steps leading to the enactment of such legislation as may be necessary so far as it is concerned.

ART. 121. The present General Act shall be ratified according to the constitutional laws of each state. The ratifications shall be deposited at Madrid as soon as practicable, and at the latest by December thirty-first, one thousand nine hundred and six.

A procès-verbal shall be made of such deposit and a certified copy sent to each of the Signatory Powers through the diplomatic channel.

ART. 122. The present General Act shall enter into effect as soon as all the ratifications shall have been deposited, and at the latest on December thirty-first, one thousand nine hundred and six.

In case the special legislative measures which may be necessary in certain countries to insure the application to their nationals living in Morocco of certain stipulations of this present General Act shall not have been enacted by the date fixed for ratification, these stipulations shall only become applicable in respect to them after the legislative measures above referred to shall have been promulgated.

ART. 123 and last. All treaties, conventions, and arrangements of the Signatory Powers with Morocco remain in force. It is understood, however,



that in case of conflict between their provisions and those of the present General Act, the stipulations of the latter shall prevail.

In faith whereof, the Delegates Plenipotentiary have signed the present General Act and have affixed their seals thereto.

Done at Algeciras this seventh day of April, one thousand nine hundred and six, in a single copy, which shall remain deposited in the archives of the Government of His Catholic Majesty, and of which certified copies shall be transmitted through the diplomatic channel to the Signatory Powers.

For Germany:		For Great Britain:	
RADOWITZ	[SEAL]	A. NICOLSON	[SEAL]
TATTENBACH	[SEAL]	For Italy:	
For Austria-Hungary:		VISCONTI VENOSTA	[SEAL]
WELSERSHEIMB	[SEAL]	G. MALMUSI	[SEAL]
BOLESTA-KOZIEBRODZKI	[SEAL]	For Morocco: *	
For Belgium:			
JOOSTENS	[SEAL]	For the Netherlands:	
COMTE CONRAD DE BUISSERET	[SEAL]	H. TESTA	[SEAL]
For Spain:		For Portugal:	
EL DUQUE DE ALMODÓVAR	[SEAL]	CONDE DE TOVAR	[SEAL]
DEL RÍO		CONDE DE MARTENS FERRÃO	[SEAL]
J. PÉREZ-CABALLERO	[SEAL]	For Russia:	
For the United States of America: With reservation of the declaration made in the plenary session of the conference on April 7, 1906. <sup>6</sup>		CASSINI	[SEAL]
HENRY WHITE	[SEAL]	BASILE BACHERACHT	[SEAL]
SAMUEL R. GUMMERÉ	[SEAL]	For Sweden:	
For France:		ROBERT SAGER	[SEAL]
RÉVOIL	[SEAL]		
REGNAULT	[SEAL]		

#### ADDITIONAL PROTOCOL

On the point of signing the General Act of the Conference of Algeciras, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden,

Taking into account the declaration of the delegates of Morocco that they were not, for the present, in position to affix their signatures thereto, they being unable, owing to the distance, to receive an early reply from His Shereefian Majesty concerning the points in regard to which they deemed it their duty to refer to Him,

Reciprocally engage, by virtue of their respective full powers, to unite their

<sup>5</sup> For text, see footnote 2, p. 464.

<sup>6</sup> The ratification of the General Act in its entirety by the Sultan of Morocco on June 18, 1906, had the "same force as if the delegates of Morocco had affixed their signatures to the General Act" (see additional protocol).

efforts towards the ratification of the said General Act in its entirety by His Shereefian Majesty and towards the simultaneous enforcement of the reforms therein provided which are interdependent.

They therefore agree to charge His Excellency Mr. Malmusi, Minister of Italy to Morocco and Dean of the Diplomatic Corps at Tangier, to take the necessary steps to that end by calling the attention of His Majesty the Sultan to the great advantages that His Empire would derive from the stipulations adopted at the conference by the unanimous action of the Signatory Powers.

The adhesion given by His Shereefian Majesty to the General Act of the Conference of Algeciras shall be communicated through the Government of His Catholic Majesty to the Governments of the other Signatory Powers. This adhesion shall have the same force as if the delegates of Morocco had affixed their signatures to the General Act and will take the place of ratification by His Shereefian Majesty.

In witness whereof, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden have signed the present additional protocol and affixed their seals thereto.

Done at Algeciras on the seventh day of April, one thousand nine hundred and six, in a single copy, which shall remain filed in the archives of the Government of His Catholic Majesty, and of which certified copies shall be delivered to the Signatory Powers through the diplomatic channel.

For Germany:

RADOWITZ [SEAL]  
TATTENBACH [SEAL]

For Austria-Hungary:

WELSERSHEIMB [SEAL]  
BOLESTA-KOZIEBRODZKI [SEAL]

For Belgium:

JOOSTENS [SEAL]  
COMTE CONRAD DE BUISSERET [SEAL]

For Spain:

EL DUQUE DE ALMODÓVAR [SEAL]  
DEL RÍO  
J. PÉREZ-CABALLERO [SEAL]

For the United States of America: With reservation of the declaration made in the plenary session of the conference on April 7, 1906.<sup>7</sup>

HENRY WHITE [SEAL]  
SAMUEL R. GUMMERÉ [SEAL]

For France:

RÉVOIL [SEAL]  
REGNAULT [SEAL]

For Great Britain:

A. NICOLSON [SEAL]

For Italy:

VISCONTI VENOSTA [SEAL]  
G. MALMUSI [SEAL]

For the Netherlands:

H. TESTA [SEAL]

For Portugal:

CONDE DE TOVAR [SEAL]  
CONDE DE MARTENS FERRÃO [SEAL]

For Russia:

CASSINI [SEAL]  
BASILE BACHERACHT [SEAL]

For Sweden:

ROBERT SAGER [SEAL]

<sup>7</sup> For text, see footnote 2, p. 464.

## UNIVERSAL POSTAL UNION

*Convention and final protocol signed at Rome May 26, 1906*<sup>1</sup>

*Ratified and approved by the Postmaster General of the United States  
October 13, 1906*

*Approved by the President of the United States October 16, 1906*

*Entered into force October 1, 1907*

*Terminated by convention of November 30, 1920*<sup>2</sup>

35 Stat. 1639; Post Office Department print

[TRANSLATION]

### CONVENTION

Universal Postal Convention concluded between Germany and German Protectorates, United States of America and the Island Possessions of the United States of America, Argentine Republic, Australia, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Chili, Chinese Empire, Republic of Colombia, Congo Free State, Empire of Corea, Republic of Costa Rica, Crete, Republic of Cuba, Denmark and Danish Colonies, Dominican Republic, Egypt, Ecuador, Spain and Spanish Colonies, Ethiopian Empire, France, Algeria, French Colonies and Protectorates of Indo-China, the whole of the other French Colonies, Great Britain and various British Colonies, British India, the Commonwealth of Australia, Canada, New Zealand, British Colonies of South Africa, Greece, Guatemala, Republic of Hayti, Republic of Honduras, Hungary, Italy and the Italian Colonies, Japan, Republic of Liberia, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Republic of Panama, Paraguay, Netherlands, the Dutch Colonies, Peru, Persia, Portugal and Portuguese Colonies, Roumania, Russia, Salvador, Servia, Kingdom of Siam, Sweden, Switzerland, Tunis, Turkey, Uruguay, and United States of Venezuela.

The undersigned, plenipotentiaries of the Governments of the above-named countries, being assembled in Congress at Rome, by virtue of Article 25 of the Universal Postal Convention concluded at Washington on the 15th of June, 1897,<sup>3</sup> have, by common consent and subject to ratification, revised the said Convention in conformity with the following stipulations:

<sup>1</sup> For text of regulations for execution of the convention, see 35 Stat. 1679.

<sup>2</sup> *Post*, vol. 2.

<sup>3</sup> *Ante*, p. 206.

## ARTICLE 1

*Definition of the Postal Union*

The countries between which the present Convention is concluded, as well as those which may adhere to it hereafter, form, under the title of Universal Postal Union, a single postal territory for the reciprocal exchange of correspondence between their Post Offices.

## ARTICLE 2

*Articles to which the Convention applies*

The stipulations of this Convention extend to letters, post cards, both single and with reply paid, printed papers of every kind, commercial papers, and samples of merchandise originating in one of the countries of the Union and intended for another of those countries. They also apply to the exchange by mail of the articles above-mentioned between the countries of the Union and countries foreign to the Union, whenever the services of two of the contracting parties at least are used for that exchange.

## ARTICLE 3

*Conveyance of mails between contiguous countries; third services*

1. The Postal Administrations of contiguous countries or countries able to correspond directly with each other without availing themselves of the services of a third Administration determine, by common consent, the conditions of the conveyance of the mails which they exchange across the frontier or from one frontier to the other.

2. In the absence of any contrary arrangement, the direct sea conveyance between two countries by means of Packets or vessels depending upon one of them is considered as a third service; and this conveyance, as well as any performed between two Offices of the same country, by the medium of sea or territorial services maintained by another country, is regulated by the stipulations of the following Article.

## ARTICLE 4

*Transit rates*

1. The right of transit is guaranteed throughout the entire territory of the Union.

2. Consequently, the several Postal Administrations of the Union may send reciprocally through the medium of one or of several of them, either closed mails or articles in open-mail, according to the needs of the traffic and the convenience of the postal service.

3. Articles exchanged in closed mails between two Administrations of the Union, by means of the services of one or of several other Administrations of the Union are subject to the following transit charges to be paid to each

of the countries traversed or whose services participate in the conveyance, viz.:

1° For territorial transits:

- a. 1 franc 50 centimes per kilogramme of letters and post cards and 20 centimes per kilogramme of other articles, if the distance traversed does not exceed 3,000 kilometres;
- b. 3 francs per kilogramme of letters and post cards and 40 centimes per kilogramme of other articles, if the distance traversed exceeds 3,000 kilometres but does not exceed 6,000 kilometres;
- c. 4 francs 50 centimes per kilogramme of letters and post cards and 60 centimes per kilogramme of other articles, if the distance traversed exceeds 6,000 kilometres but does not exceed 9,000 kilometres;
- d. 6 francs per kilogramme of letters and post cards and 80 centimes per kilogramme of other articles if the distance traversed exceeds 9,000 kilometres.

2° For sea transits:

- a. 1 franc 50 centimes per kilogramme of letters and post cards and 20 centimes per kilogramme of other articles if the distance traversed does not exceed 300 nautical miles. Sea conveyance over a distance not exceeding 300 nautical miles is, however, gratuitous if the Administration concerned already receives, on account of the mails conveyed, the remuneration applicable to territorial transit;
- b. 4 francs per kilogramme of letters and post cards and 50 centimes per kilogramme of other articles, exchanged over a distance exceeding 300 nautical miles between European countries, between Europe and ports of Africa and Asia on the Mediterranean and the Black Sea, or between one of these ports and another, and between Europe and North America. The same rates are applicable to conveyance, by services open to the whole Union, between two ports of a single State, as well as between the ports of two States served by the same line of Packets when the sea transit involved does not exceed 1,500 nautical miles;
- c. 8 francs per kilogramme of letters and post cards and 1 franc per kilogramme of other articles, for all transits not included in the categories given above in paragraphs *a* and *b*.

In the case of sea conveyance effected by two or more Administrations, the charges paid for the entire transit cannot exceed 8 francs per kilogramme of letters and post cards, and 1 franc per kilogramme of other articles; these charges are, when occasion arises, shared between the Administrations participating in the service, in proportion to the distances traversed, without

prejudice to any other arrangement which may be made between the parties interested.

4. Correspondence exchanged in open-mail between two Administrations of the Union are subject to the following transit charges per article, and irrespective of weight or destination, namely:

letters . . . . .	6	centimes each;
post cards . . . . .	2½	centimes each;
other articles . . . . .	2½	centimes each.

5. The transit rates specified in the present article do not apply to conveyance within the Union by means of extraordinary services specially established or maintained by one Administration at the request of one or several other Administrations. The conditions of this category of conveyance are regulated by mutual consent between the Administrations concerned.

Moreover, in all cases where the transit, either by land or by sea, is at present gratuitous or subject to more advantageous conditions, such state of things is maintained.

Nevertheless, territorial transit services exceeding 3,000 kilometres may profit by the provisions of paragraph 3 of the present Article.

6. The expenses of transit are borne by the Administration of the country of origin.

7. The general accounting for those expenses takes place on the basis of statements prepared once in every six years, during a period of 28 days to be determined in the Detailed Regulations <sup>4</sup> provided for in Article 20 hereafter.

For the period between the date on which the Convention of Rome comes into force and the date on which the transit statistics mentioned in the Detailed Regulations provided for in Article 20 become operative, transit rates will be paid in accordance with the stipulations of the Convention of Washington.

8. The articles mentioned in paragraphs 3 and 4 of Article 11 hereafter, the reply halves of double postcards returned to the country of origin, articles re-directed or missent, undelivered articles, advices of delivery, post office money orders, and all other documents relative to the postal services are exempt from all charges for territorial or sea transit.

9. When the annual balance of the Transit Accounts between two Administrations does not exceed 1,000 francs, the debtor Administration is relieved of all payment on that account.

## ARTICLE 5

### *Rates of postage and general conditions*

1. The rates of postage for the conveyance of postal articles throughout the entire extent of the Union, including their delivery at the residence of the

<sup>4</sup> See footnote 1, p. 492.



addressees in the countries of the Union where a delivery is or shall be organised, are fixed as follows:

- 1° For letters, 25 centimes in case of prepayment, and double that amount in the contrary case, for each letter not exceeding 20 grammes in weight, and 15 centimes in case of prepayment, and double that amount in the contrary case, for every weight of 20 grammes or fraction of 20 grammes above the initial weight of 20 grammes;
- 2° For post cards, in case of prepayment, 10 centimes for single cards or for each of the two halves of reply post cards, and double that amount in the contrary case;
- 3° For printed papers of every kind, commercial papers, and samples of merchandise, 5 centimes for each article or packet bearing a particular address and for every weight of 50 grammes or fraction of 50 grammes, provided that such article or packet does not contain any letter or manuscript note having the character of actual and personal correspondence, and that it be made up in such a manner as to admit of its being easily examined.

The charge on commercial papers cannot be less than 25 centimes per packet, and the charge on samples cannot be less than 10 centimes per packet.

2. In addition to the rates fixed by the preceding paragraph there may be levied:

- 1° For every article subject to the sea transit charges prescribed in paragraph 3, 2°, c, of Article 4, and in all the relations to which these transit rates are applicable, a uniform surtax which may not exceed 25 centimes per single rate for letters, 5 centimes per post card, and 5 centimes per 50 grammes or fraction of 50 grammes for other articles.
- 2° For every article conveyed by means of services maintained by Administrations foreign to the Union, or of extraordinary services in the Union giving rise to special expenses, a surcharge in proportion to those expenses.

When the rate of prepayment for the single post card comprises one or other of the surcharges authorised in the two preceding paragraphs, the same rate is applicable to each half of the reply-paid post card.

3. In case of insufficient prepayment, correspondence of every kind is liable to a charge equal to double the amount of the deficiency, to be paid by the addressees; but that charge may not exceed that which is levied in the country of destination on unpaid correspondence of the same nature, weight, and origin.

4. Articles other than letters and post cards must be prepaid at least partly.



5. Packets of samples of merchandise may not contain any article having a saleable value; they must not exceed 350 grammes in weight, or measure more than 30 centimetres in length, 20 centimetres in breadth, and 10 centimetres in depth, or, if they are in the form of a roll, 30 centimetres in length and 15 centimetres in diameter.

6. Packets of commercial papers and printed papers may not exceed 2 kilogrammes in weight, or measure more than 45 centimetres in any direction. Packets in the form of a roll may, however, be allowed to pass through the post so long as they do not exceed 10 centimetres in diameter and 75 centimetres in length.

7. Stamps or forms of prepayment obliterated or not, as well as all printed papers constituting the sign of a monetary value, save the exceptions authorised by the Detailed Regulations provided for in Article 20 of the present Convention are excluded from transmission at the reduced rate.

#### ARTICLE 6

##### *Registered articles; return-receipts; requests for information*

1. The articles specified in Article 5 may be registered.

The reply halves of reply-paid post cards cannot, however, be registered by the original senders of such cards.

2. Every registered article is liable, at the charge of the sender :

1° To the ordinary prepaid rate of postage on the article, according to its nature;

2° To a fixed registration fee of 25 centimes at most, including a receipt given to the sender.

3. The sender of a registered article may obtain an advice of the delivery of such article, by paying, at the time when he asks for such an advice, a fixed fee of 25 centimes at most. The same fee may be charged for enquiries concerning registered articles, if the sender has not already paid the special fee for an advice of delivery.

#### ARTICLE 7

##### *Articles marked with trade charges*

1. Registered articles may be sent marked with trade charges to be collected on delivery between countries of which the Administrations agree to provide this service.

These articles are subject to the same regulations and rates as registered articles.

The maximum trade charge which may be collected on any one registered article is fixed at 1,000 francs or at the equivalent of that sum.

2. In the absence of any contrary arrangement between the Administrations of the countries concerned, the amount collected from the addressee is

to be transmitted to the sender by means of a money order, after deducting a commission of 10 centimes for the service of collection and the ordinary rate chargeable for money orders calculated on the amount of the balance.

The amount of an undeliverable money order of this kind remains at the disposal of the Administration of the country in which the article marked with a trade charge originated.

3. For the loss of a registered article marked with a trade charge the responsibility of the postal service is fixed under the conditions laid down in Article 8 hereafter for registered articles not marked with trade charges.

After the delivery of the article the Administration of the country of destination is responsible for the amount of the trade charge, unless it can prove that the conditions prescribed for such articles by the Detailed Regulations contemplated in Article 20 of the present Convention have not been fulfilled. Nevertheless the omission from the Letter Bill of the entry "Remb." and of the amount of the trade charge does not affect the responsibility of the Administration of the Country of destination for failing to collect the amount.

#### ARTICLE 8

##### *Responsibility for registered articles*

1. In case of the loss of a registered article, and except in cases beyond control, the sender, or at the request of the sender, the addressee is entitled to an indemnity of 50 francs.

2. Countries prepared to undertake risks arising from causes beyond control are authorised to collect from the sender on this account a supplementary rate of not more than 25 centimes for each registered article.

3. The obligation of paying the indemnity rests with the Administration to which the despatching office is subordinate. To that Administration is reserved a remedy against the Administration responsible, that is to say, against the Administration on the territory or in the service of which the loss took place.

In case of the loss, under circumstances beyond control, on the territory or in the service of a country undertaking the risks mentioned in the preceding paragraph, of a registered article sent from another country, the country where the loss occurred is responsible for it to the despatching Office, if the latter undertake risks in cases beyond control in dealing with its own public.

4. Until the contrary be proved, the responsibility rests with the Administration which, having received the article without making any observation, cannot establish the delivery to the addressee or the regular transfer to the following Administration, as the case may be. For articles addressed "Poste Restante," or held at the disposition of the addressees, the responsibility ceases on delivery to a person who has proved his identity according to the rules in force in the country of destination, and whose name and description correspond to those indicated in the address.

5. The payment of the indemnity by the despatching Office ought to take place as soon as possible, and at the latest within a year of the date of the application. The responsible Office is bound to refund to the despatching Office, without delay, the amount of the indemnity paid by the latter.

The Office of origin is authorised to make payment to the sender on account of the Office, whether intermediate or of destination, which, after application has been made in due course, has let a year pass without settling the matter. Moreover, in cases where an Office whose responsibility is duly established has at the outset declined to pay the indemnity such Office must take upon itself, in addition to the indemnity, the subsidiary expenses resulting from the unwarranted delay in payment.

6. It is understood that the application for an indemnity is only entertained if made within a year of the posting of the registered article; after this term the applicant has no right to any indemnity.

7. If the loss has occurred in course of conveyance without its being possible to ascertain on the territory or in the service of what country the loss took place, the Administrations concerned bear the loss in equal shares.

8. Administrations cease to be responsible for registered articles for which the owners have given a receipt and accepted delivery.

#### ARTICLE 9

##### *Withdrawal of articles; correction of address, etc.*

1. The sender of a letter or other article can have it withdrawn from the post or have its address altered, so long as such article has not been delivered to the addressee.

2. The request for such withdrawal is sent by mail or by telegraph at the expense of the sender, who must pay as follows:

- 1° For every request by mail, the amount payable for a registered single letter;
- 2° For every request by telegraph, the charge for a telegram according to the ordinary tariff.

3. The sender of a registered article marked with a trade charge can, under the conditions laid down for requests for alteration of address, demand the total or partial cancelling of the amount of the trade charge.

4. The stipulations of this Article are not obligatory for countries of which the legislation does not permit the sender to dispose of an article in its course through the post.

#### ARTICLE 10

##### *Fixing of rates in money other than the franc*

Those countries of the Union which have not the franc for their monetary unit fix their charges at the equivalents, in their respective currencies, of the

rates determined by the various Articles of the present Convention. Such countries have the option of rounding fractions in conformity with the table inserted in the Detailed Regulations mentioned in Article 20 of the present Convention.

The Administrations which maintain post offices forming part of the Union in non-Union countries fix their rates in the local currency, in the same manner. When two or several Administrations maintain such offices in the same non-Union country, the local equivalents to be adopted by all such offices are fixed by mutual arrangement between the Administrations concerned.

#### ARTICLE 11

##### *Prepayment; reply coupons; exemptions from postage*

1. Prepayment of postage on every description of article can be effected only by means of postage stamps valid in the country of origin for the correspondence of private individuals. It is not, however, permitted to make use, in the international service, of postage stamps produced with an object special and peculiar to the country of issue, such as the so-called commemorative postage stamps of temporary validity.

Reply post cards bearing postage stamps of the country in which these cards were issued are considered as duly prepaid, as also are newspapers or packets of newspapers without postage stamps but with the superscription "Abonnements-poste" (subscription by mail), which are sent in virtue of the Special Arrangement for newspaper subscriptions, provided for in Article 19 of the present Convention.

2. Reply coupons can be exchanged between the countries of which the Administrations have agreed to participate in such exchange. The minimum selling price of a reply coupon is 28 centimes, or the equivalent of this sum in the money of the country which sells it.

This coupon is exchangeable in all countries parties to the arrangement for a postage stamp of 25 centimes or the equivalent of that sum in the money of the country where the exchange is requested. The Detailed Regulations contemplated in Article 20 of the Convention determine the other conditions of this exchange, and in particular the intervention of the International Bureau in manufacturing, supplying, and accounting for the coupons.

3. Official correspondence relative to the Postal Service exchanged between Postal Administrations, between these Administrations and the International Bureau, and between Post Offices in Union countries, is exempt from prepayment by means of ordinary postage stamps, and is free from liability to charge.

4. The same privilege is accorded to correspondence concerning prisoners of war, despatched or received, either directly or, as intermediary, by the special Information Offices established on behalf of such persons in bellig-

erent countries or in neutral countries which have received belligerents on their territories.

Correspondence intended for prisoners of war or despatched by them is likewise exempt from all postal charges, not only in the countries of origin and destination, but in intermediary countries.

Belligerents received and held in a neutral country are assimilated to prisoners of war, properly so-called in so far as the application of the above-mentioned stipulations is concerned.

5. Articles posted on the high seas in the letter box on board a vessel or placed in the hands of postal agents on board or of the commanders of ships may be prepaid by means of the postage stamps, and according to the tariff of the country to which the said vessel belongs or by which it is maintained. If the mailing on board takes place during the stay at one of the two terminal points of the voyage or at any intermediate port of call, prepayment can only be effected by means of the postage stamps and according to the tariff of the country in the waters of which the vessel happens to be.

#### ARTICLE 12

##### *Postage kept by collecting country*

1. Each Administration keeps the whole of the sums which it collects by virtue of the foregoing Articles 5, 6, 7, 10, and 11, exceptions being made in the case of the credit due for the money orders referred to in paragraph 2 of Article 7, and also in regard to reply coupons (Article 11).

2. Consequently, there is no necessity under this head for any accounts between the several Administrations of the Union, subject always to the reservations made in paragraph 1 of the present Article.

3. Letters and other postal articles cannot be subjected, either in the country of origin or in that of destination, to any postal tax or postal fee at the expense of the senders or addressees other than those contemplated by the Articles above mentioned.

#### ARTICLE 13

##### *Special-delivery articles*

1. At the request of the senders, all classes of articles are delivered at the addresses by a special messenger immediately on arrival, in those countries of the Union which consent to undertake this service in their reciprocal relations.

2. Such articles, which are marked "express," are subject to a special charge for delivery; this charge is fixed at 30 centimes, and must be fully paid in advance by the sender, in addition to the ordinary postage. It belongs to the Administration of the country of origin.

3. When an article is destined for a place where there is no Post Office authorised to deliver correspondence by express messenger the Postal Admin-

istration of the country of destination can levy an additional charge up to the amount of the fee fixed for express delivery in its inland service, less the fixed charge paid by the sender, or its equivalent in the money of the country which levies this additional charge.

The additional charge provided for above is recoverable in case of redirection or non-delivery, and is retained by the Administration which has raised it.

4. "Express" articles upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means, unless they have been treated as expressed by the Office of origin.

#### ARTICLE 14

##### *Reforwarding; undelivered articles*

1. No additional postage is charged for the reforwarding of postal articles within the Union.

2. Undelivered articles do not, when returned, give rise to the restitution of the transit charges due to intermediate Administrations for the previous conveyance of such correspondence.

3. Unpaid letters and post cards and insufficiently paid articles of every description, which are returned to the country of origin as redirected or as undeliverable, are liable, at the expense of the addressees or senders, to the same rates as similar articles addressed directly from the country of the first destination to the country of origin.

#### ARTICLE 15

##### *Mails exchanged with warships*

1. Closed mails may be exchanged between the Post Offices of any one of the contracting countries and the commanding officers of naval divisions or ships of war of the same country stationed abroad, or between the commanding officer of one of those naval divisions or ships of war and the commanding Officer of another division or ship of the same country, through the medium of the sea or land services maintained by other countries.

2. Articles of every description enclosed in these mails must consist exclusively of such as are addressed to or sent by the officers and crews of the ships to or from which the mails are forwarded; the rates and conditions of despatch applicable to them are determined, according to its internal regulations, by the Postal Administration of the country to which the ships belong.

3. In the absence of any arrangement to the contrary between the Offices concerned, the Post Office which despatches or receives the mails in question is accountable to the intermediate offices for transit charges calculated in accordance with the stipulations of Article 4.



## ARTICLE 16

*Prohibitions*

1. Commercial papers, samples, and printed papers which do not fulfil the conditions laid down for articles of these categories in Article 5 of the present Convention and in the Regulations contemplated in Article 20 are not to be forwarded.

2. If occasion arise, these articles are sent back to the Post Office of origin and returned, if possible, to the sender, save where, in the case of articles prepaid at least partially, the Administration of the country of destination is authorised by its laws or by its internal regulations to deliver them.

3. It is forbidden:

1° To send by post:

- (a) Samples and other articles which, from their nature, may expose the postal officials to danger or soil or damage the correspondence.
- (b) Explosive, inflammable, or dangerous substances; animals and insects, living or dead, except in the cases provided for in the Regulations contemplated in Article 20 of the Convention;

2° To insert in ordinary or registered correspondence, consigned to the post:

- (a) Coin;
- (b) Articles liable to Customs duty;
- (c) Articles of gold and silver, precious stones, jewelry and other precious articles, but only where their insertion or transmission is forbidden by the legislation of the countries concerned;
- (d) Any articles whatsoever of which the importation or circulation is prohibited in the country of destination.

4. Packets falling under the prohibitions of the foregoing paragraph 3, which have been erroneously admitted to transmission, should be returned to the Post Office of origin, except in cases where the Administration of the country of destination is authorised by its laws or by its internal regulations to dispose of them otherwise.

Explosive, inflammable, or dangerous substances, however, are not returned to the country of origin; they are destroyed on the spot under the direction of the Administration which has detected their presence.

5. The right is, moreover, reserved to the Government of every country of the Union to refuse to convey over its territory, or to deliver, articles passing at reduced rates in regard to which the laws, ordinances, or decrees which regulate the conditions of their publication or circulation in that country have not been complied with, or correspondence of any kind bearing ostensibly inscriptions, designs, etc., forbidden by the legal enactments or regulations in force in the same country.



## ARTICLE 17

*Relations with countries outside the Union*

1. Offices of the Union which have relations with countries situated outside the Union are to lend their assistance to all the other Offices of the Union:

- 1° For the transmission, by their services, either in open-mail or in closed mails, if this method of transmission is admitted by mutual agreement between the Offices of origin and destination of the mails, of articles addressed to or originating in Countries outside the Union;
- 2° For the exchange of articles either in open-mail or in closed mails across the territories or by means of services maintained by the said Countries outside the Union;
- 3° That the articles conveyed may be subject outside the Union, as within the Union, to the transit rates determined by Article 4.

2. The charges for the total sea transit, within and without the Union, may not exceed 15 francs per kilogramme of letters and post cards and 1 franc per kilogramme of other articles. If occasion arise these charges are divided, in the ratio of distances, between the Offices taking part in the sea conveyance.

3. The charges for transit, by land or sea, without as well as within the limits of the Union, on the articles to which the present Article applies are established in the same manner as the transit charges relating to articles exchanged between Union countries by means of the services of other countries of the Union.

4. The transit charges on articles for countries outside the Postal Union are payable by the Office of the country of origin, which fixes the postage rates in its services for the said articles, but these rates may not be lower than the normal Union tariff.

5. The transit charges on articles originating in countries outside the Union are not payable by the Office of the country of destination. That Office delivers without charge articles transmitted to it as fully prepaid; it charges unpaid articles double the prepaid rate applicable in its own service to similar articles addressed to the country where the said articles originate, and insufficiently prepaid articles double the deficiency; but the charge may not exceed that which is levied on unpaid articles of the same nature, weight, and origin.

6. With regard to responsibility in the matter of registered articles, the articles are treated:

For transmission within the limits of the Union in accordance with the stipulations of the present Convention;

For transmission without the limits of the Union in accordance with the conditions notified by the Office of the Union which serves as the intermediate Office.

## ARTICLE 18

*Counterfeit postage stamps*

The high contracting parties undertake to adopt, or to propose to their respective legislatures, the necessary measures for punishing the fraudulent use of counterfeit postage stamps or stamps already used for the prepayment of correspondence. They also undertake to adopt, or to propose to their respective legislatures, the necessary measures for prohibiting and repressing the fraudulent manufacture, sale, offering for sale, or distribution of embossed and adhesive stamps in use in the postal service, forged or imitated in such a manner as to be mistakable for the embossed and adhesive stamps issued by the Administration of any one of the contracting countries.

## ARTICLE 19

*Special arrangements for particular services*

The services concerning letters and boxes of declared value, postal money orders, postal parcels, collection of bills and drafts, certificates of identity, subscriptions to newspapers, etc., form the subject of special arrangements between the various countries or groups of countries composing the Union.

## ARTICLE 20

*Regulations of Execution; special agreement between Administrations*

1. The Postal Administrations of the various countries composing the Union are competent to draw up, by common consent, in the form of Regulations of Execution, all the measures of order and detail which are judged necessary.

2. The several Administrations may, moreover, make amongst themselves the necessary arrangements on the subject of questions which do not concern the Union generally, provided that those arrangements do not derogate from the present Convention.

3. The Administrations concerned are, however, permitted to come to mutual arrangements for the adoption of lower rates of postage within a radius of 30 kilometres.

## ARTICLE 21

*Internal laws; restricted unions*

1. The present Convention does not involve alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

2. It does not restrict the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted Unions, with a view to the reduction of postage rates or to any other improvement of postal relations.

## ARTICLE 22

*International Bureau*

1. Under the name of the International Bureau of the Universal Postal Union a central Office is maintained which is conducted under the supervision of the Swiss Postal Administration, and of which the expenses are borne by all the Administrations of the Union.

2. This Bureau is charged with the duty of collecting, collating, publishing, and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known proposals for modifying the acts of the Congress; of notifying alterations adopted; and, in general, of taking up such studies and labours as may be confided to it in the interest of the Postal Union.

## ARTICLE 23

*Disputes to be settled by arbitration*

1. In case of disagreement between two or more members of the Union as to the interpretation of the present Convention, or as to the responsibility resting on an Administration by the application of the said Convention, the question in dispute is decided by arbitration. To that end each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

2. The decision of the arbitrators is given by an absolute majority of votes.

3. In case of an equality of votes the arbitrators choose, with the view of settling the difference, another Administration equally uninterested in the question in dispute.

4. The stipulations of the present Article apply equally to all the Agreements concluded by virtue of the foregoing Article 19.

## ARTICLE 24

*Adhesions to the Convention*

1. Countries which have not taken part in the present Convention are admitted to adhere to it upon their demand.

2. This adhesion is notified through the diplomatic channel to the Government of the Swiss Confederation, and by that Government to all the countries of the Union.

3. It implies, as a right, accession to all the clauses and admission to all the advantages stipulated by the present Convention.

4. It devolves upon the Government of the Swiss Confederation to determine, by common consent with the Government of the country concerned, the share to be contributed by the Administration of this latter country.

towards the expenses of the International Bureau, and, if necessary, the rates to be levied by that Administration in conformity with the foregoing Article 10.

## ARTICLE 25

### *Congresses and Conferences*

1. Congresses of plenipotentiaries of the contracting countries, or simple administrative Conferences, according to the importance of the questions to be solved, are held, when a demand for them is made or approved by two-thirds, at least, of the Governments or Administrations, as the case may be.

2. A Congress shall, in any case, be held not later than five years after the date of the entry into force of the Acts concluded at the last Congress.

3. Each country may be represented either by one or several delegates, or by the delegation of another country. But it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the country they represent.

4. In the deliberations each country has one vote only.

5. Each Congress settles the place of meeting of the next Congress.

6. For Conferences, the Administrations settle the places of meeting on the proposal of the International Bureau.

## ARTICLE 26

### *Proposals made between Congresses*

1. In the interval which elapses between the meetings, any postal Administration of a country of the Union has the right to address to the other Administrations belonging to it, through the medium of the International Bureau, proposals concerning the *régime* of the Union.

In order to be considered, every proposal must be supported by at least two Administrations, without counting that from which the proposal emanates. When the International Bureau does not receive, at the same time as the proposal, the necessary number of declarations of support, the proposal falls.

2. Every proposal is subject to the following procedure:

A period of six months is allowed to the Administrations of the Union to examine the proposals and to communicate their observations, if any, to the International Bureau. Amendments are not admitted. The answers are tabulated by the International Bureau, and communicated to the Administrations, with an invitation to declare themselves for or against. Those who have not furnished their vote within a period of six months, counting from the date of the second circular of the International Bureau notifying to them the observations which have been received, are considered as abstaining.

3. In order to become binding, the proposals must obtain:

- 1° Unanimity of votes if they involve the addition of new stipulations or any modification of the stipulations of the present Article or of Articles 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15, 18, 27, 28, and 29;
- 2° Two-thirds of the votes if they involve a modification of the stipulations of the Convention other than those of Articles 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15, 18, 26, 27, 28, and 29;
- 3° Simply an absolute majority, if they affect the interpretation of the stipulations of the Convention, except in the case of dispute contemplated by the foregoing Article 23.

4. Resolutions duly adopted are sanctioned in the first two cases, by a diplomatic declaration, which the Government of the Swiss Confederation is charged with the duty of preparing and transmitting to all the Governments of the contracting countries, and in the third case by a simple notification from the International Bureau to all the Administrations of the Union.

5. No modification or resolution adopted is binding until at least three months after its notification.

#### ARTICLE 27

##### *Protectorates and colonies included in the Union*

For the application of the foregoing Articles 22, 25 and 26, the following are considered as forming a single country or Administration, as the case may be:

- 1° The German Protectorates of Africa;
- 2° The German Protectorates of Asia and Australasia;
- 3° The Empire of British India;
- 4° The Dominion of Canada;
- 5° The Commonwealth of Australia with British New Guinea;
- 6° The whole of the British Colonies and Protectorates of South Africa;
- 7° The whole of all the other British Colonies;
- 8° The whole of the Island possessions of the United States of America, comprising at present the islands of Hawaii, the Philippine islands and the islands of Porto-Rico and of Guam;
- 9° The whole of the Danish Colonies;
- 10° The whole of the Spanish Colonies;
- 11° Algeria;
- 12° The French Colonies and Protectorates in Indo-China;
- 13° The whole of the other French Colonies;
- 14° The whole of the Italian Colonies;
- 15° The whole of the Dutch Colonies;
- 16° The Portuguese Colonies of Africa;
- 17° The whole of the other Portuguese Colonies.

## ARTICLE 28

*Duration of the Convention*

The present Convention shall come into operation on the 1st of October 1907, and shall remain in force for an indefinite period; but each contracting party has the right of withdrawing from the Union by means of a notice given one year in advance by its Government to the Government of the Swiss Confederation.

## ARTICLE 29

*Abrogation of previous Conventions; ratification*

1. From the date on which the present Convention comes into effect, all the stipulations of the Treaties, Conventions, Agreements, or other Acts previously concluded between the various countries or Administrations, in so far as those stipulations are not in accordance with the terms of the present Convention, are abrogated, without prejudice to the rights reserved by the foregoing Article 21.

2. The present Convention shall be ratified as soon as possible. The acts of ratification shall be exchanged at Rome.

3. In faith of which the plenipotentiaries of the above-named countries have signed the present Convention at Rome on the twenty-sixth of May, one thousand nine hundred and six.

For Germany and the German  
protectorates:  
GIESEKE  
KNOF

For the United States of America and  
the island possessions of the United  
States of America:  
N. M. BROOKS  
EDWARD ROSEWATER

For the Argentine Republic:  
ALBERTO BLANCAS

For Austria:  
STIBRAL  
EBERAN

For Belgium:  
J. STERPIN  
L. WODON  
A. LAMBIN

For Bolivia:  
J. DE LEMOINE

For Bosnia-Herzegovina:  
SCHLEYER  
KOWARSCHIK

For Brazil:  
JOAQUIM CARNEIRO DE MIRANDA E  
HORTA

For Bulgaria:  
IV. STOYANOVITCH  
T. TZONTCHEFF

For Chile:  
CARLOS LARRAIN CLARO  
M. LUIS SANTOS RODRIGUEZ

For the Empire of China:

For the Republic of Colombia:  
G. MICHELSEN

For the Independent State of the Congo:  
J. STERPIN  
L. WODON  
A. LAMBIN

For the Empire of Corea:  
KANICHIRO MATSUKI  
TAKEJI KAWAMURA

For the Republic of Costa Rica:  
RAFAEL MONTEALEGRE  
ALF. ESQUIVEL

For Crete:  
ELIO MORPURGO  
CARLO GAMOND  
PIRRONE  
GIUSEPPE GREBORIO  
E. DELMATI

For the Republic of Cuba:

DR. CARLOS DE PEDROSO

For Denmark and the Danish colonies:

KIÓRBOE

For the Dominican Republic:

For Egypt:

Y. SABA

For Ecuador:

HECTOR R. GÓMEZ

For Spain and the Spanish colonies:

CARLOS FLOREZ

For the Empire of Ethiopia:

For France and Algeria:

JACOTEY

LUCIEN SAINT

HERMAN

For the French colonies and protector-  
ates of Indochina:

G. SCHMIDT

For the whole of the other French  
colonies:

MORGAT

For Great Britain and various British  
colonies:

H. BABINGTON SMITH

A. B. WALKLEY

H. DAVIES

For British India:

H. M. KISCH

E. A. DORAN

For the Commonwealth of Australia:

AUSTIN CHAPMAN

For Canada:

R. M. COULTER

For New Zealand:

J. G. Ward

by AUSTIN CHAPMAN

For the British colonies of South Africa:

SOMERSET R. FRENCH

SPENCER TODD

J. FRANK BROWN

A. FALCK

For Greece:

CHRIST. MIZZOPOULOS

C. N. MARINOS

For Guatemala:

THOMÁS SEGARINI

For the Republic of Haiti:

RUFFY

For the Republic of Honduras:

JEAN GIORDANO DUC d'ORATINO

For Hungary:

PIERRE DE SZALAY

DR. DE HENNYEY

For Italy and the Italian colonies:

ELIO MORPURGO

CARLO GAMOND

PIRRONE

GIUSEPPE GREBORIO

E. DELMATI

For Japan:

KANICHIRO MATSUKI

TAKEJI KAWAMURA

For the Republic of Liberia:

R. DE LUCHI

For Luxemburg:

for M. Mongenast

A. W. KYMMELL

For Mexico:

G. A. ESTEVA

N. DOMINGUEZ

For Montenegro:

EUG. POPOVITCH

For Nicaragua:

For Norway:

THE. HEYERDAHL

For the Republic of Panama:

MANUEL E. AMADOR

For Paraguay:

F. S. BENUCCI

For the Netherlands:

for M. G. J. C. A. Pop:

A. W. KYMMELL

A. W. KYMMELL

For the Netherlands colonies:

PERK

For Peru:

For Persia:

HADJI MIRZA ALI KHAN

MOEZ ES SULTAN

C. MOLITOR

For Portugal and the Portuguese colo-  
nies:

ALFREDO PEREIRA

For Roumania:

GR. CERKEZ

G. GABRIELESU



For Russia:  
VICTOR BILIBINE

For Salvador:

For Servia:

For the Kingdom of Siam:  
H. KEUCHENIUS

For Sweden:  
FREDR. GRÖNWALL

For Switzerland:  
J. B. PRODA  
A. STÄGER  
C. DELESSERT

For Tunis:  
ALBERT LEGRAND  
E. MAZOYER

For Turkey:  
AH. FAHRY  
A. FUAD HIKMET

For Uruguay:  
HECTOR R. GÓMEZ

For the United States of Venezuela:  
CARLOS E. HAHN  
DOMINGO B. CASTILLO

### FINAL PROTOCOL

At the moment of proceeding to sign the Conventions settled by the Universal Postal Congress of Rome, the undersigned plenipotentiaries have agreed as follows:

#### I

Note is taken of the declaration made by the British delegates in the name of their Government to the effect that it has assigned to New Zealand, with the Cook Islands and other island dependencies, the vote which Article 27, 7°, of the Convention attributes to "the whole of the other British colonies."

#### II

In modification of Article 27 of the Convention, a second vote is accorded to the Netherlands Colonies, in favour of the Netherlands East Indies.

#### III

In modification of the stipulations of paragraph 1 of Article 5, it is agreed that, as a temporary measure, Postal Administrations, which in consequence of the organisation of their internal service, or for other causes, cannot adopt the principle of the increase of the unit of weight for letters from 15 to 20 grammes, and that of the reduction of the charge above the first unit of weight to 15 centimes for each supplementary rate instead of 25 centimes, are authorised to postpone the application of these two stipulations or of one or other of them, so far as regards letters originating in their service, until the day when they are in a position to apply them, and to conform in the meantime to the measures prescribed on this subject by the Congress of Washington.

#### IV

In modification of Article 6 of the Convention, which fixes at 25 centimes the maximum charge for registration, it is agreed that countries out of

Europe are authorised to maintain this maximum at 50 centimes, inclusive of the delivery of a registry receipt to the sender.

## V

By way of exception to the provisions of paragraph 3 of Article 12 of the Convention, Persia has the right of collecting from the addressees of printed papers of all kinds received from foreign countries a tax of 5 centimes per article distributed. This right is accorded to it provisionally.

The same right is accorded to China in the event of its adhering to the principal Convention.

## VI

By way of exception to the provisions of Article 4 of the Convention and to the corresponding paragraphs of the Regulations relative thereto, it is agreed as follows in regard to the transit rates to be paid to the Russian Administration on account of correspondence exchanged by way of the Siberian Railway:

- 1° The accounting for transit charges in respect of the articles mentioned above shall be based, from the date of the opening of the aforesaid railway, on special returns taken every three years during the first 28 days of the month of May or of the month of November (alternately) of the second year of each triennial period, such returns to take effect retrospectively from the first year.
- 2° The statistics of May 1908 shall regulate the payments to be made from the date of the commencement of the traffic in question until the end of the year 1909. The statistics of November 1911 shall apply to the years 1910, 1911, and 1912, and so on.
- 3° If a country of the Union commences the despatch of its articles by way of the Siberian Railway during the period covered by the above-mentioned statistics, Russia has the right to demand the taking of separate statistics relating exclusively to such articles.
- 4° The payment of transit charges due to Russia for the first and, if necessary, for the second year of each triennial period, is to be made provisionally at the end of the year on the basis of the preceding statistics, subject to a subsequent settlement of accounts in accordance with the results of the new statistics.
- 5° Transit in open-mail is not admitted by the aforesaid railway.

Japan has the right to apply the stipulations of each paragraph of the present article in regard to the settlement of transit rates due to Japan for the land or sea transit of articles exchanged by way of the Japanese railway in China (Manchuria) and so far as concerns the inadmissibility of transit in open-mail.

## VII

Salvador, which forms part of the Postal Union, not having been represented at the Congress, the Protocol remains open to it in order that it may adhere to the Conventions which have been concluded there or only to one or other of them.

It remains open with the same object:

- a. To Nicaragua and to Peru, whose delegates at the Congress were not furnished with full powers;
- b. To the Dominican Republic, whose delegate was obliged to be absent when the Acts were signed.

The Protocol likewise remains open to the Chinese Empire and the Empire of Ethiopia, whose delegates to the Congress have announced the intention of those countries to enter the Universal Postal Union on a date to be fixed hereafter.

## VIII

The Protocol remains open to those countries whose representatives have to-day signed only the principal Convention, or only a certain number of the Conventions settled by the Congress, in order to admit of their adherence to the other Conventions signed this day, or to one or other of them.

## IX

The adhesions contemplated in the foregoing Article VII must be notified to the Government of Italy by the respective Governments in diplomatic form. The term accorded to them for that notification will expire on the 1st of July 1907.

## X

In the event of one or more of the contracting parties to the Postal Conventions signed to-day at Rome not ratifying one or other of those Conventions, this Convention shall be none the less valid for the States which shall have ratified it.

In faith of which the undermentioned plenipotentiaries have drawn up the present final Protocol, which shall have the same force and validity as if its provisions were inserted in the text itself of the Conventions to which it relates, and they have signed it on a single copy which shall remain in the Archives of the Government of Italy and of which a copy shall be delivered to each party.

Done at Rome, the 26th of May, 1906.

For Germany and the German protector-  
ates:  
GIESEKE  
KNOF

For the United States of America and the  
island possessions of the United  
States of America:  
N. M. BROOKS  
EDWARD ROSEWATER

For the Argentine Republic:  
ALBERTO BLANCAS

For Austria:  
STIBRAL  
EBERAN

For Belgium:  
J. STERPIN  
L. WODON  
A. LAMBIN

For Bolivia:  
J. DE LEMOINE

For Bosnia-Herzegovina:  
SCHLEYER  
KOWARSHIK

For Brazil:  
JOAQUIM CARNEIRO DE MIRANDA E  
HORTA

For Bulgaria:  
IV. STOYANOVITCH  
T. TZONTCHEFF

For Chile:  
CARLOS LARRAIN CLARO  
M. LUIS SANTOS RODRIGUEZ

For the Empire of China:

For the Republic of Colombia:  
G. MICHELSEN

For the Independent State of the Congo:  
J. STERPIN  
L. WODON  
A. LAMBIN

For the Empire of Corea:  
KANICHIRO MATSUKI  
TAKEJI KAWAMURA

For the Republic of Costa Rica:  
RAFAEL MONTEALEGRE  
ALF. ESQUIVEL

For Crete:  
ELIO MORPURGO  
CARLO GAMOND  
PIRRONE  
GIUSEPPE GREBORIO  
E. DELMATI

For the Republic of Cuba:  
DR. CARLOS DE PEDROSO

For Denmark and the Danish colonies:  
KIÓRBOE

For the Dominican Republic:

For Egypt:  
Y. SABÁ

For Ecuador:  
HECTOR R. GÓMEZ

For Spain and the Spanish colonies:  
CARLOS FLOREZ

For the Empire of Ethiopia:

For France and Algeria:  
JACOTEY  
LUCIEN SAINT  
HERMAN

For the French colonies and protector-  
ates of Indochina:  
G. SCHMIDT

For the whole of the other French  
colonies:  
MORGAT

For Great Britain and various British  
colonies:  
H. BABINGTON SMITH  
A. B. WALKLEY  
H. DAVIES

For British India:  
H. M. KISCH  
E. A. DORAN

For the Commonwealth of Australia:  
AUSTIN CHAPMAN

For Canada:  
R. M. COULTER

For New Zealand:  
J. G. WARD  
by AUSTIN CHAPMAN

For the British colonies of South Africa:  
SOMERSET R. FRENCH  
SPENCER TODD  
J. FRANK BROWN  
A. FALCK

For Greece:  
CHRIST. MIZZOPOULOS  
C. N. MARINOS

For Guatemala:  
THOMÁS SEGARINI

For the Republic of Haiti:  
RUFFY

For the Republic of Honduras:  
JEAN GIORDANO DUC d'ORATINO

For Hungary:  
PIERRE DE SZALAY  
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ELIO MORPURGO  
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GIUSEPPE GREBORIO  
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For Luxemburg:  
for M. Mongenast  
A. W. KYMMELL

For Mexico:  
G. A. ESTEVA  
N. DOMINGUEZ

For Montenegro:  
EUG. POPOVITCH

For Nicaragua:

For Norway:  
THB. HEYERDAHL

For the Republic of Panama:  
MANUEL E. AMADOR

For Paraguay:  
F. S. BENUCCI

For the Netherlands:  
for M. G. J. C. A. Pop:  
A. W. KYMMELL  
A. W. KYMMELL

For the Netherlands colonies:  
PERK

For Peru:

For Persia:  
HADJI MIRZA ALI KHAN  
MOEZ ES SULTAN  
C. MOLITOR

For Portugal and the Portuguese colonies:  
ALFREDO PEREIRA

For Roumania:  
GR. CERKEZ  
G. GABRIELESU

For Russia:  
VICTOR BILIBINE

For Salvador:

For Servia:

For the Kingdom of Siam:  
H. KEUCHENIUS

For Sweden:  
FREDR. GRÖNWALL

For Switzerland:  
J. B. PIDDA  
A. STÄGER  
C. DELESSERT

For Tunis:  
ALBERT LEGRAND  
E. MAZOYER

For Turkey:  
AH. FAHRY  
A. FUAD HIKMET

For Uruguay:  
HECTOR R. GÓMEZ

For the United States of Venezuela:  
CARLOS E. HAHN  
DOMINGO B. CASTILLO

[For text of regulations for execution of the convention, see 35 Stat. 1679.]

## AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK ON THE FIELD OF BATTLE (RED CROSS CONVENTION)

*Convention and final protocol signed at Geneva July 6, 1906*

*Senate advice and consent to ratification December 19, 1906*

*Ratified by the President of the United States January 2, 1907*

*Ratification of the United States deposited at Bern February 9, 1907*

*Proclaimed by the President of the United States August 3, 1907*

*Entered into force August 9, 1907*<sup>1</sup>

*Replaced by conventions of July 27, 1929,<sup>2</sup> and August 12, 1949,<sup>3</sup> as  
between contracting parties to the later conventions*

35 Stat. 1885; Treaty Series 464

[TRANSLATION]

### CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD

His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Corea;<sup>4</sup> His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain

<sup>1</sup> Six months after Feb. 9, 1907, date on which ratifications were deposited by the United States and Russia (the second and third countries to deposit instruments of ratification).

<sup>2</sup> TS 847, *post*, vol. 2.

<sup>3</sup> 6 UST 3114; TIAS 3362.

<sup>4</sup> In a declaration dated Oct. 15, 1906, laid before the Swiss Federal Council by the Japanese Chargé d'Affaires at Bern, the Imperial Japanese Government stated that since it had the right to control the foreign relations of Korea, the inclusion of Korea in the preamble of the convention and the signature of the latter by the Japanese plenipotentiary on behalf of Korea as a separate contracting party were considered by the Japanese Government as null and void.

and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay,

Being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva on August 22, 1864,<sup>5</sup> for the amelioration of the condition of the wounded or sick in armies in the field,

Have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency the Chamberlain and Actual Privy Councilor A. de Bülow,

Envoy Extraordinary and Minister Plenipotentiary at Berne,

General of Brigade Baron de Manteuffel,

Medical Inspector and Surgeon-General Dr. Villaret (with rank of general of brigade),

Dr. Zorn, Privy Councilor of Justice, ordinary professor of law at the University of Bonn, Solicitor of the Crown;

His Excellency the President of the Argentine Republic:

His Excellency Mr. Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary at Berne,

Mr. Molina Salas, Consul-General in Switzerland;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Baron Heidler de Egeregg et Syrgenstein, Actual Privy Councilor, Envoy Extraordinary and Minister Plenipotentiary at Berne;

His Majesty the King of the Belgians:

Colonel of Staff Count de T'Scrclaes, Chief of Staff of the Fourth Military District;

His Royal Highness the Prince of Bulgaria:

Dr. Marin Rousseff, Chief Medical Officer,

Captain of Staff Boris Sirmanoff;

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<sup>5</sup> TS 377, ante, p. 7.



His Excellency the President of the Republic of Chile:  
Mr. Agustin Edwards, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the Emperor of China:  
His Excellency Mr. Lou Tseng Tsiang, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Majesty the King of the Belgians, Sovereign of the Congo Free State:  
Colonel of Staff Count de T'Serclaes, Chief of Staff of the Fourth Military District of Belgium;

His Majesty the Emperor of Corea:  
His Excellency Mr. Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary of Japan at Brussels;

His Majesty the King of Denmark:  
Mr. Laub, Surgeon-General, Chief of the Medical Corps of the Army;

His Majesty the King of Spain:  
His Excellency Mr. Silverio de Baguer y Corsi, Count of Baguer, Minister Resident;

The President of the United States of America:  
Mr. William Cary Sanger, former Assistant Secretary of War of the United States of America,  
Vice-Admiral Charles S. Sperry, President of the Naval War College,  
Brigadier-General George B. Davis, Judge-Advocate-General of the Army,  
Brigadier-General Robert M. O'Reilly, Surgeon-General of the Army;

The President of the United States of Brazil:  
Dr. Carlos Lemgruber-Kropf, Chargé d'Affaires at Berne,  
Colonel of Engineers Roberto Trompowski Leitão d'Almeida, Military Attaché to the Brazilian Legation at Berne;

The President of the United Mexican States:  
General of Brigade José Maria Perez;

The President of the French Republic:  
His Excellency Mr. Révoil, Ambassador at Berne,  
Mr. Louis Renault, Member of the Institute of France, Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Professor in the Faculty of Law at Paris,  
Colonel Olivier of Reserve Artillery,  
Chief Surgeon Pauzat of the Second Class;

His Majesty the King of the United Kingdom of Great Britain and Ireland,  
Emperor of India:  
Major-General Sir John Charles Ardagh, K.C.M.G., K.C.I.E., C.B.,  
Professor Thomas Erskine Holland, K.C., D.C.L.,  
Sir John Furley, C.B.,  
Lieutenant-Colonel William Grant Macpherson, C.M.G., R.A.M.C.;

His Majesty the King of the Hellenes:

Mr. Michel Kebedgy, Professor of International Law at the University of Berne;

The President of the Republic of Guatemala:

Mr. Manuel Arroyo, Chargé d'Affaires at Paris,

Mr. Henri Wiswald, Consul-General at Berne, residing at Geneva;

The President of the Republic of Honduras:

Mr. Oscar Høpfel, Consul-General at Berne;

His Majesty the King of Italy:

Marquis Roger Maurigi di Castel Maurigi, Colonel in His Army, Grand

Officer of His Royal Order of the SS. Maurice and Lazare,

Major-General Giovanni Randone, Military Medical Inspector, Commander of His Royal Order of the Crown of Italy;

His Majesty the Emperor of Japan:

His Excellency Mr. Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary at Brussels;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

Staff Colonel Count de T'Serclaes, Chief of Staff of the Fourth Military District of Belgium;

His Highness the Prince of Montenegro:

Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Russia,

Colonel Mürset, Chief Surgeon of the Swiss Federal Army;

His Majesty the King of Norway:

Captain Daae, of the Medical Corps of the Norwegian Army;

Her Majesty the Queen of the Netherlands:

Lieutenant-General (retired) Jonkeer J.C.C. den Beer Poortugael, Member of the Council of State,

Colonel A.A.J. Quanjer, Chief Medical Officer, First Class;

The President of the Republic of Peru:

Mr. Gustavo de la Fuente, First Secretary of the Legation of Peru at Paris;

His Imperial Majesty the Shah of Persia:

His Excellency Mr. Samad Khan Momtaz-os-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and of the Algarves, etc.:

His Excellency Mr. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne,

Mr. José Nicolau Raposo-Botelho, Colonel of Infantry, former Deputy, Superintendent of the Royal Military College at Lisbon;

His Majesty the King of Roumania:  
Dr. Sache Stephanesco, Colonel of Reserve;

His Majesty the Emperor of All the Russias:  
His Excellency Privy Councilor de Martens, Permanent Member of the Council of the Ministry of Foreign Affairs of Russia;

His Majesty the King of Servia:  
Mr. Milan St. Markovitch, Secretary-General of the Ministry of Justice,  
Colonel Dr. Sondermayer, Chief of the Medical Division of the War Ministry;

His Majesty the King of Siam:  
Prince Charoon, Chargé d'Affaires at Paris,  
Mr. Corragioni d'Orelli, Counselor of Legation at Paris;

His Majesty the King of Sweden:  
M. Sörensen, Chief Surgeon of the Second Division of the Army;

The Swiss Federal Council:  
Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary in Russia,  
Colonel Mürset, Chief Surgeon of the Federal Army;

The President of the Oriental Republic of Uruguay:  
Mr. Alexandre Herosa, Chargé d'Affaires at Paris,

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

## CHAPTER I. *The sick and wounded*

### ARTICLE 1

Officers, soldiers, and other persons officially attached to armies, who are sick or wounded, shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded in the hands of his adversary, shall leave with them, so far as military conditions permit, a portion of the personnel and materiel of his sanitary service to assist in caring for them.

### ART. 2

Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to mutually agree upon such clauses, by way of exception or favor, in relation to the wounded or sick as they may deem proper. They shall especially have authority to agree:

1. To mutually return the sick and wounded left on the field of battle after an engagement.
2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported and whom they do not desire to retain as prisoners.
3. To send the sick and wounded of the enemy to a neutral state, with the consent of the latter and on condition that it shall charge itself with their internment until the close of hostilities.

#### ART. 3

After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from robbery and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

#### ART. 4

As soon as possible each belligerent shall forward to the authorities of their country or army the marks or military papers of identification found upon the bodies of the dead, together with a list of names of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use, valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations or other establishments, for transmission to persons in interest through the authorities of their own country.

#### ART. 5

Military authority may make an appeal to the charitable zeal of the inhabitants to receive and, under its supervision, to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

### CHAPTER II. *Sanitary formations and establishments*

#### ART. 6

Mobile sanitary formations (*i.e.*, those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

#### ART. 7

The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

## ART. 8

A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact:

1. That the personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.
2. That in the absence of armed hospital attendants, the formation is guarded by an armed detachment or by sentinels acting under competent orders.
3. That arms or cartridges, taken from the wounded and not yet turned over to the proper authorities, are found in the formation or establishment.

CHAPTER III. *Personnel*

## ART. 9

The personnel charged exclusively with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be considered as prisoners of war.

These provisions apply to the guards of sanitary formations and establishments in the case provided for in section 2 of article 8.

## ART. 10

The personnel of volunteer aid societies, duly recognized and authorized by their own governments, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace or at the opening, or during the progress of hostilities, and in any case before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

## ART. 11

A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authority of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

## ART. 12

Persons described in articles 9, 10, and 11 will continue in the exercise of their functions, under the direction of the enemy, after they have fallen into his power.

When their assistance is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as are their private property.

#### ART. 13

While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

### CHAPTER IV. *Matériel*

#### ART. 14

If mobile sanitary formations fall into the power of the enemy, they shall retain their matériel, including the teams, whatever may be the means of transportation and the conducting personnel. Competent military authority, however, shall have the right to employ it in caring for the sick and wounded. The restitution of the matériel shall take place in accordance with the conditions prescribed for the sanitary personnel, and, as far as possible, at the same time.

#### ART. 15

Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but cannot be diverted from their use so long as they are necessary for the sick and wounded. Commanders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded who are in them have been provided for.

#### ART. 16

The matériel of aid societies admitted to the benefits of this convention, in conformity to the conditions therein established, is regarded as private property and, as such, will be respected under all circumstances, save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

### CHAPTER V. *Convoys of evacuation*

#### ART. 17

Convoys of evacuation shall be treated as mobile sanitary formations subject to the following special provisions:

1. A belligerent intercepting a convoy may, if required by military necessity, break up such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel

employed, under competent orders, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel, as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, as well as to the ordinary vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the various means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

## CHAPTER VI. *Distinctive emblem*

### ART. 18

Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

### ART. 19

This emblem appears on flags and brassards as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

### ART. 20

The personnel protected in virtue of the first paragraph of article 9, and articles 10 and 11, will wear attached to the left arm a brassard bearing a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

### ART. 21

The distinctive flag of the convention can only be displayed over the sanitary formations and establishments which the convention provides shall be respected, and with the consent of the military authorities. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

### ART. 22

The sanitary formations of neutral countries which, under the conditions set forth in article 11, have been authorized to render their services, shall fly, with the flag of the convention, the national flag of the belligerent to which



they are attached. The provisions of the second paragraph of the preceding article are applicable to them.

#### ART. 23

The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* may only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

### CHAPTER VII. *Application and execution of the convention*

#### ART. 24

The provisions of the present convention are obligatory only on the contracting powers, in case of war between two or more of them. The said provisions shall cease to be obligatory if one of the belligerent powers should not be signatory to the convention.

#### ART. 25

It shall be the duty of the commanders in chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well as for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

#### ART. 26

The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.

### CHAPTER VIII. *Repression of abuses and infractions*

#### ART. 27

The signatory powers whose legislation may not now be adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks or commercial labels.

The prohibition of the use of the emblem or name in question shall take effect from the time set in each act of legislation, and at the latest five years after this convention goes into effect. After such going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

#### ART. 28

In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the

necessary measures to repress, in time of war, individual acts of robbery and ill treatment of the sick and wounded of the armies, as well as to punish, as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification of the present convention.

### *General provisions*

#### ART. 29

The present convention shall be ratified as soon as possible. The ratifications will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

#### ART. 30

The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

#### ART. 31

The present convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting states.

The Convention of 1864 remains in force in the relations between the parties who signed it but who may not also ratify the present convention.

#### ART. 32

The present convention may, until December 31, proximo, be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the Convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adherence in a written notification addressed to the Swiss Federal Council, and communicated to all the contracting powers by the said Council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the Federal Council, such Council has not been advised of any opposition on the part of any of the contracting powers.

#### ART. 33

Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a

notification in writing shall have been made to the Swiss Federal Council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

In faith whereof the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

For Germany:

v. BÜLOW [SEAL]  
FRHR. v. MANTEUFFEL [SEAL]  
VILLARET [SEAL]  
ZORN

For the Argentine Republic:

ENRIQUE B. MORENO [SEAL]  
FRANCO. MOLINA SALAS [SEAL]

For Austria-Hungary:

FRHR. v. HEIDLER (*ad referendum*) [SEAL]

For Belgium:

CTE. J. DE T'SERCLAES [SEAL]

For Bulgaria:

DR. ROUSSEFF [SEAL]  
CAPITAINE SIRMANOFF [SEAL]

For Chile:

AGUSTIN EDWARDS [SEAL]

For China:

LOU TSENG TSIANG [SEAL]

For the Congo:

CTE. J. DE T'SERCLAES [SEAL]

For Corea: <sup>a</sup>

KATO TSUNETADA [SEAL]

For Denmark:

H. LAUB [SEAL]

For Spain:

CTE. SILVERIO DE BAGUER [SEAL]

For the United States  
of America:

WM. CARY SANGER  
C. S. SPERRY [SEAL]  
GEO. B. DAVIS [SEAL]  
R. M. O'REILLY [SEAL]

For the United States of Brazil:

C. LEMGRUBER-KROPP [SEAL]  
CEL. ROBERTO TROMPOWSKI  
LEITÃO D'ALMEIDA

For the United Mexican States:

JOSÉ M. PEREZ (*ad referendum*) [SEAL]

For France:

RÉVOIL [SEAL]  
L. RENAULT [SEAL]  
S. OLIVIER [SEAL]  
E. PAUZAT [SEAL]

For Great Britain and Ireland:

JOHN C. ARDAGH } (with a [SEAL]  
T. E. HOLLAND } reservation [SEAL]  
JOHN FURLEY } to articles [SEAL]  
WM. GRANT MAC- } 23, 27, [SEAL]  
PHERSON } 28)<sup>7</sup>

For Greece:

MICHEL KEBEDGY

For Guatemala:

MANUEL ARROYO [SEAL]  
H. WISWALD [SEAL]

For Honduras:

OSCAR HÆFFL

For Italy:

MAURIGI [SEAL]  
RANDONE [SEAL]

For Japan:

KATO TSUNETADA [SEAL]

For Luxemburg:

CTE J. DE T'SERCLAES [SEAL]

For Montenegro:

E. ODER [SEAL]  
COLONEL MÜRSET

<sup>a</sup> See footnote 4, p. 516.

<sup>7</sup> The U.K. reservation regarding use of the Red Cross emblem was maintained at the time of ratification but withdrawn on July 7, 1914.

For Norway:		For Russia:	
HANS DAAE		MARTENS	[SEAL]
For the Netherlands:		For Servia:	
DEN BEER POORTUGAEL	[SEAL]	MILAN ST. MARKOVITCH	[SEAL]
QUANJER	[SEAL]	DR. ROMAN SONDERMAYER	[SEAL]
For Peru:		For Siam:	
GUSTAVO DE LA FUENTE	[SEAL]	CHAROON	[SEAL]
For Persia (with a reservation to article		CORRAGIONI D'ORELLI	[SEAL]
eighteen):		For Sweden:	
MOMTAZ-OS-SALTANEH M.	[SEAL]	OLOF SÖRENSEN	[SEAL]
SAMAD KHAN		For Switzerland:	
For Portugal:		E. ODIER	[SEAL]
ALBERTO D'OLIVEIRA	[SEAL]	COLONEL MÜRSET	
JOSÉ NICOLAU RAPOSO-	[SEAL]	For Uruguay:	
BOTELHO		A. HEROSA	[SEAL]
For Roumania:			
DR. SACHE STEPHANESCO	[SEAL]		

FINAL PROTOCOL OF THE CONFERENCE FOR THE REVISION  
OF THE GENEVA CONVENTION

The Conference called by the Swiss Federal Council, with a view to revising the International Convention of August 22, 1864, for the Amelioration of the Condition of Soldiers wounded in Armies in the field, met at Geneva on June 11, 1906. The Powers hereinbelow enumerated took part in the Conference to which they had designated the delegates hereinbelow named.

GERMANY

His Excellency the Chamberlain and Actual Privy Councilor A. de Bülow,  
Envoy Extraordinary and Minister Plenipotentiary at Berne,  
General of Brigade Baron de Manteuffel,  
Medical Inspector and Surgeon General Dr. Villaret (with rank of general  
of brigade),  
Dr. Zorn, Privy Councilor of Justice, ordinary professor of law at the University of Bonn, Solicitor of the Crown.

ARGENTINE REPUBLIC

His Excellency Enrique B. Moreno, Envoy Extraordinary and Minister  
Plenipotentiary at Berne,  
Mr. Molina Salas, Consul General in Switzerland.

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<sup>8</sup> Persia's reservation reads, in translation, as follows: "In place of the Red Cross on a white field, Persia substitutes the Red Lion with the Red Sun on a white field as the emblem of its military sanitary service."

## AUSTRIA-HUNGARY

His Excellency Baron Heidler de Egeregg et Syrgenstein, Actual Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary at Berne, Chevalier Joseph d'Uriel, Chief Surgeon of the Austro-Hungarian Imperial and Royal Army, Chief of the Medical Corps and Chief of the 14th Division of the Imperial and Royal Ministry of War, Mr. Arthur Edler de Mecenseffy, Lieutenant Colonel, General Staff, Dr. Alfred Schücking, Surgeon Lieutenant Colonel, Chief Surgeon of the Salzburg Garrison.

## BELGIUM

Colonel of Staff Count de T'Serclaes, Chief of Staff of the Fourth Military District,  
Dr. A. Deltenre, Regimental Surgeon to the Carabiniers.

## BULGARIA

Dr. Marin Rousseff, Chief Medical Officer,  
Captain of Staff Boris Sirmanoff.

## CHILE

Mr. Agustin Edwards, Envoy Extraordinary and Minister Plenipotentiary,  
Mr. Charles Ackermann, Consul of Chile at Geneva.

## CHINA

His Excellency Lou Tseng Tsiang, Envoy Extraordinary and Minister Plenipotentiary at The Hague,  
Mr. Ou Wen Tai, Secretary of Legation at The Hague,  
Mr. Yo Tsao Yeu, Secretary of the Special Chinese Mission in Europe.

## CONGO

Colonel of Staff Count de T'Serclaes, Chief of Staff of the Fourth Military District of Belgium,  
Dr. A. Deltenre, Regimental Surgeon to the Carabiniers, of Belgium.

## COREA

His Excellency Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary of Japan at Brussels,  
Mr. Motojiro Akashi, Colonel of Infantry,  
Dr. Eijiro Haga, Chief Surgeon, First Class (with rank of colonel),  
Commander Prince Saneteru Itchijo (rank of lieutenant colonel),  
Masanosuke Akiyama, Doctor of Laws, Counselor to the Ministry of War of Japan.

## DENMARK

Mr. Laub, Surgeon General, Chief of the Medical Corps of the Army.

## SPAIN

His Excellency Silverio de Baguer y Corsi, Count of Baguer, Minister Resident,  
Mr. José Jofre Montojo, Colonel, General Staff, Aide-de-Camp of the Ministry of War,  
Mr. Joaquin Cortés Bayona, Assistant Inspector, First Class, Army Medical Corps.

## UNITED STATES OF AMERICA

Mr. William Cary Sanger, former Assistant Secretary of War,  
Rear Admiral Charles S. Sperry, President of the Naval War College,  
Brigadier General George B. Davis, Judge Advocate General of the Army,  
Brigadier General Robert M. O'Reilly, Surgeon General of the Army.

## UNITED STATES OF BRAZIL

Dr. Carlos Lemgruber-Kropf, Chargé d'Affaires at Berne,  
Colonel of Engineers Roberto Trompowski Leitão d'Almeida, Military Attaché at the Brazilian Legation at Berne.

## UNITED MEXICAN STATES

General of Brigade José Maria Pérez.

## FRANCE

His Excellency Mr. Révoil, Ambassador at Berne,  
Mr. Louis Renault, member of the Institute of France, Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Professor in the Faculty of Law at Paris,  
Colonel Olivier, Reserve Artillery,  
Mr. Pauzat, Chief Surgeon, Second Class.

## GREAT BRITAIN AND IRELAND

Major General Sir John Charles Ardagh, K.C.M.G., K.C.I.E., C.B.,  
Professor Thomas Erskine Holland, K.C., D.C.L.,  
Sir John Furley, C.B.,  
Lieutenant-Colonel William Grant Macpherson, C.M.G., R.A.M.C.

## GREECE

Mr. Michel Kebedgy, Professor of International Law at the University of Berne.

## GUATEMALA

Mr. Manuel Arroyo, Chargé d'Affaires at Paris,  
Mr. Henri Wiswald, Consul General at Berne, residing at Geneva.

## HONDURAS

Mr. Oscar Høepfl, Consul General at Berne.

## ITALY

Marquis Roger Maurigi di Castel Maurigi, Colonel, Grand Officer of the Royal Order of SS. Maurice and Lazare,  
Major General Giovanni Randone, Military Medical Inspector, Commander of the Royal Order of the Crown of Italy.

## JAPAN

His Excellency Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary at Brussels,  
Mr. Motojiro Akashi, Colonel of Infantry,  
Dr. Eihiro Haga, Chief Surgeon, First Class (with rank of colonel),  
Commander Prince Saneteru Itchijo (rank of lieutenant colonel),  
Doctor of Laws Masanosuke Akiyama, Counselor to the Ministry of War.

## LUXEMBURG

Colonel of Staff Count de T'Serclaes, Chief of Staff of the Fourth Military District of Belgium,  
Dr. A. Deltenre, Regimental Surgeon to the Carabiniers, of Belgium.

## MONTENEGRO

Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Russia,  
Colonel Mürset, Chief Surgeon of the Swiss Federal Army.

## NICARAGUA

Mr. Oscar Hæpfl, Consul General of Honduras at Berne.

## NORWAY

Captain Daae, of the Medical Corps of the Norwegian Army.

## NETHERLANDS

Lieutenant-General (retired) Jonkheer J. C. C. den Beer Poortugael, Member of the Council of State,  
Colonel A. A. J. Quanjer, Chief Medical Officer, First Class.

## PERU

Mr. Gustavo de la Fuente, First Secretary of the Legation of Peru at Paris.

## PERSIA

His Excellency Samad Khan Momtaz-os-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris.

## PORTUGAL

His Excellency Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne,



Colonel of Infantry José Nicolau Raposo-Botelho, former deputy, Superintendent of the Royal Military College at Lisbon.

ROUMANIA

Dr. Sache Stephanesco, Colonel of Reserve.

RUSSIA

His Excellency Privy Councilor de Martens, Permanent Member of the Council of the Ministry of Foreign Affairs of Russia,  
Major General Yermoloff, of the General Staff of Russia,  
Dr. de Hubbenet, Present State Councilor,  
Mr. de Wreden, State Councilor and fellow of the Imperial Academy of Medicine,  
Lieutenant-Colonel J. Owtchinnikoff, Professor of International Law at the Naval Academy of St. Petersburg,  
Mr. A. Goutchkoff, Red Cross delegate.

SERVIA

Mr. Milan St. Markovitch, Secretary General of the Ministry of Justice,  
Colonel Dr. Sondermayer, Chief of the Medical Division of the Ministry of War.

SIAM

Prince Charoon, Chargé d'Affaires at Paris,  
Mr. Corragioni d'Orelli, Counselor of Legation at Paris.

SWEDEN

Mr. Sörensen, Chief Surgeon of the Second Division of the Army.

SWITZERLAND

Mr. Odier, Envoy Extraordinary and Minister Plenipotentiary in Russia,  
Colonel Mürset, Chief Surgeon of the Federal Army.

URUGUAY

Mr. Alexandre Herosa, Chargé d'Affaires at Paris.

In a series of meetings held from the 11th of June to the 5th of July 1906, the Conference discussed and framed, for the signatures of the Plenipotentiaries, the text of a Convention which will bear the date of July 6, 1906.

In addition, and conformably to Article 16 of the Convention for the peaceful settlement of international disputes, of July 29, 1899,<sup>9</sup> which recognized arbitration as the most effective and at the same time, most equitable means of adjusting differences that have not been resolved through the diplomatic channel, the Conference uttered the following wish:

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<sup>9</sup> TS 392, *ante*, p. 230.

The Conference expressed the wish that, in order to arrive at as exact as possible an interpretation and application of the Geneva Convention, the Contracting Powers will refer to the Permanent Court at The Hague, if permitted by the cases and circumstances, such differences as may arise among them, in time of peace, concerning the interpretation of the said Convention.

This wish was adopted by the following States:

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (*ad referendum*), United States of America, United States of Brazil, France, Greece, Guatemala, Honduras, Italy, Luxembourg, Montenegro, Nicaragua, Norway, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland and Uruguay.

The wish was rejected by the following States: Corea, Great Britain and Japan.

In witness whereof, the Delegates have signed the present Protocol.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy which shall be deposited in the archives of the Swiss Confederation and certified copies of which shall be delivered to all the Powers represented at the Conference.

For Germany:

v. BÜLOW  
FRHR V. MANTEUFFEL  
VILLARET  
ZORN

For the Argentine Republic:

ENRIQUE B. MORENO  
FRANCO. MOLINA SALAS

For Austria-Hungary:

BARON HEIDLER-EGEREGB, *d. pl.*  
DR. JOS. RITTER V. URIEL, G. LIEUT.,  
*délégué adjoint.*  
ARTUR VON MECENSEFFY, *Obstlt.,*  
*dél. adj.*  
DR. ALFRED SCHÜCKING, O. St. A.,  
*Garnisonchefarzt von Salzburg,*  
*dél. adj.*

For Belgium:

CTE. J. DE T'SERCLAES  
DR. A. DELTENRE

For Bulgaria:

DR. ROUSSEFF  
CAPITAINE SIRMANOFF

For Chile:

AGUSTIN EDWARDS  
CH. ACKERMANN

For China:

LOU TSENG TSIANG  
OU WEN TAI  
YO TSAO YEU

For the Congo:

CTE. J. DE T'SERCLAES  
DR. A. DELTENRE

For Corea:

KATO TSUNETADA  
COLONEL M. AKASHI  
PRINCE ITCHIGO  
M. AKIYAMA

For Denmark:

H. LAUB

For Spain:

CTE. DE BAGUER  
JOSÉ JOFRE MONTOJO  
JOAQUIN CORTÉS Y BAYONA

} *ad*  
*refer-*  
*endum*

For the United States of America:

WM. CARY SANGER  
C. S. SPERRY  
GEO. B. DAVIS  
R. M. O'REILLY

For the United States of Brazil:

C. LEMGRUBER-KROPP  
COLONEL ROBERTO TROMPOWSKI  
LEITÃO D'ALMEIDA

For the United Mexican States:

JOSÉ M. PÉREZ

For France:

RÉVOIL

L. RENAULT

S. OLIVIER

E. PAUZAT

For Great Britain and Ireland:

JOHN C. ARDAGH

T. E. HOLLAND

JOHN FURLEY

W. G. MACPHERSON

For Greece:

MICHEL KEBEDGY

For Guatemala:

MANUEL ARROYO

H. WISWALD

For Honduras:

OSCAR HEPFL

For Italy:

MAURIGI

G. RANDONE

For Japan:

KATO TSUNETADA

COL. M. AKASHI

PRINCE ITCHIJO

M. AKIYAMA

For Luxemburg:

CTE. J. DE T'SERCLAES

DR. A. DELTENRE

For Montenegro:

E. ODIER

COLONEL MÜRSET

For Nicaragua:

OSCAR HEPFL

For Norway:

HANS DAAE

For the Netherlands:

DEN BEER POORTUGAEL

QUANJER

For Peru:

GUSTAVO DE LA FUENTE

For Persia:

M. SAMAD KHAN

For Portugal:

ALBERTO D'OLIVEIRA

JOSÉ NICOLAU RAPOSO-BOTELHO

For Roumania:

DR. SACHE STEPHANESCO

For Russia:

MARTENS

YERMOLOFF

V. DE HUBBENET

J. OWTCHINNIKOFF

For Servia:

MILAN ST. MARKOVITCH

DR. ROMAN SONDERMAYER

For Siam:

CHAROON

CORRAGIONI D'ORELLI

For Sweden:

OLOF SÖRENSEN

For Switzerland:

E. ODIER

COLONEL MÜRSET

For Uruguay:

A. HEROSA

## PAN AMERICAN UNION<sup>1</sup>

*Resolution dated August 7, 1906, adopted by the Third International American Conference at Rio de Janeiro*<sup>2</sup>

*Amended by resolution of August 11, 1910,<sup>3</sup> of the Fourth International American Conference, as amended*

*Termination: Provisions contrary to the resolution of August 11, 1910,<sup>3</sup> of the Fourth International American Conference repealed; became obsolete December 13, 1951, upon entry into force of the Charter of the Organization of American States of April 30, 1948*<sup>4</sup>

*Report of the Delegates of the United States to the Third International Conference of American States, Held at Rio de Janeiro, Brazil, July 21 to August 26, 1906 (U.S. Government Printing Office, 1907), p. 99; Senate document 365, 59th Congress, 2d session*

### REORGANIZATION OF THE BUREAU OF THE AMERICAN REPUBLICS

The undersigned, Delegates of the Republics represented in the Third International American Conference, duly authorized by their Governments, have approved the following Resolution:

The Third International American Conference resolves:

Art. 1. To continue the International Union of the American Republics, created by the First Conference,<sup>5</sup> and confirmed by the Second.<sup>6</sup>

The purposes of the International Bureau of the American Republics, which will represent said Union, are the following:

1. To compile and distribute commercial information and prepare commercial reports;
2. To compile and classify information respecting the Treaties and Conventions between the American Republics, and between the latter and non-American States;

<sup>1</sup> For an explanation of the various names of the Union, see footnote 1, *ante*, p. 129.

<sup>2</sup> Although dated Aug. 7, 1906, the resolution was not adopted by the Conference until Aug. 13.

<sup>3</sup> *Post*, p. 752.

<sup>4</sup> 2 UST 2394; TIAS 2361.

<sup>5</sup> *Ante*, p. 129.

<sup>6</sup> *Ante*, p. 344.

3. To supply information on educational matters;
4. To prepare reports on questions assigned to it by resolutions of the International American Conferences;
5. To assist in obtaining the ratification of the resolutions and conventions adopted by the Conferences;
6. To carry into effect all resolutions the execution of which may have been assigned or may hereafter be assigned to it by the International American Conferences;
7. To act as a Permanent Committee of the International American Conferences, recommending topics to be included in the programme of the next Conference; these plans must be communicated to the various Governments forming the Union, at least six months before the date of the meeting of the next Conference;
8. To submit, within the same period, a report to the various Governments on the work of the Bureau during the term covered since the meeting of the last Conference, and also special reports on any matter which may have been referred to it for report;
9. To keep the records of the International American Conferences.

Art. 2. The International Bureau of the American Republics shall be administered by a Governing Board, consisting of the Diplomatic Representatives of all the Governments of said Republics accredited to the Government of the United States of America, and of the Secretary of State of the United States, who will act as Chairman of said Governing Board.

Art. 3. Any diplomatic representative unable to attend the meetings of the Board, may transmit his vote, stating his reasons therefor in writing. Representation by proxy is prohibited.

Art. 4. The Governing Board shall meet in regular session the first Wednesday of every month, excepting in the months of June, July and August, and in special session at the call of the Chairman, issued on his own initiative or at the request of two members of the Board.

The attendance of five members at any ordinary or special session shall be sufficient to permit the Board to proceed with its business.

Art. 5. In the absence of the Secretary of State of the United States, the senior diplomatic representative in Washington, present, shall act as Chairman.

Art. 6. At the regular session to be held in November of this year, the Governing Board shall fix by lot the order of precedence among all the representatives of the American Republics forming the Union, in order to create a Supervisory Committee. The first four on this list and the Secretary of State of the United States, will constitute the first Supervisory Committee, and the four members of the Committee shall be replaced by turn, one every year, so that the Committee will be totally renewed after four years. The outgoing members shall always be replaced by those following on the list, the same method being observed in the event of resignation.

The Secretary of State of the United States shall always be the Chairman of the Committee.

The Supervisory Committee shall hold a regular session the first Monday of every month, and three members shall be sufficient to constitute a quorum.

Art. 7. The direction and administration of the Bureau shall be entrusted to a Director appointed by the Governing Board.

Art. 8. The director shall have charge of the fulfillment of the purposes of the Bureau, in accordance with these fundamental rules, the regulations and the resolutions of the Governing Board.

He shall have charge of the correspondence with the Governments of the Union through their Diplomatic Representatives in Washington or directly, in the absence of such representatives. He must attend, in an advisory capacity, the meetings of the Governing Board, of the Committees and of the International Conferences of the countries of the Union, except in cases of resolution to the contrary.

Art. 9. The personnel of the Bureau, the number of employees, their appointment, duties, and everything pertaining thereto, shall be determined by the regulations.

Art. 10. The Governments of the Union shall have the right to send at their own cost to the Bureau a special agent to secure such data and information as may be requested, and at the same time such as his Government may require as to the commerce and industries of any of the countries of America.

Art. 11. The Director of the Bureau shall present at the regular session in the month of May, a detailed budget of the expenses for the following year. This budget, after approval by the Governing Board, shall be transmitted to the various Governments represented in the Union, with a statement of the quota due from each, which quota shall be fixed in proportion to the population of each country.

Art. 12. The Bureau shall issue such publications as the Governing Board may determine, and shall publish a Bulletin at least once a month.

All geographical maps published by the Bureau, shall bear a statement thereon that they do not constitute documents approved by the Government of the country to which they apply, nor by the Government of the countries whose boundaries appear thereon, unless the former and the latter Governments shall have expressly given their approval, which shall, in such case, also be stated on the maps.

All these publications, with the exception of those determined by the Governing Board, shall be distributed gratuitously.

Art. 13. In order to assure the greatest possible accuracy in the publications of the Bureau each country belonging to the Union shall transmit, directly to said Bureau, two copies of the official documents or publications relating to matters connected with the purposes of the Union.

Art. 14. All the publications of the Bureau shall be carried free of charge by the mails of the American Republics.

Art. 15. The Bureau shall be governed by the Regulations adopted at this Conference, which Regulations, however, may be amended by the Governing Board, but shall in no way contravene these fundamental rules.

Art. 16. The American Republics bind themselves to continue to support this Bureau for a term of ten years from this date, and to pay their respective quotas. Any of them may cease to belong to the Union, upon giving notice to the Bureau two years in advance. The Bureau shall continue for a new term of ten years, and thus successively under the same conditions for consecutive terms of ten years, unless twelve months before the expiration of such term, a majority of the members of the Union shall express the wish, through the Secretary of State of the United States, to withdraw therefrom on the expiration of the term.

Art. 17. All of the fundamental rules and regulations by which the Bureau has been governed heretofore, are hereby repealed.

### *Regulations*

Art. 1. Calls to meetings shall state the object thereof and shall be issued at least three days in advance, excepting in cases of great urgency.

When during the discussion of any matter, one of the members of the Board shall request a second discussion, such discussion shall be granted without further debate, at the close of the first discussion but such discussion shall not take place until the next meeting.

Before the approval of the minutes of a meeting, the resolutions adopted thereat may be reconsidered, upon the request of two members of the Board.

Art. 2. The Supervisory Committee shall examine the accounts of the Bureau at least once a month. It shall recommend to the Governing Board the improvements to be made regarding publications, the library and anything that it may deem advisable and beneficial to the Bureau, or to give greater efficiency to its work.

The Committee shall have, in addition, the powers determined by these Regulations.

Art. 3. The personnel of the Bureau shall consist of a Director and such other employees as the Governing Board may determine and appoint. In no case shall the same person receive a salary for more than one of the offices of the Bureau.

Art. 4. The Director, as the Chief of the Bureau, shall have charge of all the matters pertaining thereto, under the immediate direction of the Supervisory Committee.

He shall prepare, with the approval of said Committee, the internal regulations of the Bureau, which must be observed by the employees.

He shall appoint and remove the messengers and other subordinate employees.



He shall supervise the proper collection and disbursement of the funds of the Bureau, for which he shall be personally responsible.

He shall also supervise the publication of the Bulletin and other publications of the Bureau.

He shall sign all vouchers, in accordance with the budget or resolutions approved by the Governing Board.

He shall not absent himself except with the permission of the Chairman of the Board.

At the meeting in November, he shall submit an annual report on the activities of the Bureau, its receipts and disbursements, its work and plans, proposing such changes as may, in his opinion, be desirable in order to improve the service and extend the sphere of action of the Bureau.

One week before the May meeting, he shall submit an estimate of expenses for the following year.

In the absence of the Director, his duties shall be discharged temporarily by such employee as the Supervisory Committee may designate.

Art. 5. The positions in the Bureau shall be filled upon examination held in the manner prescribed by the internal regulations.

#### *Transitory Provision*

All previous regulations are repealed, excepting those pertaining to the number and duties of the employees and other matters relating to the personnel of said Bureau, which shall be subject to the provisions in force.

Made and signed in the City of Rio de Janeiro, on the seventh day of the month of August nineteen hundred and six, in English, Spanish and Portuguese, and deposited in the Department of Foreign Affairs of the Government of the United States of Brazil, in order that certified copies thereof be made, and forwarded through diplomatic channels to each one of the Signatory States.

For Ecuador: EMILIO ARÉVALO, OLMEDO  
ALFARO

For Paraguay: MANUEL GONDRA, AR-  
SENIO LÓPEZ DECOUD, GUALBERTO  
CARDÚS Y HUERTA

For Bolivia: ALBERTO GUTIÉRREZ, CAR-  
LOS V. ROMERO

For Colombia: RAFAEL URIBE URIBE,  
GUILLERMO VALENCIA

For Honduras: FAUSTO DÁVILA

For Panamá: JOSÉ DOMINGO DE OBAL-  
DÍA

For Cuba: GONZALO DE QUESADA,  
RAFAEL MONTORO, ANTONIO GON-  
ZÁLEZ LANUZA

For the Dominican Republic: EMILIO C.  
JOUBERT

For Perú: EUGENIO LARRABURE Y  
UNÁNUE, ANTONIO MIRÓ QUESADA,  
MARIANO CORNEJO

For El Salvador: FRANCISCO A. REYES

For Costa Rica: ASCENSIÓN ESQUIVEL

For the United States of Mexico: FRAN-  
CISCO LEÓN DE LA BARRA, RICARDO  
MOLINA-HÜBBE, RICARDO GARCÍA  
GRANADOS

For Guatemala: ANTONIO BATRES  
JÁUREGUI

For Uruguay: LUÍS MELIAN LAFINUR,  
ANTONIO MARÍA RODRÍGUEZ, GON-  
ZALO RAMÍREZ, MARTÍN MARTÍNEZ

For the Argentine Republic: J. V. GON-  
ZÁLEZ, JOSÉ A. TERRY, EDUARDO L.  
BIDAU

For Nicaragua: LUÍS F. COREA

For the United States of Brazil: JOAQUIM  
AURELIO NABUCO DE ARAUJO, JOA-  
QUIM FRANCISCO DE ASSIS BRASIL,  
GASTÃO DA CUNHA, ALFREDO DE  
MORAES GOMES FERREIRA, JOÃO PAN-  
DIÁ CALOGERAS, AMARO CAVALCANTI,  
JOAQUIM XAVIER DA SILVEIRA, JOSÉ P.  
DA GRAÇA ARANHA, ANTONIO DA  
FONTOURA XAVIER

For the United States of America: WIL-  
LIAM R. BUCHANAN, L. S. ROWE, A.  
J. MONTAGUE, TULIO LARRINAGA,  
PAUL S. REINSCH, VAN LEER POLK

For Chili: ANSELMO HEVIA RIQUELME,  
JOAQUÍN WALKER MARTÍNEZ, LUÍS  
ANTONIO VERGARA, ADOLFO GUE-  
RRERO

## ARBITRATION OF PECUNIARY CLAIMS (INTER-AMERICAN)

*Convention extending the treaty of January 30, 1902,<sup>1</sup> signed at Rio de Janeiro August 13, 1906*

*Senate advice and consent to ratification March 2, 1907*

*Ratified by the President of the United States March 13, 1907*

*Ratification of the United States deposited at Rio de Janeiro April 23, 1907*

*Effective from August 13, 1906; for the United States April 23, 1907*

*Proclaimed by the President of the United States January 28, 1913*

*Expired December 31, 1912<sup>2</sup>*

37 Stat. 1648; Treaty Series 574

### CONVENTION PECUNIARY CLAIMS

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, the Dominican Republic, Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*Ecuador*—Dr. Emilio Arévalo; Olmedo Alfaro.

*Paraguay*—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

*Bolivia*—Dr. Alberto Guitérrez; Dr. Carlos V. Romero;

*Colombia*—Rafael Uribe Uribe; Dr. Guillermo Valencia;

*Honduras*—Fausto Dávila;

<sup>1</sup> TS 443, *ante*, p. 347.

<sup>2</sup> Art. 6 of the convention of Aug. 11, 1910 (TS 594), *post*, p. 765, provides, however, that "the treaty of Mexico [TS 443, *ante*, p. 347] shall continue in force after December 31, 1912, as to any claims which may, prior to that date, have been submitted to arbitration under its provisions."

- Panamá*—Dr. José Domingo de Obaldía;  
*Cuba*—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;  
*Dominican Republic*—E. C. Joubert;  
*Peru*—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada;  
Dr. Mariano Cornejo;  
*El Salvador*—Dr. Francisco A. Reyes;  
*Costa Rica*—Dr. Ascensión Esquivel;  
*United States of Mexico*—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;  
*Guatemala*—Dr. Antonio Batres Jáuregui;  
*Uruguay*—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;  
*Argentine Republic*—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;  
*Nicaragua*—Luís F. Corea;  
*United States of Brazil*—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;  
*United States of America*—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk.  
*Chili*—Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to celebrate a Convention extending the Treaty on Pecuniary Claims celebrated in Mexico on the thirtieth of January nineteen hundred and two, in the following terms:

The High Contracting Parties, animated by the desire to extend the term of duration of the Treaty on pecuniary claims, signed at Mexico, January thirtieth, nineteen hundred and two, and believing that, under present conditions, the reasons underlying the third article of said Treaty have disappeared, have agreed upon the following:

*Sole article.* The treaty on pecuniary claims, signed at Mexico, January thirtieth, nineteen hundred and two, shall continue in force, with the exception of the third article, which is hereby abolished, until the thirty-first day of December, nineteen hundred and twelve, both for the nations which have already ratified it, and for those which may hereafter ratify it.

In testimony whereof the Plenipotenciaries and Delegates have signed the present Convention, and affixed the Seal of the Third International American Conference.

Made in the city of Rio de Janeiro the thirteenth of August nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador—EMILIO ARÉVALO, OLMEDO ALFARO.

For Paraguay—MANUEL GONDRA, ARSENIO LÓPEZ DECOUD, GUALBERTO CARDÚS Y HUERTA.

For Bolivia—ALBERTO GUTIÉRREZ, CARLOS V. ROMERO.

For Colombia—RAFAEL URIBE URIBE, GUILLERMO VALENCIA.

For Honduras—FAUSTO DÁVILA.

For Panamá—JOSÉ DOMINGO DE OBALDÍA.

For Cuba—GONZALO DE QUESADA, RAFAEL MONTORO, ANTONIO GONZÁLEZ LANUZA.

For the Dominican Republic—EMILIO C. JOUBERT.

For Peru—EUGENIO LARRABURE Y UNÁNUE, ANTONIO MIRÓ QUESADA, MARIANO CORNEJO.

For El Salvador—FRANCISCO A. REYES.

For Costa Rica—ASCENSIÓN ESQUIVEL.

For the United States of Mexico—FRANCISCO LEÓN DE LA BARRA, RICARDO MOLINA-HÜBBE, RICARDO GARCÍA GRANADOS.

For Guatemala—ANTONIO BATRES JÁUREGUI.

For Uruguay—LUÍS MELIAN LAFINUR, ANTONIO MARÍA RODRÍGUEZ, GONZALO RAMÍREZ.

For the Argentine Republic—J. V. GONZÁLEZ, JOSÉ A. TERRY, EDUARDO L. BIDAÚ.

For Nicaragua—LUÍS F. COREA.

For the United States of Brazil—JOAQUIM AURELIO NABUCO DE ARAUJO, JOAQUIM FRANCISCO DE ASSIS BRASIL, GASTÃO DA CUNHA, ALFREDO DE MORAES GOMES FERREIRA, JOÃO PANDIÁ CALOGERAS, AMARO CAVALCANTI, JOAQUIM XAVIER DA SILVEIRA, JOSÉ P. DA GRAÇA ARANHA, ANTONIO DA FONTOURA XAVIER.

For the United States of America—WILLIAM I. BUCHANAN, L. S. ROWE, A. J. MONTAGUE, TULIO LARRINAGA, PAUL S. REINSCH, VAN LEER POLK.

For Chili—ANSELMO HEVIA RIQUELME, JOAQUÍN WALKER MARTÍNEZ, LUÍS ANTONIO VERGARA, ADOLFO GUERRERO.

## STATUS OF NATURALIZED CITIZENS WHO RETURN TO COUNTRY OF ORIGIN (INTER-AMERICAN)

*Convention signed at Rio de Janeiro August 13, 1906*

*Senate advice and consent to ratification January 13, 1908*

*Ratified by the President of the United States January 16, 1908*

*Ratification of the United States deposited at Rio de Janeiro February 25, 1908*

*Entered into force May 25, 1908*

*Proclaimed by the President of the United States January 28, 1913*

37 Stat. 1653; Treaty Series 575

### CONVENTION ESTABLISHING THE STATUS OF NATURALIZED CITIZENS WHO AGAIN TAKE UP THEIR RESIDENCE IN THE COUNTRY OF THEIR ORIGIN

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent, thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*Ecuador*—Dr. Emilio Arévalo; Olmedo Alfaro.

*Paraguay*—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

*Bolivia*—Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

*Colombia*—Rafael Uribe Uribe; Dr. Guillermo Valencia;

*Honduras*—Fausto Dávila;

*Panamá*—Dr. José Domingo de Obaldía;

*Cuba*—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

*Peru*—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;

*El Salvador*—Dr. Francisco A. Reyes;

*Costa Rica*—Dr. Ascensión Esquivel;

*United States of Mexico*—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;

*Guatemala*—Dr. Antonio Batres Jáuregui;

*Uruguay*—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;

*Argentine Republic*—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;

*Nicaragua*—Luís F. Corea;

*United States of Brazil*—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Garça Aranha; Antonio da Fontoura Xavier;

*United States of America*—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk;

*Chili*—Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to celebrate a Convention establishing the status of naturalized citizens who again take up their residence in the country of their origin, in the following terms:

Art. I. If a citizen, a native of any of the countries signing the present Convention, and naturalized in another, shall again take up his residence, in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having reassumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

Art. II. The intention not to return will be presumed to exist when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary.

Art. III. This Convention will become effective in the countries that ratify it, three months from the dates upon which said ratifications shall be communicated to the Government of the United States of Brazil; and if it should be denounced by any one of them, it shall continue in effect for one year more, to count from the date of such denouncement.

Art. IV. The denouncement of this Convention by any one of the signatory States shall be made to the Government of the United States of Brazil and shall take effect only with regard to the country that may make it.

In testimony whereof the Plenipotentiaries and Delegates have signed the present Convention, and affixed the Seal of the Third Internacional American Conference.

Made in the city of Rio de Janeiro the thirteenth of August nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the



Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador—EMILIO ARÉVALO, OL-MEDO ALFARO.

For Paraguay—MANUEL GONDRA, ARSENIO LÓPEZ DECOD, GUALBERTO CARDÚS Y HUERTA.

For Bolivia—ALBERTO GUTIÉRREZ, CARLOS V. ROMERO.

For Colombia—RAFAEL URIBE URIBE, GUILLERMO VALENCIA.

For Honduras—FAUSTO DÁVILA.

For Panamá—JOSÉ DOMINGO DE OBALDÍA.

For Cuba—GONZALO DE QUESADA, RAFAEL MONTORO, ANTONIO GONZÁLEZ LANUZA.

For Peru—EUGENIO LARRABURE Y UNÁNUE, ANTONIO MIRÓ QUESADA, MARIANO CORNEJO.

For El Salvador—FRANCISCO A. REYES.

For Costa Rica—ASCENCIÓN ESQUIVEL.

For the United States of Mexico—FRANCISCO LEÓN DE LA BARRA, RICARDO MOLINA-HÜBBE, RICARDO GARCÍA GRANADOS.

For Guatemala—ANTONIO BATRES JÁUREGUI.

For Uruguay—LUÍS MELIAN LAFINUR, ANTONIO MARÍA RODRÍGUEZ, GONZALO RAMÍREZ.

For the Argentine Republic—J. V. GONZÁLEZ, JOSÉ A. TERRY, EDUARDO L. BIDAÚ.

For Nicaragua—LUÍS F. COREA.

For the United States of Brazil—JOAQUIM AURELIO NABUCO DE ARAUJO, JOAQUIM FRANCISCO DE ASSIS BRASIL, GASTÃO DA CUNHA, ALFREDO DE MORAES GOMES FERREIRA, JOÃO PANDIÁ CALOGERAS, AMARO CAVALCANTI, JOAQUIM XAVIER DA SILVEIRA, JOSÉ P. DA GRAÇA ARANHA, ANTONIO DA FONTOURA XAVIER.

For the United States of America—WILLIAM I. BUCHANAN, L. S. ROWE, A. J. MONTAGUE, TULIO LARRINAGA, PAUL S. REINSCH, VAN LEER POLK.

For Chili—ANSELMO HEVIA RIQUELME, JOAQUÍN WALKER MARTÍNEZ, LUÍS ANTONIO VERGARA, ADOLFO GUERRERO.

## INTERNATIONAL COMMISSION OF JURISTS (INTER-AMERICAN)

*Convention signed at Rio de Janeiro August 23, 1906*

*Senate advice and consent to ratification February 3, 1908*

*Ratified by the President of the United States February 8, 1908*

*Ratification of the United States deposited at Rio de Janeiro March 9, 1908*

*Entered into force August 26, 1907;<sup>1</sup> for the United States March 9, 1908*

*Proclaimed by the President of the United States May 1, 1912*

37 Stat. 1554; Treaty Series 565

### CONVENTION

#### INTERNATIONAL LAW

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, Peru, the Dominican Republic, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent, thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following delegates:

*Ecuador*—Dr. Emilio Arévalo; Olmedo Alfaro.

*Paraguay*—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

*Bolivia*—Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

*Colombia*—Rafael Uribe Uribe; Dr. Guillermo Valencia;

*Honduras*—Fausto Dávila.

*Panamá*—Dr. José Domingo de Obaldía;

*Cuba*—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

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<sup>1</sup> Date of deposit of second instrument of ratification (Pan American Union Treaty Series No. 9, Rev. 1961, p. 15).

- Dominican Republic*—E. C. Joubert;  
*Peru*—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;  
*El Salvador*—Dr. Francisco A. Reyes;  
*Costa Rica*—Dr. Ascención Esquivel;  
*United States of Mexico*—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;  
*Guatemala*—Dr. Antonio Batres Jáuregui;  
*Uruguay*—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;  
*Argentine Republic*—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;  
*Nicaragua*—Luís F. Corea;  
*United States of Brazil*—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;  
*United States of America*—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk;  
*Chili*—Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to establish an international Commission of Jurists, in the following terms:

Art. 1. There shall be established an international Commission of Jurists, composed of one representative from each of the signatory States, appointed by their respective Governments, which commission shall meet for the purpose of preparing a draft of a Code of Private International Law and one of Public International Law, regulating the relations between the Nations of America. Two or more Governments may appoint a single representative, but such representative shall have but one vote.

Art. 2. Notice of the appointment of the members of the Commission shall be addressed by the Governments adhering to this Convention, to the Government of the United States of Brazil, which shall take the necessary steps for the holding of the first meeting.

Notice of these appointments shall be communicated to the Government of the United States of Brazil before April 1st, 1907.

Art. 3. The first meeting of said Commission shall be held in the City of Rio de Janeiro during the year 1907. The presence of at least twelve of the representatives of the signatory States shall be necessary for the organization of the Commission.

Said Commission shall designate the time and place for subsequent sessions, provided, however, that sufficient time be allowed from the date of the final meeting to permit of the submission to the signatory States of all drafts or all important portions thereof at least one year before the date fixed for the Fourth International American Conference.

Art. 4. Said Commission after having met for the purpose of organization and for the distribution of the work to the members thereof, may divide itself into two distinct committees, one to consider the preparation of a draft of a Code of Private International Law, and the other for the preparation of a Code of Public International Law. In the event of such division being made, the committees must proceed separately until they conclude their duties, or also as provided in the final clause of article three.

In order to expedite and increase the efficiency of this work, both committees may request the Governments to assign experts for the consideration of especial topics. Both committees shall also have the power to determine the period within which such special reports shall be presented.

Art. 5. In order to determine the subjects to be included within the scope of the work of the Commission, the Third International Conference recommends to the Commissions that they give special attention to the subjects and principles which have been agreed upon in existing treaties and conventions, as well as to those which are incorporated in the national laws of the American States, and furthermore recommends to the special attention of the Commission the Treaties of Montevideo of 1889<sup>2</sup> and the debates relating thereto, as well as the projects of conventions adopted at the Second International Conference of the American States held in Mexico in 1902,<sup>3</sup> and the discussions thereon; also all other questions which give promise of juridical progress, or which tend to eliminate the causes of misunderstanding or conflicts between said States.

Art. 6. The expense incident to the preparation of the drafts, including the compensation for technical studies made pursuant to article four, shall be defrayed by all the signatory States in the proportion and form established for the support of the International Bureau of the American Republics, of Washington, with the exception of the compensation of the members of the Commission, which shall be paid to the representatives by their respective Governments.

Art. 7. The Fourth International Conference of the American States shall embody in one or more treaties, the principles upon which an agreement may

<sup>2</sup> The International South American Law Congress met at Montevideo, Uruguay, Aug. 25, 1888–Feb. 18, 1889.

<sup>3</sup> See *Message from the President of the United States, Transmitting a Communication From the Secretary of State, Submitting the Report, With Accompanying Papers, of the Delegates of the United States to the Second International Conference of American States, Held at the City of Mexico from October 22, 1901, to January 22, 1902* (U.S. Government Printing Office, 1902); S. Doc. 330, 57th Cong., 1st sess.

be reached, and shall endeavor to secure their adoption and ratification by the Nations of America.

Art. 8. The Governments desiring to ratify this Convention, shall so advise the Government of the United States of Brazil, in order that the said Government may notify the other Governments through diplomatic channels, such action taking the place of an exchange of Notes.

In testimony whereof the Plenipotentiaries and Delegates have signed the present Convention, and affixed the Seal of the Third Internacional American Conference.

Made in the city of Rio de Janeiro the twenty-third day of August, nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador—EMILIO ARÉVALO, OLMEDO ALFARO.

For Paraguay—MANUEL GONDRA, ARSENIO LÓPEZ DECOUD, GUALBERTO CARDÚS Y HUERTA.

For Bolivia—ALBERTO GUTIÉRREZ, CARLOS V. ROMERO.

For Colombia—RAFAEL URIBE URIBE, GUILLERMO VALENCIA.

For Honduras—FAUSTO DÁVILA.

For Panamá—JOSÉ DOMINGO DE OBALDÍA.

For Cuba—GONZALO DE QUESADA, RAFAEL MONTORO, ANTONIO GONZÁLEZ LANUZA.

For the Dominican Republic—EMILIO C. JOUBERT.

For Peru—EUGENIO LARRABURE Y UNÁNUE, ANTONIO MIRÓ QUESADA, MARIANO CORNEJO.

For the United States of Brazil—JOAQUIM AURELIO NABUCO DE ARAUJO, JOAQUIM FRANCISCO DE ASSIS BRASIL, GASTÃO DA CUNHA, ALFREDO DE MORAES GOMES FERREIRA, JOÃO PANDIÁ CALOGERAS, AMARO CAVALCANTI, JOAQUIM XAVIER DA SILVEIRA, JOSÉ P. DA GRAÇA ARANHA, ANTONIO DA FONTOURA XAVIER.

For El Salvador—FRANCISCO A. REYES.

For Costa Rica—ASCENSIÓN ESQUIVEL.

For the United States of Mexico—FRANCISCO LEÓN DE LA BARRA, RICARDO MOLINA-HÜBBE, RICARDO GARCÍA GRANADOS.

For Guatemala—ANTONIO BATRES JÁUREGUI.

For Uruguay—LUÍS MELIAN LAFINUR, ANTONIO MARÍA RODRÍGUEZ, GONZALO RAMÍREZ.

For the Argentine Republic—J. V. GONZÁLEZ, JOSÉ A. TERRY, EDUARDO L. BIDAÚ.

For Nicaragua—LUÍS F. COREA.

For the United States of America—WILLIAM I. BUCHANAN, L. S. ROWE, A. J. MONTAGUE, TULIO LARRINAGA, PAUL S. REINSCH, VAN LEER POLK.

For Chili—ANSELMO HEVIA RIQUELME, JOAQUÍN WALKER MARTÍNEZ, LUÍS ANTONIO VERGARA, ADOLFO GUERRERO.

## LIQUOR TRAFFIC IN AFRICA: REVISION OF DUTIES

*Convention signed at Brussels November 3, 1906*

*Procès-verbal of deposit of ratifications open from February 9 to November 3, 1907*

*Senate advice and consent to adherence February 15, 1907*

*Declaration of adherence by the President of the United States February 19, 1907*

*Adherence of the United States deposited at Brussels May 11, 1907*

*Entered into force December 2, 1907*

*Proclaimed by the President of the United States December 2, 1907*

*Replaced by convention of September 10, 1919,<sup>1</sup> as between contracting parties to the later convention*

35 Stat. 1912; Treaty Series 467

### [TRANSLATION]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Spain; His Majesty the King-Sovereign of the Independent State of the Congo; The President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc. etc.; His Majesty the Emperor of All the Russias; and His Majesty the King of Sweden;

Wishing to provide for the execution of the clause in Article I of the Convention of June 8, 1899,<sup>2</sup> itself made in execution of Article XCII of the General Act of Brussels,<sup>3</sup> and by virtue of which the import duties on spirits within certain regions of Africa were to be subjected to revision on the basis of results produced by the previous rates,

Have resolved to convene to that effect a Conference at Brussels and have named as their plenipotentiaries, to-wit:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire,

<sup>1</sup> TS 779, *post*, vol. 2.

<sup>2</sup> TS 389, *ante*, p. 226.

<sup>3</sup> General act dated July 2, 1890 (TS 383), *ante*, p. 134.

Nicolas, Count of Wallwitz, His Actual Privy Counsellor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Göhring, His Actual Privy Counsellor of Legation;

His Majesty the King of the Belgians,

Mr. Leon Capelle, His Envoy Extraordinary and Minister Plenipotentiary, Director General of Commerce and Consulates at the Ministry of Foreign Affairs, and

Mr. J. Kebers, Director General of Customs and Excise of the Ministry of Finance and Public Works;

His Majesty the King of Spain,

Mr. Arturo de Baguer, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King-Sovereign of the Independent State of the Congo,

Mr. Hubert Droogmans, Secretary General of the Department of Finance of the Independent State of the Congo, and

Mr. A. Mechelynck, Attorney-at-Law near the Court of Appeals of Ghent, Member of the House of Representatives of Belgium;

The President of the French Republic,

Mr. A. Gérard, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians;

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India,

Sir Arthur Hardinge, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. A. Walrond Clarke, Chief of the Department of Africa in the Foreign Office;

Mr. H. J. Read, Chief of the Department of East Africa in the Colonial Office;

His Majesty the King of Italy,

Lelio, Count Bonin Longare, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

Her Majesty the Queen of the Netherlands,

Jonkheer O. D. van der Staal de Piershil, Her Chamberlain, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King of Portugal and of the Algarves,

Carlos-Cyrillo Machado, Viscount de Santo-Thyrso, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians; and



Mr. Tomaz-Antonio Garcia Rosado, Lieutenant-Colonel on the General Staff, Member of His Council and His Honorary Artillery Officer;

His Majesty the Emperor of All the Russias,

Mr. N. de Giers, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King of Sweden,

Gustave M. M. Baron Falkenberg, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

Who, vested with powers in good and due form, have adopted the following provisions:

#### ARTICLE I

From the putting into operation of this Convention, the import duty on spirits shall be advanced throughout the zone wherein the prohibition régime contemplated in Article XCI of the General Act of Brussels does not exist, to the rate of 100 francs per hectolitre at 50 centesimal degrees.

It is however agreed in regard to Erythrea that the duty may be not more than 70 francs per hectolitre at 50 centesimal degrees, the excess being in a general and continuous way represented by the aggregate of other duties existing in that colony.

The import duty shall be proportionally increased for each degree above 50 centesimal degrees; it may be proportionally decreased for each degree below 50 centesimal degrees.

The Powers retain the right to maintain and advance the tax beyond the minimum fixed by this article in the regions where they now have that right.

#### ARTICLE II

As a consequence of Article XCIII of the General Act of Brussels, distilled beverages made within the regions contemplated in Article XCII of the said General Act and intended for consumption therein, shall be subjected to an excise duty.

This excise duty which the Powers engage to collect as far as practicable shall not be less than the minimum import duty fixed by article I of this Convention.

It is however agreed, in regard to Angola, that the Portuguese Government will be at liberty, with a view to effect the gradual and complete transformation of distilleries into sugar factories, to take out of the proceeds of the said 100 francs duty a sum of 30 francs which would be allowed to the producers on condition that they shall, under the Portuguese Government's supervision carry out the said transformation.

If the Portuguese Government should avail itself of this liberty, the number of distilleries in operation and the producing power of each should not

be greater than the number and power ascertained on the 31st of October, 1906.

### ARTICLE III

The provisions of this Convention are established for a term of ten years.

At the expiration of that period, the import duty fixed by Article I shall be subject to revision on the basis of the results produced by the preceding rates.

Each one of the Contracting Powers will, however, be at liberty to move the revision of the duty at the expiration of the eighth year.

The Power availing itself of this liberty should give notice of its intention, six months before the said expiration, to the other Powers through the Belgian Government which would then undertake to call the Conference within the above stated term of six months.

### ARTICLE IV

It is agreed that the Powers that have signed the General Act of Brussels or adhered thereto and are not represented at this Conference, retain the right of adhering to this Convention.

### ARTICLE V

This Convention shall be ratified and the ratification shall be deposited at the Ministry of Foreign Affairs at Brussels with as little delay as possible and in no case shall the term exceed one year.

A certified copy of the *procès-verbal* of deposit shall be addressed by the Belgian Government to all the Powers concerned.

### ARTICLE VI

This Convention shall go into effect in all the possessions of the Contracting Powers within the zone defined by Article XC of the General Act of Brussels on the thirtieth day after that on which the *procès-verbal* of deposit contemplated in the foregoing article shall have been closed.

From that date, the Convention relative to regulations affecting spirits in Africa, signed at Brussels on the 8th of June, 1899, shall cease and determine.

In witness whereof, the respective Plenipotentiaries have signed this Convention and affixed their seals thereto.

Done in a single copy at Brussels the third day of the month of November one thousand nine hundred and six.

[For Germany:]

GRAF VON WALLWITZ  
GÖHRING

[SEAL]  
[SEAL]

[For Belgium:]

CAPELLE  
KEBERS

[SEAL]  
[SEAL]

[For Spain:]

ARTURO DE BAGUER

[SEAL]

[For the Independent State of  
the Congo:]

H. DROOGMANS  
A. MECHÉLYNCK

[SEAL]  
[SEAL]

[For France:]		[For Portugal:]	
A. GÉRARD	[SEAL]	SANTO THYRSO	[SEAL]
		GARCIA ROSADO	[SEAL]
[For the United Kingdom:]			
ARTHUR H. HARDINGE	[SEAL]	[For Russia:]	
A. W. CLARKE	[SEAL]	N. DE GIERS	[SEAL]
H. J. READ	[SEAL]		
[For Italy:]		[For Sweden:]	
BONIN	[SEAL]	FALKENBERG	[SEAL]
[For the Netherlands:]			
VAN DER STAAL DE PIERSHIL	[SEAL]		

## TELECOMMUNICATION (WIRELESS TELEGRAPH)

*Convention, supplementary agreement, and final protocol signed at Berlin November 3, 1906*<sup>1</sup>

*Senate advice and consent to ratification April 3, 1912*

*Ratified by the President of the United States April 22, 1912*

*Ratification of the United States deposited at Berlin May 17, 1912*

*Entered into force July 1, 1908; for the United States May 17, 1912*

*Proclaimed by the President of the United States May 25, 1912*

*Replaced by conventions and protocols of July 5, 1912,<sup>2</sup> November 25, 1927,<sup>3</sup> and December 9, 1932,<sup>4</sup> as between contracting parties to the later conventions and protocols*

*Terminated definitively May 15, 1933*<sup>5</sup>

37 Stat. 1565; Treaty Series 568

### [TRANSLATION]

INTERNATIONAL WIRELESS TELEGRAPH CONVENTION CONCLUDED BETWEEN GERMANY, THE UNITED STATES OF AMERICA, ARGENTINA, AUSTRIA, HUNGARY, BELGIUM, BRAZIL, BULGARIA, CHILE, DENMARK, SPAIN, FRANCE, GREAT BRITAIN, GREECE, ITALY, JAPAN, MEXICO, MONACO, NORWAY, THE NETHERLANDS, PERSIA, PORTUGAL, ROUMANIA, RUSSIA, SWEDEN, TURKEY, AND URUGUAY

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at Berlin, have agreed on the following Convention, subject to ratification:

### ARTICLE 1

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all wireless telegraph stations open to public service between the coast and vessels at sea—both coastal stations and stations on shipboard—which are established or worked by the Contracting Parties.

<sup>1</sup> For text of service regulations, see 37 Stat. 1581.

<sup>2</sup> TS 581, *post*, p. 883.

<sup>3</sup> TS 767, *post*, vol. 2.

<sup>4</sup> TS 867, *post*.

<sup>5</sup> Date by which all parties to the 1906 convention had become parties to later conventions.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for wireless telegraphy open to the service of public correspondence between the coast and vessels at sea, or to establish or work wireless telegraph stations, whether open to general public service or not, on board of vessels flying their flag.

#### ARTICLE 2

By "coastal stations" is to be understood every wireless telegraph station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every wireless telegraph station established on board any vessel not permanently moored is called a "station on shipboard."

#### ARTICLE 3

The coastal stations and the stations on shipboard shall be bound to exchange wireless telegrams reciprocally without distinction of the wireless telegraph system adopted by such stations.

#### ARTICLE 4

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

#### ARTICLE 5

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

#### ARTICLE 6

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, also of all data necessary to facilitate and accelerate the exchange of wireless telegrams, as specified in the Regulations.<sup>o</sup>

#### ARTICLE 7

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special wireless communication without publishing the details of such devices.

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<sup>o</sup> See footnote 1, p. 556.

## ARTICLE 8

The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless stations.

## ARTICLE 9

Wireless telegraph stations are bound to give absolute priority to calls of distress from ships, to similarly answer such calls and to take such action with regard thereto as may be required.

## ARTICLE 10

The total charge for wireless telegrams shall comprise:

1. The charge for the maritime transmission, that is:
  - (a) The coastal rate, which shall fall to the coastal station;
  - (b) The shipboard rate, which shall fall to the shipboard station.
2. The charge for transmission over the lines of the telegraph system, to be computed according to the general regulations.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government whose flag the ship is flying.

Each of these rates shall be fixed in accordance with the tariff per word, pure and simple, with an optional minimum rate per wireless telegram, on the basis of an equitable remuneration for the wireless work. Neither rate shall exceed a maximum to be fixed by the High Contracting Parties.

However, each of the High Contracting Parties shall be at liberty to authorize higher rates than such maximum in the case of stations of ranges exceeding 800 km. or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

For wireless telegrams proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the High Contracting Parties shall advise one another of the rates applicable to the transmission over the lines of their telegraph system. Such rates shall be those resulting from the principle that the coastal station is to be considered as the station of origin or of destination.

## ARTICLE 11

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by

common consent. Conferences of plenipotentiaries or simply administrative conferences, according as the Convention or the Regulations are affected, shall take place from time to time; each conference shall fix the time and place of the next meeting.

#### ARTICLE 12

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

#### ARTICLE 13

An International Bureau shall be charged with collecting, coordinating and publishing information of every kind relating to wireless telegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international wireless telegraphy.

The expenses of such institution shall be borne by all the contracting countries.

#### ARTICLE 14

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive wireless telegrams proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a wireless telegram is received, the ordinary rates shall be applicable to it.

Any wireless telegram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any wireless telegram intended for a vessel shall also be forwarded if the administration of a contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

#### ARTICLE 15

The provisions of Articles 8 and 9 of this Convention are also applicable to wireless telegraph installations other than those referred to in Article 1.



## ARTICLE 16

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

## ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the International Telegraph Convention of St. Petersburg of July 10/22, 1875,<sup>7</sup> shall be applicable to international wireless telegraphy.

<sup>7</sup> Articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the convention of 1875 read, in translation, as follows:

ART. 1. The High Contracting Parties concede to all persons the right to correspond by means of the international telegraphs.

ART. 2. They bind themselves to take all the necessary measures for the purpose of insuring the secrecy of the correspondence and its safe transmission.

ART. 3. They declare, nevertheless, that they accept no responsibility as regards the international telegraph service.

ART. 5. Telegrams are classed in three categories:

1. State telegrams: those emanating from the Head of the Nation, the Ministers, the Commanders-in-Chief of the Army and Naval forces, and the Diplomatic or Consular Agents of the Contracting Governments, as well as the answers to such telegrams.

2. Service telegrams: those which emanate from the Managements of the Telegraph Service of the Contracting States and which relate either to the international telegraph service or to subjects of public interest determined jointly by such Managements.

3. Private telegrams.

In the transmission, the State telegrams shall have precedence over other telegrams.

ART. 6. State telegrams and service telegrams may be issued in secret language, in any communications.

Private telegrams may be exchanged in secret language between two States which admit of this mode of correspondence.

The States which do not admit of private telegrams in secret language upon the expedition or arrival of the same, shall allow them to pass in transit, except in the case of suspension defined in article 8.

ART. 7. The High Contracting Parties reserve the right to stop the transmission of any private telegram which may appear dangerous to the safety of the State, or which may be contrary to the laws of the country, to public order or good morals.

ART. 8. Each Government also reserves the right to suspend the international telegraph service for an indefinite period, if deemed necessary by it, either generally, or only over certain lines and for certain classes of correspondence, of which such Government shall immediately notify all the other Contracting Governments.

ART. 11. Telegrams relating to the international telegraph service of the Contracting States shall be transmitted free of charge over the entire systems of such States.

ART. 12. The High Contracting Parties shall render accounts to one another of the charges collected by each of them.

ART. 17. The High Contracting Parties reserve respectively the right to enter among themselves into special arrangements of any kind with regard to points of the service which do not interest the States generally.

For full text of convention of 1875, see 57 LNTS 212.

## ARTICLE 18

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government, and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

## ARTICLE 19

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

## ARTICLE 20

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

## ARTICLE 21

The High Contracting Parties shall preserve their entire liberty as regards wireless telegraph installations other than provided for in Article 1, especially naval and military installations, which shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations are used for general public service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

## ARTICLE 22

The present Convention shall go into effect on the 1st day of July, 1908, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

### ARTICLE 23

The present Convention shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each Party.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE  
SYDOW

For the United States of America:

CHARLEMAGNE TOWER  
H. N. MANNEY  
JAMES ALLEN  
JOHN I. WATERBURY

For Argentina:

J. OLMI

For Austria:

BARTH  
FRIES

For Hungary:

PIERRE DE SZALAY  
DR. DE HENNYEY  
HOLLÓS

For Belgium:

F. DELARGE  
E. BUELS

For Brazil:

CESAR DE CAMPOS

For Bulgaria:

IV. STOYANOVITCH

For Chile:

J. MUÑOZ HURTADO  
J. MERY

For Denmark:

N. R. MEYER  
I. A. VOEHITZ

For Spain:

IGNACIO MURCIA  
RAMÓN ESTRADA  
RAFAEL RÁVENA  
ISIDRO CALVO  
MANUEL NORÍEGA  
ANTONIO PELÁEZ-CAMPOMANES

For France:

J. BORDELONGUE  
L. GASCHARD  
BOULANGER  
A. DEVOS

For Great Britain:

H. BABINGTON SMITH  
A. E. BETHELL  
R. L. HIPPLISLEY

For Greece:

T. ARGYROPOULOS

For Italy:

J. COLOMBO

For Japan:

OSUKE ASANO  
ROKURE YASHIRO  
SHUNKICHI KIMURA  
ZIRO TANAKA  
SABURO HYAKUTAKE

For Mexico:

JOSÉ M. PÉREZ

For Monaco:

J. DEPELLEY

For Norway:

HEFTYE  
O. T. EIDEM

For the Netherlands:

KRUÏT  
PERK  
HOVEN

For Persia:

HOVHANNÈS KHAN

For Portugal:

PAULO BENJAMIN CABRAL

For Roumania:

GR. CERKEZ

For Russia:  
A. EICHHOLZ  
A. EULER  
VICTOR BILIBINE  
A. REMMERT  
W. KÉDRINE

For Turkey:  
NAZIF BEY  
For Uruguay:  
F. A. COSTANZO

For Sweden:  
HERMAN RYDIN  
A. HAMILTON

### SUPPLEMENTARY AGREEMENT

The undersigned plenipotentiaries of the Governments of Germany, the United States of America, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Greece, Monaco, Norway, the Netherlands, Roumania, Russia, Sweden, Turkey, and Uruguay bind themselves mutually, from the date of the going into effect of the Convention, to conform to the provisions of the following supplementary articles:

#### I

Each station on shipboard referred to in Article 1 of the Convention shall be bound to correspond with any other station on shipboard without distinction of the wireless telegraph system adopted by such stations respectively.

#### II

The Governments which have not adhered to the foregoing article may at any time signify, by following the procedure prescribed by Article 16 of the Convention, that they bind themselves to conform to its provisions.

Those which have adhered to the foregoing article may at any time, under the same conditions as provided for in Article 22, signify their intention to cease conforming to its provisions.

#### III

This agreement shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the present Agreement, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:  
KRAETKE  
SYDOW

For Argentina:  
J. OLMÍ

For Austria:  
BARTH  
FRIES

For the United States of America:  
CHARLEMAGNE TOWER  
H. N. MANNEY  
JAMES ALLEN  
JOHN I. WATERBURY

For Hungary:  
PIERRE DE SZALAY  
DR. DE HENNYEY  
HOLLÓS

For Belgium:	For Greece:
F. DELARGE	T. ARGYROPOULOS
E. BUELS	
For Brazil:	For Monaco:
CESAR DE CAMPOS	J. DEPELLEY
For Bulgaria:	For Norway:
IV. STOYANOVITCH	HEFTYE
	O. T. EIDEM
For Chile:	For the Netherlands:
J. MUÑOZ HURTADO	KRUÿT
J. MERY	PERK
	HOVEN
For Denmark:	For Roumania:
N. R. MEYER	GR. CERKEZ
I. A. VOELTZ	
For Spain:	For Russia:
IGNACIO MURCIA	A. EIGHOLZ
RAMÓN ESTRADA	A. EULER
RAFAEL RÁVENA	VICTOR BILBINE
ISIDRO CALVO	A. REMMERT
MANUEL NORIEGA	W. KÉDRINE
ANTONIO PELÁEZ-CAMPOMANES	
For France:	For Sweden:
J. BORDELONGUE	HERMAN RYDIN
L. GASCHARD	A. HAMILTON
BOULANGER	
A. DEVOS	For Turkey:
	NAZIF BEY
	For Uruguay:
	F. A. COSTANZO

## FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Wireless Telegraph Conference of Berlin, the undersigned plenipotentiaries have agreed as follows:

### I

The High Contracting Parties agree that at the next Conference the number of votes to which each country is entitled (Article 12 of the Convention) shall be decided at the beginning of the deliberations, so that the colonies, possessions or protectorates admitted to the privilege of voting may exercise their right to vote during the entire course of the proceedings of such Conference.

This decision shall be of immediate effect and remain in force until amended by a subsequent Conference.

As regards the next Conference, applications for the admission of new votes in favor of colonies, possessions or protectorates which may have adhered to the Convention shall be addressed to the International Bureau at least six months prior to the date of the convening of such Conference. Notice of such applications shall at once be given to the remaining contracting

Governments, which may, within the period of two months from the receipt of the notice, formulate similar applications.

## II

Each contracting Government may reserve the right to designate, according to circumstances, certain coastal stations to be exempted from the obligation imposed by Article 3 of the Convention, provided that, as soon as this measure goes into effect, there shall be opened within its territory one or several stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service. The Governments desiring to reserve this right shall give notice thereof in the form provided for in the second paragraph of Article 16 of the Convention, not later than three months before the Convention goes into effect, or, in case of subsequent adhesion, at the time of such adhesion.

The countries whose names follow below declare now that they will not reserve such right:

Germany,	Greece,
United States of America,	Mexico,
Argentina,	Monaco,
Austria,	Norway,
Hungary,	Netherlands,
Belgium,	Roumania,
Brazil,	Russia,
Bulgaria,	Sweden,
Chile,	Uruguay.

## III

The manner of carrying out the provisions of the foregoing article shall be at the discretion of the Government which takes advantage of the right of exemption; such Government shall be at liberty to decide from time to time, in its own judgment, how many stations and what stations shall be exempted. Such Government shall likewise be at liberty as regards the manner of carrying out the provision relative to the opening of other stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service.

## IV

It is understood that, in order not to impede scientific progress, the provisions of Article 3 of the Convention shall not prevent the eventual employment of a wireless telegraph system incapable of communicating with other systems, provided, however, that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

## V

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates, unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates as a whole, or each of them separately, may form the subject of a separate adherence or a separate denunciation within the provisions of Articles 16 and 22 of the Convention.

It is understood that the stations on board of vessels whose headquarters is a port in a colony, possession or protectorate may be deemed as subject to the authority of such colony, possession or protectorate.

## VI

Note is taken of the following declaration:

The Italian delegation in signing the Convention does so with the reservation that the Convention can not be ratified on the part of Italy until the date of the expiration of her contracts with Mr. Marconi and his Company, or at an earlier date if the Government of the King of Italy shall succeed in fixing such date by negotiations with Mr. Marconi and his Company.

## VII

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the parties which shall have ratified it.

In witness whereof the undersigned plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE  
SYDOW

For the United States of America:

CHARLEMAGNE TOWER  
H. N. MANNEY  
JAMES ALLEN  
JOHN I. WATERBURY

For Argentina:

J. OLMÍ

For Austria:

BARTH  
FRIES

For Hungary:

PIERRE DE SZALAY  
DR. DE HENNYEY  
HOLLÓS

For Belgium:

F. DELARGE  
E. BUELS

For Brazil:

CESAR DE CAMPOS

For Bulgaria:

IV. STOYANOVITCH

For Chile:

J. MUÑOZ HURTADO  
J. MERY



For Denmark:  
N. R. MEYER  
I. A. VOEHNTZ

For Spain:  
IGNACIO MURCIA  
RAMÓN ESTRADA  
RAFAEL RÁVENA  
ISIDRO CALVO  
MANUEL NORÍEGA  
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J. BORDELONGUE  
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T. ARGYROPOULOS

For Italy:  
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For Japan:  
OSUKE ASANO  
ROKURE YASHIRO  
SHUNKICHI KIMURA  
ZIRO TANAKA  
SABURO HYAKUTAKE

For Mexico:  
JOSÉ M. PÉREZ

For Monaco:  
J. DEPELLEY

For Norway:  
HEFTYE  
O. T. EIDEM

For the Netherlands:  
KRUYT  
PERK  
HOVEN

For Persia:  
HOVHANNÈS KHAN

For Portugal:  
PAULO BENJAMIN CABRAL

For Roumania:  
GR. CERKEZ

For Russia:  
A. EICHHOLZ  
A. EULER  
VICTOR BILIBINE  
A. REMMERT  
W. KÉDRINE

For Sweden:  
HERMAN RYDIN  
A. HAMILTON

For Turkey:  
NAZIF BEY

For Uruguay:  
F. A. COSTANZO

[For text of service regulations, see 37 Stat. 1581.]

## UNIFICATION OF PHARMACOPŒIAL FORMULAS FOR POTENT DRUGS

*Agreement and procès-verbal of signature signed at Brussels  
November 29, 1906*

*Entered into force December 29, 1906*

*Terminated by protocol of May 20, 1952<sup>1</sup>*

Treaty Series 510

### [TRANSLATION]

#### AGREEMENT RESPECTING THE UNIFICATION OF THE PHARMACOPŒIAL FORMULAS FOR POTENT DRUGS

The Governments of Germany, Austria and Hungary, Belgium, Bulgaria, Denmark, Spain, the United States of America, France, Great Britain, Greece, Italy, the Grand Duchy of Luxemburg, Norway, the Netherlands, Portugal, Russia, Servia, Sweden, and Switzerland, having recognized the utility of concluding an Agreement with a view to the unification of the Pharmacopœial formulas for potent drugs on the basis indicated in the Final Protocol signed on the 20th September, 1902, as a result of the Conference held at Brussels,<sup>2</sup> the Undersigned, duly authorized thereto, have agreed upon the following stipulations:

#### ARTICLE 1

The medicinal substances inscribed in the Table given below shall be designated, in the Pharmacopœia published by each of the Contracting Governments, by the Latin names employed in this Table, and shall conform with the directions indicated in the column opposite.

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<sup>1</sup> 3 UST 5067; TIAS 2692.

<sup>2</sup> The 1902 conference, composed of delegates from nearly every civilized country, was held for the purpose of formulating standards for potent remedies which would be adopted by the various pharmacopœias of the world and would thus secure the principal object of an international pharmacopœia.

Latin names and synonyms of drugs and preparations	Pharmaceutical directions
Aconitum Napellus. L. . . . . Aconiti tuber seu Tuber Aconiti. . . . .	Use only the tuber of the current year, dried. Powdered drug to be used entire, without separation of residue.
Aconiti tinctura seu Tinctura Aconiti. . . . .	Prepare by percolation with alcohol (70 per cent. by volume). Tincture to be standardized to 0.05 per cent. of total alkaloids.
Atropa Belladonna. L. . . . . Belladonnæ folium seu Folium Belladonnæ. . . . .	Use only the leaf, dried. Powdered drug to be used entire.
Belladonnæ tinctura seu Tinctura Belladonnæ. . . . .	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Belladonnæ extractum seu Extractum Belladonnæ. . . . .	Prepare a solid extract (containing about 10 per cent. of water) by means of alcohol (70 per cent.).
Colchicum autumnale. L. . . . . Colchici semen seu Semen Colchici. . . . . Colchici tinctura seu Tinctura Colchici. . . . .	Use only the seed. Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Digitalis purpurea. L. . . . . Digitalis folium seu Folium Digitalis. . . . .	Use the leaf of the second year. Powdered drug to be used entire.
Digitalis tinctura seu Tinctura Digitalis. . . . .	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Uragoga Ipecacuanha. Baill. . . . . Ipecacuanhæ radix seu Radix Ipecacuanhæ. . . . .	Powder only the root-bark, rejecting the woody portion. The powder should have an alkaloidal strength of 2 per cent.
Ipecacuanhæ tinctura seu Tinctura Ipecacuanhæ. . . . .	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Ipecacuanhæ sirupus seu Sirupus Ipecacuanhæ. . . . .	Prepare with 10 per cent. of the tincture.
Hyoscyamus niger. L. . . . . Hyoscyami folium seu Folium Hyoscyami. . . . . Hyoscyami tinctura seu Tinctura Hyoscyami. . . . .	Use only the leaf. Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Hyoscyami extractum seu Extractum Hyoscyami. . . . .	Prepare a solid extract (containing about 10 per cent. of water) by means of alcohol (70 per cent.).
Strychnos Nux vomica. L. . . . . Strychni semen seu Semen Strychni seu Nux vomica. . . . .	Alkaloidal strength (of powdered drug) 2.5 per cent.
Strychni tinctura seu Tinctura Strychni; Nucis vomicæ tinctura seu Tinctura Nucis vomicæ. . . . .	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.). Alkaloidal strength 0.25 per cent.
Strychni extractum seu Extractum Strychni; Nucis vomicæ extractum seu Extractum Nucis vomicæ. . . . .	Prepare by means of alcohol (70 per cent.). Alkaloidal strength 16 per cent.
Opii pulvis seu Pulvis Opii. . . . .	Powder to be dried at 60° C. Strength in morphine 10 per cent.
Opii extractum seu Extractum Opii. . . . .	Strength in morphine 20 per cent.
Opii tinctura seu Tinctura Opii. . . . .	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.). Strength in morphine 1 per cent.
Opii tinctura crocata seu Tinctura Opii crocata seu Laudanum Sydenhami. . . . .	Strength in morphine 1 per cent.
Opii et Ipecacuanhæ pulvis compositus seu Pulvis Doveri. . . . .	To contain 10 per cent. of Pulvis Opii.
Opii tinctura benzoica seu Tinctura Opii benzoica. . . . .	Strength in morphine 0.05 per cent.

Latin names and synonyms of drugs and preparations	Pharmaceutical directions
Strophanthi tinctura seu Tinctura Strophanthi.	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.). Seeds not to be freed from fat.
Sclerotium clavicepitis purpureæ <i>Tul.</i> seu Clavicepitis purpureæ <i>Tul.</i> Sclerotium.	
Secale cornutum seu Ergotum secale.....	Ergot to be not more than one year old, and kept whole.
Secalis cornuti extractum seu Extractum Secalis cornuti; Ergoti extractum seu Extractum Ergoti.	Prepare a watery extract and make up with alcohol (60 per cent.).
Secalis cornuti extractum fluidum seu Extractum fluidum Secalis cornuti; Ergoti extractum fluidum seu Extractum fluidum Ergoti.	Strength 100 per cent.
Acidum hydrocyanicum dilutum.....	Strength 2 per cent.
Laurocerasi aqua seu Aqua Laurocerasi....	Strength 0.10 per cent.
Amygdalæ amaræ aqua seu Aqua Amygdalæ amaræ.	Strength 0.10 per cent.
Phenoli solutio seu Aqua phenolata.....	Strength 2 per cent.
Arsenas sodii seu Sodii arsenas; Arsenicum natrium seu Natrium arsenicum.	The crystalized salt, containing 36.85 per cent. of arsenic acid.
Arsenicalis liquor Fowleri seu Liquor arsenicalis Fowleri seu Kalii arsenicosi liquor.	Strength in arsenious acid 1 per cent.
Ferri iodidi sirupus seu Sirupus iodeti ferrosi seu Sirupus ferri iodati.	Strength in anhydrous ferrous iodide 5 per cent.
Cantharidis tinctura seu Tinctura Cantharidis.	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Iodi tinctura seu Tinctura Iodi.	Strength 10 per cent. Prepare with alcohol (95 per cent.).
Lobeliz tinctura seu Tinctura Lobeliz.....	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Cocainum hydrochloricum.....	The anhydrous salt.
Hydrargyri unguentum seu Unguentum Hydrargyri.	Strength 30 per cent.
Antimoniale vinum seu Vinum antimoniale; Stibiatum vinum seu Vinum stibiatum.	Strength in tartar emetic 0.40 per cent.

## ARTICLE 2

So far as regards substances other than those which appear in the Table contained in Article 1, and which may hereafter be included in the Pharmacopœias, the Contracting Governments undertake that the following rules shall apply:

(a) No potent drug shall be directed to be prepared in the form of a medicinal wine (*vinum*);

(b) Tinctures of potent drugs shall be directed to be prepared of the strength of 10 per cent. and by percolation;

(c) Fluid extracts of potent drugs shall be prepared of the strength of 100 per cent.

## ARTICLE 3

The Contracting Governments shall adopt a normal drop-measure, the external diameter of whose outlet tube shall be exactly 3 millimetres, that is

to say, which, at a temperature of 15 degrees centigrade and with distilled water, shall yield 20 drops to the gramme.

#### ARTICLE 4

Governments which have not taken part in the present Agreement shall be allowed at their own request to signify their adhesion to it. Such adhesion shall be notified, through the proper diplomatic channel, to the Belgian Government, and by it to the other Signatory Governments.

#### ARTICLE 5

The present Agreement shall come into force one month after the date of its signature. It is understood, nevertheless, that the stipulations of Articles 1, 2, and 3 shall not become binding upon any one of the Contracting Parties until the publication of a new issue, or of a supplement, of its Pharmacopœia.

#### ARTICLE 6

In case one or other of the Contracting Parties shall denounce the present Agreement, such denunciation shall take effect only so far as regards itself, and then only six months after the day upon which such denunciation shall have been notified to the Belgian Government.

In witness whereof the Undersigned have signed the present Agreement.  
Done at Brussels, the 29th November, 1906, in a single instrument, of which an exact copy shall be delivered to each of the Signatory Governments.

For Germany:	For Greece:
GRAF VON WALLWITZ	A. CHARALAMBY
For Austria and for Hungary:	For Italy:
COMTE CLARY ET ALDRINGEN, <i>Minister of Austria-Hungary</i>	PCE MARIO RUSPOLI DE POGGIO SUASA
For Belgium:	For the Grand Duchy of Luxemburg:
FAVEREAU	LE COMTE D'ANSEMBOURG
For Bulgaria:	For Norway:
DR. ZOLOTOVITZ	W. CHRISTOPHERSEN
For Denmark:	For the Netherlands:
W. GREVENKOP CASTENKIOLD	VAN DER STAAL VAN PIERSHIL
For Spain:	For Portugal:
ARTURO DE BAGUER	
For the United States of America:	For Russia:
HENRY LANE WILSON	N. DE GIERS
For France:	For Servia:
ETIENNE GANDERAX	M. BOGHITCHÉVITCH
For Great Britain:	For Sweden:
ARTHUR H. HARDINGE	FALKENBERG
	For Switzerland:
	JULES BOREL

## PROCÈS-VERBAL OF SIGNATURE

The Undersigned, duly authorized, have met together on the 29th November, 1906, at the Belgian Ministry for Foreign Affairs, in order to proceed to the signature of the Act intended to give diplomatic sanction to the Resolutions adopted by the Conference which assembled at Brussels in the month of September 1902, with a view to the unification of the Pharmacopœial formulas for potent drugs.

At the moment of affixing their signatures to the said Act, the Representatives of Germany, Austria-Hungary, the United States of America, Great Britain, Portugal, and Sweden have formulated, in the name of their respective Governments, the following reservations:

I. RESERVATIONS FORMULATED BY THE GERMAN GOVERNMENT.—“The Imperial Government does not impose upon itself, by the fact of signing the present Agreement, any other obligation beyond that of exercising its influence, when the proper time arrives, that is to say, at the date of the next revision of the German Pharmacopœia, in order to bring the latter into conformity with the present Agreement.

“At the same time the Imperial Government reserves to itself the right of introducing into the stipulations of this Agreement any modifications which, on the one hand, appear necessary in order to take account of the progress of medical and pharmaceutical science, and which, on the other hand, may be desirable from the point of view of the unification of the German Pharmacopœia.”

II. RESERVATIONS FORMULATED BY THE AUSTRIAN GOVERNMENT.—“So far as regards *opii pulvis* the Austrian Government reserves to itself the right of permitting the sale of the pure drug containing, as a maximum, 12 per cent. of morphine.”

III. RESERVATIONS FORMULATED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.—“The Government of the United States does not assume, by the fact of signing the present Agreement, any other obligation beyond that of exercising its influence in order that, at the next revision of the American Pharmacopœia, the latter may be brought into harmony with the said Agreement.”

IV. RESERVATIONS FORMULATED BY THE GOVERNMENT OF HIS BRITANNIC MAJESTY.—“The Government of His Britannic Majesty declares that it reserves the right of introducing into the stipulations of the present Agreement such modifications in detail as the progress of medical and pharmaceutical science may render necessary from time to time.

“The Government of His Britannic Majesty further declares that it reserves the right of adhering to the Agreement, and of denouncing it, with reference to each of the British Colonies or Possessions, separately.”

V. RESERVATIONS FORMULATED BY THE PORTUGUESE GOVERNMENT.—“The Resolutions of the International Conference held at Brussels for the unification of the Pharmacopœial formulas of potent drugs shall be applied in Portugal. Nevertheless, the vernacular Portuguese name of each substance shall appear in the text of the Pharmacopœia, and shall be adopted as the primary denomination; one of the Latin names inscribed in the Table contained in Article 1 of the present Agreement shall be used as the first synonymous denomination.”

VI. RESERVATIONS FORMULATED BY THE SWEDISH GOVERNMENT.—“1. The denominations of the potent drugs enumerated in the present Agreement, differing entirely from those employed in the Swedish Pharmacopœia, shall not be inscribed in the text itself of that Pharmacopœia, but shall appear in a special supplement to the new issue of the Pharmacopœia which is in course of preparation;

“2. The denomination of the medicinal wine *vinum glycyrrhizæ opiatum* shall be maintained in Sweden;

“3. As the preparation of tinctures of drugs by percolation involves an increase in the price of these products, this method seems not altogether suitable for employment in a general manner.”

At the moment of proceeding to the signature of the present procès-verbal the Undersigned declare themselves in accord in recognizing that the right referred to in the first reservation formulated by the Government of His Britannic Majesty is acquired by all the Signatory Governments.

It is understood that the Contracting Parties which exercise this right will inform each other, reciprocally, through the intermediary of the Belgian Government, of any modifications introduced into the stipulations of the Agreement.

In witness whereof the Undersigned have drawn up the present procès-verbal.

Done at Brussels, the 29th November, 1906, in a single instrument, of which an exact copy shall be delivered to each of the Signatory Governments.

For Germany:

GRAF VON WALLWITZ

For Austria and for Hungary:

COMTE CLARY ET ALDRINGEN, *Minister of Austria-Hungary*

For Belgium:

FAVEREAU

For Bulgaria:

DR. ZOLOTOVITZ

For Denmark:

W. GREVENKOP CASTENKIOLD

For Spain:

ARTURO DE BAGUER

For the United States of America:

HENRY LANE WILSON

For France:

ETIENNE GANDERAX

For Great Britain:

ARTHUR H. HARDINGE

For Greece:

A. CHARALAMBY

For Italy:

PCE MARIO RUSPOLI DE POGGIO SUASA

For the Grand Duchy of Luxemburg:

LE COMTE D'ANSEMBOURG

For Norway:

W. CHRISTOPHERSEN



For the Netherlands:

VAN DER STAAL VAN PIERSHIL

For Portugal:

For Russia:

N. DE GIERS

For Servia:

M. BOCHITCHÉVITCH

For Sweden:

FALKENBERG

For Switzerland:

JULES BOREL

## PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

*Protocol signed at The Hague June 14, 1907*<sup>1</sup>

*Entered into force June 14, 1907*

*Execution of provisions: A procès-verbal of adhesion was opened at The Hague on June 15, 1907,<sup>2</sup> by the Netherlands Minister of Foreign Affairs to record adherences to the convention of July 29, 1899,<sup>3</sup> for the pacific settlement of international disputes*

Department of State files; enclosure to note  
no. 40 of September 2, 1907, from the  
Netherlands Legation at Washington

[TRANSLATION]

### PROTOCOL

The Powers which have ratified the Convention for the pacific settlement of international disputes, signed at The Hague on July 29, 1899,<sup>3</sup> desiring to enable the States that were not represented at the First Peace Conference and were invited to the Second to adhere to the aforesaid Convention, the undersigned delegates or diplomatic representatives of the above-mentioned Powers, viz.:

Germany, Austria-Hungary, Belgium, Bulgaria, China, Denmark, Spain, the United States of America, the United States of Mexico, France, Great Britain, Greece, Italy, Japan, Luxemburg, Montenegro, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Turkey, duly authorized to that effect, have agreed that there shall be opened by the Minister of Foreign Affairs of the Netherlands, a procès-verbal of adhesions, that shall serve to receive and record the said adhesions, which shall immediately go into effect. In witness whereof the present protocol was drawn up, in a single copy, which shall remain in deposit

<sup>1</sup> Concluded pursuant to protocol of Jan. 15, 1902, *ante*, p. 331.

<sup>2</sup> For text, see James Brown Scott, *The Hague Conventions and Declarations of 1899 and 1907* (Washington, 1915), p. xxx. The following American republics subsequently adhered to the 1899 convention: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

<sup>3</sup> TS 392, *ante*, p. 230.

in the archives of the Ministry of Foreign Affairs of the Netherlands and of which an authenticated copy shall be transmitted to each one of the signatory Powers.

Done at The Hague, June 14, 1907.

For Germany:

K. VON SCHLÖZER

For Austria-Hungary:

G. DE MÉREY

For Belgium:

GUILLAUME

For Bulgaria:

GÉNÉRAL-MAJOR VINAROFF

For China:

LOU TSENG-TSIANG

For Denmark:

C. BRUN

C. F. SCHELLER

A. VEDEL

For Spain:

JOSE DE LA RICA Y CALVO

For the United States of America:

JOSEPH H. CHOATE

HORACE PORTER

U. M. ROSE

DAVID JAYNE HILL

WM. I. BUCHANAN

C. S. SPERRY

GEO. B. DAVIS

For the United States of Mexico:

GONZALO A. ESTEVA

S. B. DE MIER

F. L. DE LA BARRA

For France:

LÉON BOURGEOIS

For Great Britain:

HENRY HOWARD

For Greece:

CLÉON RIZO RANGABÉ

GEORGES STREIT

For Italy:

G. TORNIELLI

G. POMPILJ

For Japan:

KEIROKU TSUDZUKI

AIMARO SATO

For Luxemburg:

EYSCHEN

CTE DE VILLERS

For Montenegro:

A. NELIDOW

MARTENS

N. TCHARYKOW

For Norway:

F. HAGERUP

For the Netherlands:

W. H. DE BEAUFORT

For Persia:

MOMTAZOS SALTANEH M. SAMAD

KHAN

SADIGH UL MULK M. AHMED KHAN

For Portugal:

CONDE DE SELIR

For Roumania:

A. BELDIMAN

EDG. MAVROCORDATO

For Russia:

A. NELIDOW

MARTENS

N. TCHARYKOW

For Servia:

S. GROUITCH

M. MILOVANOVITCH

M. MILITCHEVITCH

For Siam:

CHATIDEJ

CORRAGONI D'ORELLI

LG. BHUVANARTH

For Sweden:

H. L. HAMMARSKJÖLD

For Switzerland:

CARLIN

For Turkey:

H. MISSAK

## PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (HAGUE, I)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification, with an understanding and  
declarations, April 2, 1908*<sup>1</sup>

*Ratified by the President of the United States, with an understanding  
and declarations, February 23, 1909*<sup>1</sup>

*Procès-verbal of first deposit of ratifications (including that of the United  
States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2199; Treaty Series 536

[TRANSLATION]

### I

#### CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of

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<sup>1</sup> For text of a U.S. declaration made at time of signing and maintained in the Senate's resolution of advice and consent and in the President's ratification, see footnote 6, p. 604. The Senate resolution contains, in addition, the following understanding and declarations, which also were maintained in the President's ratification:

"Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said convention, to exclude the formulation of the 'compromis' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the 'compromis' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the 'compromis' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise."

Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United Mexican States; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration accessible to all in the midst of independent powers will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of states and the welfare of peoples;

Being desirous, with this object, of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The High Contracting Parties have resolved to conclude a new convention for this purpose, and have appointed the following as their plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

His Majesty the Emperor of China:

His Excellency Mr. Lou Tseng-tsiang, His Ambassador Extraordinary;

His Excellency Mr. Tsien Sun, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;



Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, former Minister of Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency Mr. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Gabriel Maura y Gamazo, Count de Mortera, Deputy to the Cortes.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia :

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania :

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias :

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador :

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia :

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of far as circa  
Mr. Maciluber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

## PART I. THE MAINTENANCE OF GENERAL PEACE

### ARTICLE I

With a view to obviating as far as possible recourse to force in the relations between states, the Contracting Powers agree to use their best efforts to insure the pacific settlement of international differences.

## PART II. GOOD OFFICES AND MEDIATION

## ARTICLE 2

In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

## ARTICLE 3

Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

## ARTICLE 4

The part of the mediator consists in reconciling the extraordinary and appeasing the feelings of resentment which may have arisen. the states at variance.

## ARTICLE 5

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

## ARTICLE 6

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of powers strangers to the dispute have exclusively the character of advice, and never have binding force.

## ARTICLE 7

The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary.

## ARTICLE 8

The Contracting Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering peace, the states at variance choose respectively a power, to which they intrust the mission of entering



into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these powers are charged with the joint task of taking advantage of any opportunity to restore peace.

### PART III. INTERNATIONAL COMMISSIONS OF INQUIRY

#### ARTICLE 9

In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

#### ARTICLE 10

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; it determines the mode and time in which the commission is to be formed and the extent of the powers of the commissioners.

It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.

#### ARTICLE 11

If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, cannot be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.



## ARTICLE 12

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by articles 45 and 57 of the present convention.

## ARTICLE 13

Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

## ARTICLE 14

The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

## ARTICLE 15

The International Bureau of the Permanent Court of Arbitration acts as registry for the commissions which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the commission of inquiry.

## ARTICLE 16

If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.

It is the function of the registry, under the control of the president, to make the necessary arrangements for the sittings of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

## ARTICLE 17

In order to facilitate the constitution and working of commissions of inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

## ARTICLE 18

The commission shall settle the details of the procedure not covered by the special inquiry convention or the present convention, and shall arrange all the formalities required for dealing with the evidence.

## ARTICLE 19

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

## ARTICLE 20

The commission is entitled, with the assent of the parties, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the state on whose territory it is proposed to hold the inquiry.

## ARTICLE 21

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

## ARTICLE 22

The commission is entitled to ask either party for such explanations and information as it considers necessary.

## ARTICLE 23

The parties undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

## ARTICLE 24

For all notices to be served by the commission in the territory of a third Contracting Power, the commission shall apply direct to the Government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the power on whose territory it sits.

#### ARTICLE 25

The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the Government of the state in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

#### ARTICLE 26

The examination of witnesses is conducted by the president.

The members of the commission may, however, put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the president to put such additional questions to the witness as they think expedient.

#### ARTICLE 27

The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the president to consult notes or documents if the nature of the facts referred to necessitates their employment.

#### ARTICLE 28

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

#### ARTICLE 29

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

#### ARTICLE 30

The commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the commission. If a member declines to vote, the fact must be recorded in the minutes.

## ARTICLE 31

The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in virtue of a decision of the commission taken with the consent of the parties.

## ARTICLE 32

After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

## ARTICLE 33

The report is signed by all the members of the commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the report is not affected.

## ARTICLE 34

The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

## ARTICLE 35

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

## ARTICLE 36

Each party pays its own expenses and an equal share of the expenses incurred by the commission.

## PART IV. INTERNATIONAL ARBITRATION

CHAPTER I. *The system of arbitration*

## ARTICLE 37

International arbitration has for its object the settlement of disputes between states by judges of their own choice and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the award.

## ARTICLE 38

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the Con-

tracting Powers as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the Contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

#### ARTICLE 39

The arbitration convention is concluded for disputes already existing and for disputes which may arise in the future.

It may embrace any dispute or only disputes of a certain category.

#### ARTICLE 40

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the Contracting Powers, the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

### CHAPTER II. *The Permanent Court of Arbitration*

#### ARTICLE 41

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present convention.

#### ARTICLE 42

The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special tribunal.

#### ARTICLE 43

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

The Contracting Powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arrived at between them and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

## ARTICLE 44

Each Contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

The persons thus selected are inscribed, as members of the Court in a list which shall be notified to all the Contracting Powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the Contracting Powers.

Two or more powers may agree on the selection in common of one or more members.

The same person can be selected by different powers. The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years.

## ARTICLE 45

When the Contracting Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court. These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is intrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If, within two months' time, these two powers cannot come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

## ARTICLE 46

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, the text of their *compromis*, and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the *compromis*, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

#### ARTICLE 47

The Bureau is authorized to place its offices and staff at the disposal of the Contracting Powers for the use of any special board of arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between non-contracting powers or between contracting powers and non-contracting powers, if the parties are agreed on recourse to this tribunal.

#### ARTICLE 48<sup>2</sup>

The Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other power of the declaration.

#### ARTICLE 49

The Permanent Administrative Council, composed of the diplomatic representatives of the Contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedures and all other necessary regulations.

It decides all questions of administration which may arise with regard to the operations of the Court.

It has entire control over the appointment, suspension, or dismissal of the officials and employees of the Bureau.

It fixes the compensation and salaries, and controls the general expenditure.

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<sup>2</sup> For text of a U.S. declaration made at time of signing and maintained in the Senate's resolution of advice and consent and in the President's ratification, see footnote 6, p. 604.



At meetings duly summoned, the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Contracting Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenditure. The report likewise contains a *résumé* of what is important in the documents communicated to the Bureau by the powers in virtue of article 43, paragraphs 3 and 4.

#### ARTICLE 50

The expenses of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering powers shall be reckoned from the date on which their adhesion comes into force.

### CHAPTER III. *Arbitration procedure*

#### ARTICLE 51

With a view to encouraging the development of arbitration, the Contracting Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

#### ARTICLE 52

The powers which have recourse to arbitration sign a *compromis*, in which the subject of the dispute is clearly defined, the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The *compromis* likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

#### ARTICLE 53<sup>3</sup>

The Permanent Court is competent to settle the *compromis*, if the parties are agreed to have recourse to it for the purpose.

<sup>3</sup> For text of an understanding and declarations contained in the Senate's resolution of advice and consent and maintained in the President's ratification, see footnote 1, p. 577.

It is similarly competent, even if the request is made by only one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, and providing for a *compromis* in all disputes and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the Court. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *compromis* should be settled in some other way.

#### ARTICLE 54

In the cases contemplated in the preceding article, the *compromis* shall be settled by a commission consisting of five members selected in the matter arranged for in article 45, paragraphs 3 to 6.

The fifth member is president of the commission *ex officio*.

#### ARTICLE 55

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in article 45, paragraphs 3 to 6, is followed.

#### ARTICLE 56

When a sovereign or the chief of a state is chosen as arbitrator, the arbitration procedure is settled by him.

#### ARTICLE 57

The umpire is president of the tribunal *ex officio*.

When the tribunal does not include an umpire, it appoints its own president.

## ARTICLE 58

When the *compromis* is settled by a commission, as contemplated in article 54, and in the absence of an agreement to the contrary, the commission itself shall form the arbitration tribunal.

## ARTICLE 59

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

## ARTICLE 60

The tribunal sits at The Hague, unless some other place is selected by the parties.

The tribunal can sit in the territory of a third power only with the latter's consent.

The place of meeting once fixed cannot be altered by the tribunal, except with the consent of the parties.

## ARTICLE 61

If the question as to what languages are to be used has not been settled by the *compromis*, it shall be decided by the tribunal.

## ARTICLE 62

The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defense of their rights and interests before the tribunal, counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the power which appointed them members of the Court.

## ARTICLE 63

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the *compromis*.

The time fixed by the *compromis* may be extended by mutual agreement by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the tribunal of the arguments of the parties.

#### ARTICLE 64

A certified copy of every document produced by one party must be communicated to the other party.

#### ARTICLE 65

Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

#### ARTICLE 66

The discussions are under the control of the president.

They are public only if it be so decided by the tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by the president. These minutes are signed by the president and by one of the secretaries and alone have an authentic character.

#### ARTICLE 67

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

#### ARTICLE 68

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

#### ARTICLE 69

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

#### ARTICLE 70

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

## ARTICLE 71

They are entitled to raise objections and points. The decisions of the tribunal on these points are final and cannot form the subject of any subsequent discussion.

## ARTICLE 72

The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the tribunal in general or by its members in particular.

## ARTICLE 73

The tribunal is authorized to declare its competence in interpreting the *compromis*, as well as the other papers and documents which may be invoked, and in applying the principles of law.

## ARTICLE 74

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

## ARTICLE 75

The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

## ARTICLE 76

For all notices which the tribunal has to serve in the territory of a third Contracting Power, the tribunal shall apply direct to the Government of that power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers them calculated to impair its own sovereign rights or its safety.

The Court will equally be always entitled to act through the power on whose territory it sits.

## ARTICLE 77

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case, the president shall declare the discussion closed.

## ARTICLE 78

The tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the tribunal.

## ARTICLE 79

The award must give the reasons on which it is based. It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.

## ARTICLE 80

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

## ARTICLE 81

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

## ARTICLE 82

Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

## ARTICLE 83

The parties can reserve in the *compromis* the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can be made only on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can be instituted only by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The *compromis* fixes the period within which the demand for revision must be made.

## ARTICLE 84

The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers

in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

#### ARTICLE 85

Each party pays its own expenses and an equal share of the expenses of the tribunal.

#### CHAPTER IV. *Arbitration by summary procedure*

#### ARTICLE 86

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of chapter III apply so far as may be.

#### ARTICLE 87

Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

#### ARTICLE 88

In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

#### ARTICLE 89

Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the Government which appointed him.

#### ARTICLE 90

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal has, for its part, the right to demand oral explanations from the agents



of the two parties, as well as from the experts and witnesses whose appearance in court it may consider useful.

## PART V. FINAL PROVISIONS

### ARTICLE 91

The present convention, duly ratified, shall replace, as between the Contracting Powers, the Convention for the Pacific Settlement of International Disputes of the 29th of July, 1899.<sup>4</sup>

### ARTICLE 92

The present convention shall be ratified, as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which shall have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the powers of the date on which it received the notification.

### ARTICLE 93

Nonsignatory powers which have been invited to the Second Peace Conference may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

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<sup>4</sup> TS 392, *ante*, p. 230.

## ARTICLE 94

The conditions on which the powers which have not been invited to the Second Peace Conference may adhere to the present convention shall form the subject of a subsequent agreement between the Contracting Powers.<sup>5</sup>

## ARTICLE 95

The present convention shall take effect, for those powers which participate in the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

## ARTICLE 96

In the event of one of the Contracting Parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall have effect only in regard to the notifying power, and one year after the notification has reached the Netherland Government.

## ARTICLE 97

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 93, paragraph 2) or of denunciation (article 96, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof, the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th of October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and

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<sup>5</sup> The Administrative Council of the Permanent Court of Arbitration, at its meeting on Mar. 3, 1960, having consulted all parties to the Hague conventions on pacific settlement of international disputes, in conformity with provisions of art. 94, decided that after Mar. 15, 1960, the Netherlands Government would invite members of the United Nations which did not participate in the activities of the Permanent Court of Arbitration to declare (1) whether they considered themselves as contracting parties to the 1899 or 1907 Hague conventions on pacific settlement, or, if this were not the case, (2) whether they were willing to adhere to these conventions or to one of them. Several members of the United Nations responded to the invitation.

duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

1. For Germany:  
MARSHALL  
KRIEGE
2. For the United States of America:  
Under reservation of the declaration made in the plenary session of the Conference of October 16, 1907.<sup>6</sup>  
JOSEPH H. CHOATE  
HORACE PORTER  
U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY  
WILLIAM I. BUCHANAN
3. For Argentina:  
ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA
4. For Austria-Hungary:  
MÉREY  
BON MACCHIO
5. For Belgium:  
A. BEERNAERT  
J. VAN DEN HEUVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil: With reservations on article 53, paragraphs 2, 3 and 4.  
RUY BARBOSA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. For Chile: Under the reservation of the declaration made with regard to article 39 in the seventh session of October 7 of the First Commission.<sup>7</sup>  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:  
LOU TSENG-TSIANG  
TSIEN SUN
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDON  
E. DORN Y DE ALSÚA

<sup>6</sup> The U.S. declaration reads as follows:

"The delegation of the United States renews the reservation made in 1899 on the subject of Article 48 of the Convention for the pacific settlement of international disputes in the form of the following declaration:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

<sup>7</sup> The Chilean reservation reads, in translation, as follows:

"The delegation of Chile desires to make the following declaration in the name of its Government with respect to this article. Our delegation at the time of signing the Convention of 1899 for the pacific settlement of international disputes did so with the reservation that the adherence of its Government as regards Article 17 would not include controversies or questions prior to the celebration of the Convention.

"The delegation of Chile believes it to be its duty to-day to renew, with respect to the same provision, the reservation that it has previously made, although it may not be strictly necessary in view of the similar character of the provision."

16. For Spain:  
W. R. DE VILLA URRUTIA  
JOSÉ DE LA RICA Y CALVO  
GABRIEL MAURA
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain:  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece: With the reservation  
of paragraph 2 of article 53.  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan: With reservation of  
paragraphs 3 and 4 of article 48, of  
paragraph 2 of article 53, and of  
article 54.  
AIMARO SATO
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TCHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania: With the same res-  
ervations made by the Roumanian  
plenipotentiaries at the signing of  
the Convention for the Pacific  
Settlement of International Dis-  
putes of July 29, 1899.<sup>a</sup>  
EDG. MAVROCORDATO
36. For Russia:  
NELIDOW  
MARTENS  
N. TCHARYKOW
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUÏTCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
JOH. HELLNER
41. For Switzerland: Under reservation  
of article 53, No. 2.  
CARLIN

<sup>a</sup> For text, see *ante*, footnote 5, p. 245.

42. For Turkey: Under the reservation of the declarations recorded in the procès-verbal of the ninth plenary session of the Conference of October 16, 1907.<sup>9</sup>

TURKHAH

43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

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<sup>9</sup> The Turkish reservation reads, in translation, as follows:

"The Ottoman delegation declares, in the name of its Government, that while it is not unmindful of the beneficent influence which good offices, mediation, commissions of inquiry, and arbitration are able to exercise on the maintenance of the pacific relations between States, in giving its adhesion to the whole of the draft, it does so on the understanding that such methods remain, as before, purely optional; it could in no case recognize them as having an obligatory character rendering them susceptible of leading directly or indirectly to an intervention.

"The Imperial Government proposes to remain the sole judge of the occasions when it shall be necessary to have recourse to the different proceedings or to accept them without its determination on the point being liable to be viewed by the signatory States as an unfriendly act.

"It is unnecessary to add that such methods should never be applied in cases of internal order."

## LIMITATION OF EMPLOYMENT OF FORCE FOR RECOVERY OF CONTRACT DEBTS (HAGUE, II)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification, with an understanding, April 17, 1908*<sup>1</sup>

*Ratified by the President of the United States, with an understanding, February 23, 1909*<sup>1</sup>

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2241; Treaty Series 537

[TRANSLATION]

### II

#### CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; the President of the Republic of Bolivia; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan;

<sup>1</sup> The U.S. understanding reads as follows: “. . . the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.”

the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay;

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts which are claimed from the Government of one country by the Government of another country as due to its nationals, have resolved to conclude a Convention to this effect, and have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.



His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Arvestegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, former Minister of Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency Mr. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Gabriel Maura y Gamazo, Count de Mortera, Deputy to the Cortes.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

The Contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration, fails to submit to the award.

#### ARTICLE 2<sup>2</sup>

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing Article shall be subject to the procedure laid down in Part IV, Chapter III, of The Hague Convention for the Pacific Settlement of International Disputes.<sup>3</sup> The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

#### ARTICLE 3

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherlands Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherlands Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

<sup>2</sup> For text of U.S. understanding regarding recourse to the permanent court, see footnote 1, p. 607.

<sup>3</sup> Convention dated Oct. 18, 1907 (TS 536), *ante*, p. 577.



## ARTICLE 4

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall forward immediately to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 5

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

## ARTICLE 6

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

## ARTICLE 7

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 3, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 4, paragraph 2) or of denunciation (Article 6, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the Contracting Powers through the diplomatic channel.



1. For Germany:  
MARSHALL  
KRIEGE
2. For the United States of America:  
JOSEPH H. CHOATE  
HORACE PORTER  
U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY  
WILLIAM I. BUCHANAN
3. For Argentina: The Argentine Republic makes the following reservations:
  1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall not be had to arbitration except in the specific case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.
  2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.
 LUIS M. DRAGO  
ROQUE SAENZ PEÑA  
C. RÚEZ LARRETA
4. For Austria-Hungary:  
MÉREY  
BON MACCHIO
5. For Belgium:
6. For Bolivia: Under the reservation stated to the First Commission.<sup>4</sup>  
CLAUDIO PINILLA
7. For Brazil:
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. For Chile:  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia: Colombia makes the following reservations:  
It does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. It accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic: With the reservation made at the plenary session of October 16, 1907.<sup>5</sup>  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA

<sup>4</sup> The Bolivian reservation reads, in translation, as follows:

"It seems to me [Mr. Pinilla], therefore, that the acceptance of the proposition before us will but mean the legitimation by the *Peace* Conference of a certain class of wars, or at least interventions based on disputes which relate neither to the honor nor vital interests of the creditor States.

"In consequence of these forceful reasons, the delegation of Bolivia regrets not to give its entire assent to the proposition under discussion."

<sup>5</sup> The Dominican reservation reads, in translation, as follows:

"The delegation of the Dominican Republic confirms its favorable vote on the proposal of the delegation of the United States relative to the limitation of the employment of force for the recovery of contract debts; but it renews its reservation as to the condition contained in this part of the clause: 'or after accepting the offer, prevents any *compromis* from being agreed on,' as its interpretation might lead to excessive consequences which would be the more regrettable as they are provided for and avoided in the plan of Article 53 of the new Convention for the pacific settlement of international disputes" (TS 536, ante, p. 577).

15. For Ecuador: With the reservations made at the plenary session of October 16, 1907.<sup>6</sup>  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:  
W. R. DE VILLA URRUTIA  
JOSÉ DE LA RICA Y CALVO  
GABRIEL MAURA
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain:  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece: With the reservation made at the plenary session of October 16.<sup>7</sup>  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala: 1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign Government, recourse shall be had to arbitration only in case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.  
2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan:  
AIMARO SATO
24. For Luxembourg:
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TCHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF

<sup>6</sup> At the plenary session of Oct. 16 the Ecuadorean delegation voted affirmatively while maintaining the following reservations made in the First Commission on July 2:

"1. Arbitration can only be demanded in case there is a presumption of denial of justice and after having exhausted all the legal remedies of the country.

"2. Armed intervention cannot take place after the arbitral award has been made unless the bad faith of the debtor is clearly proved" [translation].

<sup>7</sup> The Greek reservation reads, in translation, as follows:

"In the eighth meeting of the First Commission the Greek delegation, being without definite instructions, was obliged to reserve its vote on the subject of the proposition of the United States of America on the treatment of contract debts. We are to-day in a position to declare that the Royal Government accepts the said proposition, which has for its aim the doing away, by peaceful means, of differences between nations and the exclusion, conformably to the principles of international law, of the employment of armed force outside of armed conflicts. We consider, at the same time, that the provisions contained in paragraphs 2 and 3 of the text voted can not affect existing stipulations nor laws in force in the realm."

32. For Peru: Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania:
36. For Russia:  
NELIDOW  
MARTENS  
N. TCHARYKOW
37. For Salvador: We make the same reservations as the Argentine Republic above.  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUITCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:
40. For Sweden:
41. For Switzerland:
42. For Turkey:  
TURKHAN
43. For Uruguay: Under reservation of the second paragraph of Article 1, because the delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:

## OPENING OF HOSTILITIES (HAGUE, III)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 10, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2259; Treaty Series 538

[TRANSLATION]

### III

#### CONVENTION RELATIVE TO THE OPENING OF HOSTILITIES

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the

President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning;

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice:

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguín;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, former Minister of Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency Mr. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Gabriel Maura y Gamazo, Count de Mortera, Deputy to the Cortes.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;



His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

#### ARTICLE 2

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

#### ARTICLE 3

Article 1 of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article 2 is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

#### ARTICLE 4

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratification shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

## ARTICLE 5

Non-Signatory Powers may adhere to the present Convention.

The Power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

## ARTICLE 6

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

## ARTICLE 7

In the event of one of the High Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

## ARTICLE 8

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany:  
MARSHALL  
KRIEGE
2. For the United States of America:  
JOSEPH H. CHOATE  
HORACE PORTER  
U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY  
WILLIAM I. BUCHANAN
3. For Argentina:  
ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA
4. For Austria-Hungary:  
MÉREY  
BON MACCHIO
5. For Belgium:  
A. BEERNAERT  
J. VAN DEN HEUVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil:  
RUY BARBOSA  
E. LISBÔA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. For Chile:  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:  
W. R. DE VILLA URRUTIA  
JOSÉ DE LA RICA Y CALVO  
GABRIEL MAURA
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain:  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan:  
AIMARO SATO
24. For Luxembourg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TCHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF



32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:  
NELIDOW  
MARTENS  
N. TCHARYKOW
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUITCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
K. H. L. HAMMARSKJÖLD  
JOH. HELLNER
41. For Switzerland:  
CARLIN
42. For Turkey:  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

## LAWS AND CUSTOMS OF WAR ON LAND (HAGUE, IV)

*Convention signed at The Hague October 18, 1907, with annex of regulations*

*Senate advice and consent to ratification March 10, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

*Sections II and III of the regulations supplemented by convention of August 12, 1949,<sup>1</sup> relative to protection of civilians in time of war, as between contracting parties to both conventions; chapter II of the regulations complemented by conventions of July 27, 1929,<sup>2</sup> and August 12, 1949,<sup>3</sup> relative to treatment of prisoners of war, as between contracting parties*

36 Stat. 2277; Treaty Series 539

[TRANSLATION]

### IV

#### CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions

<sup>1</sup> 6 UST 3516; TIAS 3365.

<sup>2</sup> TS 846, *post*, vol. 2.

<sup>3</sup> 6 UST 3316; TIAS 3364.

Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference,<sup>4</sup> which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

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<sup>4</sup> The First Peace Conference was held at The Hague May 18-July 29, 1899. See convention of July 29, 1899, respecting laws and customs of war on land (TS 403), *ante*, p. 247.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mércy de Kapos-Mérc, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguín;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.



The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugaal, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam :

Mom Chatidej Udom, Major General ;

Mr. C. Corragioni d'Orelli, His Counselor of Legation ;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals :

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration ;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council :

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague ;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva ;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans :

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf ;

His Excellency Rechid Bey, His Ambassador at Rome ;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay :

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration ;

His Excellency, Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela :

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following :

#### ARTICLE 1

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

## ARTICLE 2

The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 3

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

## ARTICLE 4

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

## ARTICLE 5

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

## ARTICLE 6

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

#### ARTICLE 7

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

#### ARTICLE 8

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

#### ARTICLE 9

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2) or of denunciation (Article 8, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany: Under reservation of  
Article 44 of the annexed regula-  
tions.

MARSHALL  
KRIEGER

2. For the United States of America:

JOSEPH H. CHOATE  
HORACE PORTER

U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY

WILLIAM I. BUCHANAN

3. For Argentina:

ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA

4. For Austria-Hungary: Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.<sup>5</sup>  
MÉREY  
BON MACCHIO
5. For Belgium:  
A. BEERNAERT  
J. VAN DEN HEUVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil:  
RUY BARBOSA  
E. LISBÔA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJULOFF
9. For Chile:  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain:  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan: With reservation of Article 44.  
AIMARO SATO
24. For Luxembourg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro: Under the reservations formulated as to Article 44 of the regulations annexed to the present Convention and contained in the procès-verbal of the fourth plenary session of August 17, 1907.<sup>6</sup>  
NELIDOW  
MARTENS  
N. TCHARYKOW

<sup>5</sup> The declaration of Austria-Hungary reads, in translation, as follows: "The delegation of Austria-Hungary having accepted the new Article 22a [The proposed art. 22a became the last paragraph of art. 23.], on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a proposed by the Second Commission."

<sup>6</sup> The reservations of Montenegro read, in translation, as follows: "The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of new wording of the said Article 44a."

27. For Nicaragua: Convention and contained in the procès-verbal of the fourth plenary session of August 17, 1907.<sup>7</sup>
28. For Norway:  
F. HAGERUP NELIDOW
29. For Panama:  
B. PORRAS MARTENS  
N. TCHARYKOW
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia: Under the reservations formulated as to Article 44 of the regulations annexed to the present
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUITCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGIONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
K. H. L. HAMMARSKJÖLD  
JOH. HELLNER
41. For Switzerland:  
CARLIN
42. For Turkey: Under reservation of Article 3.  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

## ANNEX TO THE CONVENTION

## REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

## SECTION I. ON BELLIGERENTS

CHAPTER I. *The Qualifications of Belligerents*

## ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

<sup>7</sup> The Russian reservations read, in translation, as follows: "The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a."



In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

#### ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents, if they carry arms openly and if they respect the laws and customs of war.

#### ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

### CHAPTER II. *Prisoners of War*

#### ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

#### ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

#### ARTICLE 6

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

## ARTICLE 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

## ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

## ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

## ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

## ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

## ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the Courts.

## ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

## ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

## ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

## ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or

dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

#### ARTICLE 17

Officers taken prisoner shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

#### ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever Church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

#### ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

#### ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

### CHAPTER III. *The Sick and Wounded*

#### ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.<sup>8</sup>

### SECTION II. HOSTILITIES

#### CHAPTER I. *Means of Injuring the Enemy, Sieges, and Bombardments*

#### ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

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<sup>8</sup> See conventions of Aug. 22, 1864 (TS 377), *ante*, p. 7, and July 6, 1906 (TS 464), *ante*, p. 516.

## ARTICLE 23

In addition to the prohibitions provided by special Conventions, it is especially forbidden:

- (a) To employ poison or poisoned weapons;
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army;
- (c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
- (d) To declare that no quarter will be given;
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
- (f) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
- (h) To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

## ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

## ARTICLE 25

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

## ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

## ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

#### ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

### CHAPTER II. *Spies*

#### ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

#### ARTICLE 30

A spy taken in the act shall not be punished without previous trial.

#### ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

### CHAPTER III. *Flags of Truce*

#### ARTICLE 32

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

#### ARTICLE 33

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

#### ARTICLE 34

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

### CHAPTER IV. *Capitulations*

#### ARTICLE 35

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

### CHAPTER V. *Armistices*

#### ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

#### ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

#### ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

#### ARTICLE 39

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.



## ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

## ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III. MILITARY AUTHORITY OVER THE TERRITORY  
OF THE HOSTILE STATE

## ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

## ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

## ARTICLE 44

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

## ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

## ARTICLE 46

Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property cannot be confiscated.

## ARTICLE 47

Pillage is formally forbidden.

## ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

## ARTICLE 49

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

## ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

## ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-chief.

The collection of the said contribution shall only be effective as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

## ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

## ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

#### ARTICLE 54

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

#### ARTICLE 55

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

#### ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

## RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN WAR ON LAND (HAGUE, V)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 10, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2310; Treaty Series 540

[TRANSLATION]

### V

#### CONVENTION RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the

King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory;

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguín;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, former Minister of Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency Mr. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Gabriel Maura y Gamazo, Count de Mortera, Deputy of the Cortes.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of For-



eign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroke Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

#### CHAPTER I. *The Rights and Duties of Neutral Powers*

##### ARTICLE 1

The territory of neutral Powers is inviolable.

##### ARTICLE 2

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

##### ARTICLE 3

Belligerents are likewise forbidden to:

(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

(b) Use any installation of this kind established by them before the war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

##### ARTICLE 4

Corps of combatants cannot be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

##### ARTICLE 5

A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

##### ARTICLE 6

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separating to offer their services to one of the belligerents.

##### ARTICLE 7

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

## ARTICLE 8

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to Companies or private individuals.

## ARTICLE 9

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by Companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

## ARTICLE 10

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.

CHAPTER II. *Belligerents Interned and Wounded Tended  
in Neutral Territory*

## ARTICLE 11

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

## ARTICLE 12

In the absence of a special Convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

## ARTICLE 13

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

## ARTICLE 14

A neutral Power may authorize the passage into its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

## ARTICLE 15

The Geneva Convention <sup>1</sup> applies to sick and wounded interned in neutral territory.

CHAPTER III. *Neutral Persons*

## ARTICLE 16

The nationals of a State which is not taking part in the war are considered as neutrals.

## ARTICLE 17

A neutral cannot avail himself of his neutrality:

- (a) If he commits hostile acts against a belligerent;
- (b) If he commits acts in favour of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

## ARTICLE 18

The following acts shall not be considered as committed in favour of one belligerent in the sense of Article 17, letter (b):

- (a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;
- (b) Services rendered in matters of police or civil administration.

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<sup>1</sup> See conventions of Aug. 22, 1864 (TS 377), *ante*, p. 7, and July 6, 1906 (TS 464), *ante*, p. 516.



CHAPTER IV. *Railway Material*

## ARTICLE 19

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of Companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

CHAPTER V. *Final Provisions*

## ARTICLE 20

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 21

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratification shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

## ARTICLE 22

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

#### ARTICLE 23

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

#### ARTICLE 24

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

#### ARTICLE 25

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany:

MARSCHALL  
KRIEGE

2. For the United States of America:

JOSEPH H. CHOATE  
HORACE PORTER  
U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY  
WILLIAM I. BUCHANAN

3. For Argentina: The Argentine Republic makes reservation of Article 19.

ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA

4. For Austria-Hungary:

MÉREY  
BON MACCHIO

5. For Belgium:  
A. BEERNAERT  
J. VAN DEN HEUVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil:  
RUY BARBOSA  
E. LISBÔA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. Chile:  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:  
W. R. DE VILLA URRUTIA  
JOSÉ DE LA RICA Y CALVO  
GABRIEL MAURA
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain: Under reservation of Articles 16, 17 and 18.  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPIJ  
G. FUSINATO
23. For Japan:  
AIMARO SATO
24. For Luxembourg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TCHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:  
NELIDOW  
MARTENS  
N. TCHARYKOW

## 37. For Salvador:

P. J. MATHEU  
S. PEREZ TRIANA

## 38. For Servia:

S. GROUÏTCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH

## 39. For Siam:

MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL

## 40. For Sweden:

K. H. L. HAMMARSKJÖLD  
JOH. HELLNER

## 41. For Switzerland:

CARLIN

## 42. For Turkey:

TURKHAN

## 43. For Uruguay:

JOSÉ BATLLE Y ORDOÑEZ

## 44. For Venezuela:

J. GIL FORTOUL

## LAYING OF AUTOMATIC SUBMARINE CONTACT MINES (HAGUE, VIII)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 10, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2332; Treaty Series 541

[TRANSLATION]

### VIII

#### CONVENTION RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Roumania; the Presi-

dent of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Inspired by the principle of the freedom of sea routes, the common highway of all nations;

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention for this purpose, and have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration.

His Excellency Mr. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguín;

Mr. Santiago Pérez Triana;



His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaín, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

It is forbidden:

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them;
2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;
3. To use torpedoes which do not become harmless when they have missed their mark.

#### ARTICLE 2

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping.

#### ARTICLE 3

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners, which must also be communicated to the governments through the diplomatic channel.

#### ARTICLE 4

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The Neutral Power must inform ship-owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

#### ARTICLE 5

At the close of the war, the Contracting Powers undertake to do their utmost to remove the mines which they have laid, each Power removing its own mines.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

## ARTICLE 6

The Contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the materiel of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

## ARTICLE 7

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 8

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

## ARTICLE 9

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

## ARTICLE 10

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the

date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

#### ARTICLE 11

The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and six months after the notification has reached the Netherland Government.

#### ARTICLE 12

The Contracting Powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding Article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

If the Contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment it comes into force.

#### ARTICLE 13

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 3) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.



1. For Germany: Under reservation of Article 2.  
MARSHALL  
KRIEGE
2. For the United States of America:  
JOSEPH H. CHOATE  
HORACE PORTER  
U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY  
WILLIAM I. BUCHANAN
3. For Argentina:  
ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA
4. For Austria-Hungary:  
MÉREY  
BON MACCHIO
5. For Belgium:  
A. BEERNAERT  
VAN DEN HUEVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil:  
RUY BARBOSA  
E. LISBÔA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. For Chile:  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
A. VEDEL
14. For the Dominican Republic: With reservation on the first paragraph of the first article.  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:
17. For France: Under reservation of Article 2.  
MARCELLIN PELLET
18. For Great Britain: Under reservation of the following declaration:  
"In affixing their signatures to the above Convention the British plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy."  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan:  
AIMARO SATO
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS

30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUITCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam: Under reservation of Article 1, paragraph 1.  
MOM CHATIDEJ UDOM  
C. CORRAGIONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:
41. For Switzerland:  
CARLIN
42. For Turkey: Under reservation of the declarations recorded in the procès-verbal of the eighth plenary session of the Conference held on October 9, 1907.<sup>1</sup>  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

<sup>1</sup> The Turkish declarations read, in translation, as follows:

"The Imperial Ottoman delegation can not at the present time undertake any engagement whatever for perfected systems which are not yet universally known. . . . The Imperial Ottoman delegation believes that it should declare that, given the exceptional situation created by treaties in force at the straits of the Dardanelles and the Bosphorus, straits which are an integral part of the territory, the Imperial Government could not in any way subscribe to any undertaking tending to limit the means of defense that it may deem necessary to employ for these straits in case of war or with the aim of causing its neutrality to be respected. . . . The Imperial Ottoman delegation can not at the present time take part in any engagement as regards the conversion mentioned in Article 6."

## BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR (HAGUE, IX)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 10, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2351; Treaty Series 542

[TRANSLATION]

### IX

#### CONVENTION CONCERNING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His

Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulation of 1899 respecting the Laws and Customs of Land War;<sup>1</sup>

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a Convention to this effect, and have, for this purpose, appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

<sup>1</sup> TS 403, *ante*, p. 247.

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompili, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.



His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor of the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I. *The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings*

ARTICLE 1

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbour.

ARTICLE 2

Military works, military or naval establishments, depots of arms or war materiel, workshops or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbour, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE 3

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

ARTICLE 4

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

CHAPTER II. *General Provisions*

## ARTICLE 5

In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two coloured triangular portions, the upper portion black, the lower portion white.

## ARTICLE 6

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

## ARTICLE 7

A town or place, even when taken by storm, may not be pillaged.

CHAPTER III. *Final Provisions*

## ARTICLE 8

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 9

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

## ARTICLE 10

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 11

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

## ARTICLE 12

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

## ARTICLE 13

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 9, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 10, paragraph 2) or of denunciation (Article 12, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany: Under reservation of Article 1, paragraph 2.  
MARSCHALL  
KRIEGE
2. For the United States of America:  
JOSEPH H. CHOATE  
HORACE PORTER  
U. M. ROSE  
DAVID JAYNE HILL  
C. S. SPERRY  
WILLIAM I. BUCHANAN
3. For Argentina:  
ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA
4. For Austria-Hungary:  
MÉREY  
BON MACCHIO
5. For Belgium:  
A. BEERNAERT  
J. VAN DEN HEUVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil:  
RUY BARBOSA  
E. LISBÔA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. For Chile: Under the reservation of Article 3 made in the fourth plenary session of August 17.<sup>2</sup>  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:
17. For France: Under reservation of the second paragraph of Article 1.  
MARCELLIN PELLET
18. For Great Britain: Under reservation of the second paragraph of Article 1.  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPIJ  
G. FUSINATO
23. For Japan: With reservation of paragraph 2 of the first article.  
AIMARO SATO
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TCHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP

<sup>2</sup> The Chilean reservation reads, in translation, as follows: "The delegation of Chile makes reservation as to Article 3."



29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:  
NELIDOW  
MARTENS  
N. TCHARYKOW
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUITCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
K. H. L. HAMMARSKJÖLD  
JOH. HELLNER
41. For Switzerland:  
CARLIN
42. For Turkey:  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

## ADAPTATION TO MARITIME WARFARE OF PRINCIPLES OF GENEVA CONVENTION (HAGUE, X)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 10, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

*Replaced by convention of August 12, 1949,<sup>1</sup> as between contracting parties to the later convention*

36 Stat. 2371; Treaty Series 543

[TRANSLATION]

### X

#### CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan;

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<sup>1</sup> 6 UST 3217; TIAS 3363.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;<sup>2</sup>

Have resolved to conclude a Convention for the purpose of revising the Convention of the 29th July, 1899,<sup>3</sup> relative to this question, and have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

<sup>2</sup> TS 464, *ante*, p. 516.

<sup>3</sup> TS 396, *ante*, p. 263.

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mérey, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister

Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

His Majesty the Emperor of China:

His Excellency Mr. Lou Tseng-tsiang, His Ambassador Extraordinary;

His Excellency Mr. Tsien Sun, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, former Minister of Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency Mr. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Gabriel Maura y Gamazo, Count de Mortera, Deputy to the Cortes.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipo-



tentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaín, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Groutich, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michael Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammar skjold, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His Former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

Military hospital-ships, that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as warships as regards their stay in a neutral port.

#### ARTICLE 2

Hospital-ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on final departure.

## ARTICLE 3

Hospital-ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on condition that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorization of the belligerent himself, and that the latter has notified their name to his adversary at the commencement of or during hostilities, and in any case, before they are employed.

## ARTICLE 4

The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The Governments undertake not to use these ships for any military purpose. These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the hospital-ships the orders which they give them.

## ARTICLE 5

Military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital-ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, and further, if they belong to a neutral State, by flying at the main-mast the national flag of the belligerent under whose control they are placed.

Hospital-ships which, in the terms of Article 4, are detained by the enemy, must haul down the national flag of the belligerent to whom they belong.

The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.

## ARTICLE 6

The distinguishing signs referred to in Article 5 can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.

## ARTICLE 7

In the case of a fight on board a war-ship, the sick-wards shall be respected and spared as far as possible.

The said sick-wards and the materiel belonging to them remain subject to the laws of war; they cannot, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.

## ARTICLE 8

Hospital-ships and sick-wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.

The fact of the staff of the said ships and sick-wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

## ARTICLE 9

Belligerents may appeal to the charity of the commanders of neutral merchant-ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

## ARTICLE 10

The religious, medical, and hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the Commander-in-chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, the same allowances and pay which are given to the staff of corresponding rank in their own navy.

#### ARTICLE 11

Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

#### ARTICLE 12

Any war-ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital-ships, hospital-ships belonging to relief societies or to private individuals, merchant-ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

#### ARTICLE 13

If sick, wounded, or shipwrecked persons are taken on board a neutral war-ship, every possible precaution must be taken that they do not again take part in the operations of the war.

#### ARTICLE 14

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated cannot serve again while the war lasts.

#### ARTICLE 15

The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral State and the belligerent States be guarded by the neutral State so as to prevent them again taking part in the operations of the war.

The expenses of tending them in hospital and interning them shall be borne by the State to which the shipwrecked, sick, or wounded persons belong.

#### ARTICLE 16

After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill treatment.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

## ARTICLE 17

Each belligerent shall send, as early as possible, to the authorities of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospital and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, etc., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

## ARTICLE 18

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 19

The Commanders-in-chief of the belligerent fleets must see that the above Articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

## ARTICLE 20

The Signatory Powers shall take the necessary measures for bringing the provisions of the present Convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

## ARTICLE 21

The Signatory Powers likewise undertake to enact or to propose to their Legislatures, if the criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill-treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article 5 by vessels not protected by the present Convention.

They will communicate to each other, through the Netherland Government, the enactments for preventing such acts at the latest within five years of the ratification of the present Convention.



## ARTICLE 22

In the case of operations of war between the land and sea forces of belligerents, the provisions of the present Convention do not apply except between the forces actually on board ship.

## ARTICLE 23

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

## ARTICLE 24

Non-Signatory Powers which have accepted the Geneva Convention of the 6th July, 1906, may adhere to the present Convention.

The Power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 25

The present Convention, duly ratified, shall replace as between Contracting Powers, the Convention of the 29th July, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention.

The Convention of 1899 remains in force as between the Powers which signed it but which do not also ratify the present Convention.

## ARTICLE 26

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the

date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

#### ARTICLE 27

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

#### ARTICLE 28

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 23, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 24, paragraph 2) or of denunciation (Article 27, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

- |  |   |
|--|---|
| 1. For Germany:<br>MARSCHALL<br>KRIEGE   | 5. For Belgium:<br>A. BEERNAERT<br>J. VAN DEN HEUVEL<br>GUILLAUME |
| 2. For the United States of America:<br>JOSEPH H. CHOATE<br>HORACE PORTER<br>U. M. ROSE<br>DAVID JAYNE HILL<br>C. S. SPERRY<br>WILLIAM I. BUCHANAN | 6. For Bolivia:<br>CLAUDIO PINILLA                                |
| 3. For Argentina:<br>ROQUE SAENZ PEÑA<br>LUIS M. DRAGO<br>C. RÚEZ LARRETA  | 7. For Brazil:<br>RUY BARBOSA<br>E. LISBÔA                        |
| 4. For Austria-Hungary:<br>MÉREY<br>BON MACCHIO  | 8. For Bulgaria:<br>GÉNÉRAL-MAJOR VINAROFF<br>IV. KARANDJOULOFF   |
|  | 9. For Chile:<br>DOMINGO GANA<br>AUGUSTO MATTE<br>CARLOS CONCHA   |

10. For China: Under reservation of Article 21.  
LOU TSENG-TSIANG  
TSIEN SUN
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:  
W. R. DE VILLA URRUTIA  
JOSÉ DE LA RICA Y CALVO  
GABRIEL MAURA
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain: Under reservation of Articles 6 and 21 and of the following declaration: "In affixing their signatures to this Convention, the British plenipotentiaries declare that His Majesty's Government understand Article 12 to apply only to the case of combatants rescued during or after a naval engagement in which they have taken part."  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan:  
AIMARO SATO
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TGHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia: Under reservation of the right, admitted by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.  
MOMTAZOS-SALTANEH M. SAMAD KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:  
NELIDOW  
MARTENS  
N. TGHARYKOW
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA

38. For Serbia:  
S. GROUÏTCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
K. H. L. HAMMARSKJÖLD  
JOH. HELLNER
41. For Switzerland:  
CARLIN
42. For Turkey: Under reservation of  
the right admitted by the Peace  
Conference to use the Red Crescent.  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

## RESTRICTIONS WITH REGARD TO RIGHT OF CAPTURE IN NAVAL WAR (HAGUE, XI)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 12, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force January 26, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2396; Treaty Series 544

[TRANSLATION]

### XI

#### CONVENTION RELATIVE TO CERTAIN RESTRICTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE IN NAVAL WAR

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia;

His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of maritime Powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guarantees due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of Governments;

That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mérey, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;



His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, former Minister of Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency Mr. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Gabriel Maura y Gamazo, Count de Mortera, Deputy to the Cortes.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tibile Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam :

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals :

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council :

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans :

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay :

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela :

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions :

## CHAPTER I. *Postal Correspondence*

### ARTICLE 1

The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.

#### ARTICLE 2

The inviolability of postal correspondence does not exempt a neutral mail-ship from the laws and customs of maritime war as to neutral merchant-ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

### CHAPTER II. *The Exemption from Capture of certain Vessels*

#### ARTICLE 3

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo.

They cease to be exempt as soon as they take any part whatever in hostilities.

The Contracting Powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

#### ARTICLE 4

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.

### CHAPTER III. *Regulations regarding the Crews of Enemy Merchant-ships Captured by a Belligerent*

#### ARTICLE 5

When an enemy merchant-ship is captured by a belligerent, such of its crew as are nationals of a neutral State are not made prisoners of war.

The same rule applies in the case of the captain and officers likewise nationals of a neutral State, if they promise formally in writing not to serve on an enemy ship while the war lasts.

#### ARTICLE 6

The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with the operations of the war.

#### ARTICLE 7

The names of the persons retaining their liberty under the conditions laid down in Article 5, paragraph 2, and in Article 6, are notified by the belligerent

captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

#### ARTICLE 8

The provisions of the three preceding Articles do not apply to ships taking part in the hostilities.

### CHAPTER IV. *Final Provisions*

#### ARTICLE 9

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

#### ARTICLE 10

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

#### ARTICLE 11

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

#### ARTICLE 12

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the



procès-verbal of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification has been received by the Netherland Government.

### ARTICLE 13

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

### ARTICLE 14

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 10, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 11, paragraph 2) or of denunciation (Article 13, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

- |                                      |                        |
|--------------------------------------|------------------------|
| 1. For Germany:                      | 5. For Belgium:        |
| MARSCHALL                            | A. BEERNAERT           |
| KRIEGE                               | VAN DEN HEUVEL         |
|                                      | GUILLAUME              |
| 2. For the United States of America: | 6. For Bolivia:        |
| JOSEPH H. CHOATE                     | CLAUDIO PINILLA        |
| HORACE PORTER                        |                        |
| U. M. ROSE                           | 7. For Brazil:         |
| DAVID JAYNE HILL                     | RUY BARBOSA            |
| C. S. SPERRY                         | E. LISBÔA              |
| WILLIAM I. BUCHANAN                  |                        |
| 3. For Argentina:                    | 8. For Bulgaria:       |
| ROQUE SAENZ PEÑA                     | GÉNÉRAL-MAJOR VINAROFF |
| LUIS M. DRAGO                        | IV. KARANDJOULOFF      |
| C. RÚZ LARRETA                       |                        |
| 4. For Austria-Hungary:              | 9. For Chile:          |
| MÉREY                                | DOMINGO GANA           |
| BON MACCHIO                          | AUGUSTO MATTE          |
|                                      | CARLOS CONCHA          |
|                                      | 10. For China:         |

11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:  
ANTONIO S. DE BUSTAMANTE  
GONZALO DE QUESADA  
MANUEL SANGUILY
13. For Denmark:  
C. BRUN
14. For the Dominican Republic:  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:  
W. R. DE VILLA URRUTIA  
JOSÉ DE LA RICA Y CALVO  
GABRIEL MAURA
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain:  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan:  
AIMARO SATO
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONGEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUÏTCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
JOH. HELLNER
41. For Switzerland:  
CARLIN
42. For Turkey:  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

## RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR (HAGUE, XIII)

*Convention signed at The Hague October 18, 1907*

*Senate advice and consent to adherence, with a reservation and exclusion, and with an understanding, April 17, 1908 <sup>1</sup>*

*Adherence declared by the President of the United States, with a reservation and exclusion, and with an understanding, February 23, 1909 <sup>1</sup>*

*Procès-verbal of first deposit of ratifications at The Hague dated November 27, 1909*

*Adherence of the United States deposited at The Hague December 3, 1909*

*Entered into force January 26, 1910; for the United States February 1, 1910*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2415; Treaty Series 545

[TRANSLATION]

### XIII

#### CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR

His Majesty the German Emperor, King of Prussia; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; His Majesty the King of Denmark; the President of the Dominican Republic;

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<sup>1</sup> The Senate gave its advice and consent to adherence with the reservation and exclusion of art. 23 and with the understanding that the last clause of art. 3 of the convention "implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction." The reservation and exclusion of art. 23 and the understanding with respect to art. 3 were maintained in the President's declaration of adherence.

the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; The Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral Powers and belligerent Powers, and to anticipating the difficulties to which such divergence of views might give rise;

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present Convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the Powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral Powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral Power, except in a case where experience has shown the necessity for such change for the protection of the rights of that Power;

Have agreed to observe the following common rules, which cannot however modify provisions laid down in existing general Treaties, and have appointed as their Plenipotentiaries, namely:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémard, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.



His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency Mr. Nclidow, His Present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

#### ARTICLE 2

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

#### ARTICLE 3<sup>2</sup>

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prizecrew.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew.

#### ARTICLE 4

A Prize Court cannot be set up by a belligerent on neutral territory or on a vessel in neutral waters.

#### ARTICLE 5

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

#### ARTICLE 6

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

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<sup>2</sup> For text of an understanding contained in the Senate's resolution of advice and consent to adherence and maintained in the President's declaration of adherence, see footnote 1, p. 723.

## ARTICLE 7

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunition, or, in general, of anything which could be of use to an army or fleet.

## ARTICLE 8

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a Power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

## ARTICLE 9

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

## ARTICLE 10

The neutrality of a Power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

## ARTICLE 11

A neutral Power may allow belligerent war-ships to employ its licensed pilots.

## ARTICLE 12

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power for more than twenty-four hours, except in the cases covered by the present Convention.

## ARTICLE 13

If a Power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

## ARTICLE 14

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to war-ships devoted exclusively to religious, scientific, or philanthropic purposes.

## ARTICLE 15

In the absence of special provisions to the contrary in the legislation of a neutral Power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

## ARTICLE 16

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant-ship flying the flag of its adversary.

## ARTICLE 17

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral Power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

## ARTICLE 18

Belligerent war-ships may not make use of neutral ports, roadsteads, or territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

## ARTICLE 19

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up

their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

#### ARTICLE 20

Belligerent war-ships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

#### ARTICLE 21

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

#### ARTICLE 22

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article 21.

#### ARTICLE 23<sup>3</sup>

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a Prize Court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war-ship, the prize crew may go on board the conveying ship.

If the prize is not under convoy, the prize crew are left at liberty.

#### ARTICLE 24

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

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<sup>3</sup> The Senate gave its advice and consent to adherence with the reservation and exclusion of art. 23; the reservation and exclusion were maintained in the President's declaration of adherence.



The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

#### ARTICLE 25

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above Articles occurring in its ports or roadsteads or in its waters.

#### ARTICLE 26

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the Article relating thereto.

#### ARTICLE 27

The Contracting Powers shall communicate to each other in due course all Laws, Proclamations, and other enactments regulating in their respective countries the status of belligerent war-ships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other Contracting Powers.

#### ARTICLE 28

The provisions of the present Convention do not apply except to the Contracting Powers, and then only if all the belligerents are parties to the Convention.

#### ARTICLE 29

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to

the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

#### ARTICLE 30

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

#### ARTICLE 31

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

#### ARTICLE 32

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

#### ARTICLE 33

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by Article 29, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 30, paragraph 2) or of denunciation (Article 32, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly

certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany: Under reservation of articles 11, 12, 13 and 20.  
MARSHALL  
KRIEGE
2. For the United States of America:
3. For Argentina:  
ROQUE SAENZ PEÑA  
LUIS M. DRAGO  
C. RÚEZ LARRETA
4. For Austria-Hungary:  
MÉREY  
BON MACCHIO
5. For Belgium:  
A. BEERNAERT  
VAN DEN HEUVEL  
GUILLAUME
6. For Bolivia:  
CLAUDIO PINILLA
7. For Brazil:  
RUY BARBOSA  
E. LISBÔA
8. For Bulgaria:  
GÉNÉRAL-MAJOR VINAROFF  
IV. KARANDJOULOFF
9. For Chile:  
DOMINGO GANA  
AUGUSTO MATTE  
CARLOS CONCHA
10. For China:
11. For Colombia:  
JORGE HOLGUIN  
S. PEREZ TRIANA  
M. VARGAS
12. For the Republic of Cuba:
13. For Denmark:  
A. VEDEL
14. For the Dominican Republic: With a reservation regarding article 12.  
DR. HENRIQUEZ Y CARVAJAL  
APOLINAR TEJERA
15. For Ecuador:  
VICTOR M. RENDÓN  
E. DORN Y DE ALSÚA
16. For Spain:
17. For France:  
LÉON BOURGEOIS  
D'ESTOURNELLES DE CONSTANT  
L. RENAULT  
MARCELLIN PELLET
18. For Great Britain: Under reservation of articles 19 and 23.  
EDW. FRY  
ERNEST SATOW  
REAY  
HENRY HOWARD
19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:  
JOSÉ TIBLE MACHADO
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDIGOURT
22. For Italy:  
POMPILJ  
G. FUSINATO
23. For Japan: With reservation of Articles 19 and 23.  
AIMARO SATO
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:  
G. A. ESTEVA  
S. B. DE MIER  
F. L. DE LA BARRA
26. For Montenegro:  
NELIDOW  
MARTENS  
N. TCHARYKOW
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:  
G. DU MONCEAU
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO

33. For Persia: Under reservation of Articles 12, 19 and 21.  
MOMTAZOS-SALTANEH M. SAMAD KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
ALBERTO D'OLIVEIRA
35. For Roumania:  
EDG. MAVROCORDATO
36. For Russia:  
NELIDOW  
MARTENS  
N. TCHARYKOW
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:  
S. GROUITCH  
M. G. MILOVANOVITCH  
M. G. MILITCHEVITCH
39. For Siam: Under reservation of Articles 12, 19 and 23.  
MOM CHATIDEJ UDOM  
C. CORRAGONID'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:  
JOH. HELLNER
41. For Switzerland:  
CARLIN
42. For Turkey: Under reservation of the declaration concerning Article 10 contained in the procès-verbal of the eighth plenary session of the Conference held on October 9, 1907.<sup>4</sup>  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:  
J. GIL FORTOUL

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<sup>4</sup> The Turkish declaration reads, in translation, as follows: "The Ottoman delegation declares that the straits of the Dardanelles and the Bosphorus can not in any case be referred to by Article 10. The Imperial Government could undertake no engagement whatever tending to limit its undoubted rights over these straits."

## PROHIBITING DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS (HAGUE, XIV)

*Declaration signed at The Hague October 18, 1907*

*Senate advice and consent to ratification March 12, 1908*

*Ratified by the President of the United States February 23, 1909*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909*

*Entered into force November 27, 1909*

*Proclaimed by the President of the United States February 28, 1910*

36 Stat. 2439; Treaty Series 546

[TRANSLATION]

### XIV

#### DECLARATION PROHIBITING THE DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS

The Undersigned, Plenipotentiaries of the Powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,<sup>1</sup> and being desirous of renewing the declaration of The Hague of the 29th July, 1899,<sup>2</sup> which has now expired,

Declare:

The Contracting Powers agree to prohibit, for a period extending to the close of the Third Peace Conference,<sup>3</sup> the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

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<sup>1</sup> *American Journal of International Law*, Supp. 1, p. 95; *British and Foreign State Papers*, vol. 58, p. 16.

<sup>2</sup> TS 393, *ante*, p. 270.

<sup>3</sup> Not held.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A procès-verbal shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the Contracting Powers.

Non-Signatory Powers may adhere to the present Declaration. To do so, they must make known their adhesion to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only have effect in regard to the notifying Power.

In faith whereof the Plenipotentiaries have appended their signatures to the present Declaration.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| 1. For Germany:                      | 10. For China:                  |
|                                      | LOU TSENG-TSIANG                |
| 2. For the United States of America: | TSIEN SUN                       |
| JOSEPH H. CHOATE                     | 11. For Colombia:               |
| HORACE PORTER                        | JORGE HOLGUIN                   |
| U. M. ROSE                           | S. PEREZ TRIANA                 |
| DAVID JAYNE HILL                     | M. VARGAS                       |
| C. S. SPERRY                         | 12. For the Republic of Cuba:   |
| WILLIAM I. BUCHANAN                  | ANTONIO S. DE BUSTAMANTE        |
| 3. For Argentina:                    | GONZALO DE QUESADA              |
| LUIS M. DRAGO                        | MANUEL SANGUILY                 |
| 4. For Austria-Hungary:              | 13. For Denmark:                |
| MÉREY                                |                                 |
| BON MACCHIO                          | 14. For the Dominican Republic: |
| 5. For Belgium:                      | DR. HENRIQUEZ Y CARVAJAL        |
| A. BEERNAERT                         | APOLINAR TEJERA                 |
| VAN DEN HEUVEL                       | 15. For Ecuador:                |
| GUILLAUME                            | VICTOR M. RENDÓN                |
| 6. For Bolivia:                      | E. DORN Y DE ALSÚA              |
| CLAUDIO PINILLA                      | 16. For Spain:                  |
| 7. For Brazil:                       |                                 |
| RUY BARBOSA                          | 17. For France:                 |
| E. LISBÔA                            |                                 |
| 8. For Bulgaria:                     | 18. For Great Britain:          |
| GÉNÉRAL-MAJOR VINAROFF               | EDW. FRY                        |
| IV. KARANDJOULOFF                    | ERNEST SATOW                    |
| 9. For Chile:                        | REAY                            |
|                                      | HENRY HOWARD                    |

19. For Greece:  
CLÉON RIZO RANGABÉ  
GEORGES STREIT
20. For Guatemala:
21. For Haiti:  
DALBÉMAR JN JOSEPH  
J. N. LÉGER  
PIERRE HUDICOURT
22. For Italy:
23. For Japan:
24. For Luxemburg:  
EYSCHEN  
CTE. DE VILLERS
25. For Mexico:
26. For Montenegro:
27. For Nicaragua:
28. For Norway:  
F. HAGERUP
29. For Panama:  
B. PORRAS
30. For Paraguay:
31. For the Netherlands:  
W. H. DE BEAUFORT  
T. M. C. ASSER  
DEN BEER POORTUGAEL  
J. A. RÖELL  
J. A. LOEFF
32. For Peru:  
C. G. CANDAMO
33. For Persia:  
MOMTAZOS-SALTANEH M. SAMAD  
KHAN  
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:  
MARQUIS DE SOVERAL  
CONDE DE SELIR  
ALBERTO D'OLIVEIRA
35. For Roumania:
36. For Russia:
37. For Salvador:  
P. J. MATHEU  
S. PEREZ TRIANA
38. For Servia:
39. For Siam:  
MOM CHATIDEJ UDOM  
C. CORRAGONI D'ORELLI  
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:
41. For Switzerland:  
CARLIN
42. For Turkey:  
TURKHAN
43. For Uruguay:  
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:



# INTERNATIONAL OFFICE OF PUBLIC HEALTH

*Arrangement and annex signed at Rome December 9, 1907*  
*Senate advice and consent to ratification February 10, 1908*  
*Ratified by the President of the United States February 15, 1908*  
*Ratification of the United States deposited at Rome August 1, 1908*  
*Entered into force November 15, 1908*<sup>1</sup>  
*Proclaimed by the President of the United States November 17, 1908*  
*Terminated by protocol of July 22, 1946,*<sup>2</sup> *as between contracting parties*  
*to the protocol; terminated definitively for the United States No-*  
*vember 15, 1950*<sup>3</sup>

35 Stat. 2061; Treaty Series 511

## [TRANSLATION]

### ARRANGEMENT

The Governments of Belgium, Brazil, Spain, the United States, the French Republic, Great Britain and Ireland, Italy, the Netherlands, Portugal, Russia, Switzerland, and the Government of His Highness the Khedive of Egypt, deeming it expedient to organize the International Office of Public Hygiene, referred to in the Paris Sanitary Convention of December 3, 1903,<sup>4</sup> have resolved to conclude an arrangement to that effect and agreed upon the following:

### ARTICLE I

The High Contracting Parties engage to found and maintain an International Office of Public Hygiene with headquarters at Paris.

### ARTICLE II

The Office will perform its functions under the authority and supervision of a Committee composed of delegates of the contracting Governments. The membership and rights and duties of the Committee, as well as the organiza-

<sup>1</sup> Date of closing of procès-verbal of deposit of ratifications, by agreement of the signatory powers.

<sup>2</sup> TIAS 1754, *post*. The duties and functions of the Office were assumed *de facto* by the Interim Commission of the World Health Organization as of Jan. 1, 1947, pending official entry into force of the protocol on Oct. 20, 1947.

<sup>3</sup> Pursuant to notice of termination given by the United States Nov. 3, 1949, in accordance with terms of art. 8; termination effective at end of sixth 7-year period.

<sup>4</sup> TS 466, *ante*, p. 359.

tion and powers of the said Office are determined by the organic by-laws which are annexed to the present arrangement and are considered as forming an integral part thereof.

### ARTICLE III

The cost of installation, as well as the annual expenses for the conduct and maintenance of the Office shall be covered by the quotas of the contracting States determined in accordance with the provisions of the by-laws referred to in Article II.

### ARTICLE IV

The sums representing the quotas of the several contracting States shall be deposited by the said States through the Ministry of Foreign Affairs of the French Republic, at the beginning of every year in the "Caisse des dépôts et consignations" at Paris, from which they shall be drawn as needed against warrants of the Director of the Office.

### ARTICLE V

The High Contracting Parties reserve the right to make, by joint agreement, in the present arrangement any change of which the usefulness shall have been demonstrated by experience.

### ARTICLE VI

Governments that have not signed the present arrangement are, on their request, admitted to adhere thereto. Their adhesion shall be notified, through the diplomatic channel, to the Royal Government of Italy, and, by the latter, to the other Contracting Governments; it will imply a pledge to contribute to the payment of the expenses of the Office in the manner referred to in Article III.

### ARTICLE VII

The present arrangement shall be ratified and the ratifications shall be deposited at Rome as soon as possible; it shall be put into operation from the date on which the deposit of ratifications shall have been effected.

### ARTICLE VIII

The present arrangement is concluded for a term of seven years. At the expiration of that period, it shall continue in force for new periods of seven years between the States that shall not have notified, one year before the expiration of each period, their intention to terminate the effects so far as they are concerned.

In faith whereof the undersigned, duly empowered thereto, have drawn up the present arrangement to which they have affixed their seals.

Done at Rome, the ninth of December one thousand nine hundred and seven, in one copy which shall remain deposited in the archives of the Royal

Government of Italy and duly certified copies thereof shall be delivered, through the diplomatic channel, to the contracting Parties.

For Belgium:		For Great Britain:	
E. BECO	[SEAL]	THEODORE THOMSON	[SEAL]
O. VELGHE	[SEAL]	B. FRANKLIN	[SEAL]
For Brazil:		For Italy:	
DR. EGYDIO DE SALLES	[SEAL]	ROCCO SANTOLIVIDO	[SEAL]
GUERRA		ADOLFO COTTA	[SEAL]
DR. HENRIQUE DE ROCHA	[SEAL]	For the Netherlands:	
LIMA		H. DE WEEDE	[SEAL]
For Spain:		For Portugal:	
MANUEL DE TOLOSA	[SEAL]	M. DE CARVALHO	[SEAL]
LATOUR		E VASCONCELLOS	
PABLO SOLER	[SEAL]	For Russia:	
For the United States:		BARON KORFF	[SEAL]
A. M. LAUGHLIN	[SEAL]	For Switzerland:	
R. S. REYNOLDS HITT	[SEAL]	J. B. PIODA	[SEAL]
For France:		For Egypt:	
CAMILLE BARRÈRE	[SEAL]	IBRAHIM NEGUIB	[SEAL]
J. DE CAZOTTE	[SEAL]	MARC ARMAND RUFFER	[SEAL]
ER. RONSSIN	[SEAL]		

## ANNEX

### ORGANIC BY-LAWS OF THE INTERNATIONAL OFFICE OF PUBLIC HYGIENE

#### ARTICLE 1

There is established in Paris an International Office of Public Hygiene under the States which accept participation in its operation.

#### ARTICLE 2

The Office cannot in any way meddle in the administration of the several States.

It is independent of the authorities of the country in which it is placed.

It corresponds directly with the higher health authorities of the several countries and with the Boards of Health.<sup>5</sup>

#### ARTICLE 3

The Government of the French Republic shall, on the application of the International Committee referred to in Article 6, take such steps as may be requisite to have the Office recognized as an institution of public utility.

#### ARTICLE 4

The main object of the Office is to collect and bring to the knowledge of

<sup>5</sup> It is understood that the phrase "Boards of Health" applies to the Sanitary Councils of Alexandria, Constantinople, Tangier, Teheran and to any other Councils that may be charged with the duty of enforcing International Sanitary Conventions. [Footnote in original.]

the participating States facts and documents of a general character concerning public health and especially regarding infectious diseases, notably the cholera, plague and yellow fever, as well as the measures taken to check these diseases.

#### ARTICLE 5

The Government shall inform the Office of the measures taken by them toward the enforcement of the international sanitary conventions. The Office shall suggest amendments it might be desirable to make to the provisions of those conventions.

#### ARTICLE 6

The Office is placed under the authority and supervision of an International Committee consisting of technical representatives designated by the participating States in the proportion of one representative for each State.

Each State is allowed a number of votes inversely proportioned to the number of the class to which it belongs as regards its participation in the expenses of the Office (See Article 11).

#### ARTICLE 7

The Committee of the Office meets periodically at least once a year; the length of its sessions is unlimited.

The members of the Committee elect, by secret ballot, a chairman whose term of office shall be three years.

#### ARTICLE 8

The business of the office is conducted by a salaried staff including:

a Director;

a Secretary General,

such force as may be necessary to perform the work of the Office.

The personnel of the Office shall not be permitted to fill any other salaried office.

The Director and Secretary General shall be appointed by the Committee.

The Director shall attend the meetings of the Committee in an advisory capacity.

The appointment and dismissal of employés of all classes appertain to the Director and shall be reported by him to the Committee.

#### ARTICLE 9

The information collected by the Office shall be brought to the knowledge of the participant States by means of a Bulletin or of special communications addressed to them either in regular course or at their request.

In addition, the Office shall show periodically the results of its labors in official reports to be communicated to the participating Governments.

#### ARTICLE 10

The Bulletin, which shall be issued at least once a month, shall include especially:

1. The laws and general or local regulations promulgated in the several countries in regard to contagious diseases;
2. Information concerning the progress of infectious diseases;
3. Information concerning the work done or measures taken toward the sanitation of localities;
4. Statistics concerning public health;
5. Notices of publications.

The official language of the Office and Bulletin shall be the French language. The Committee may order parts of the Bulletin to be published in other languages.

#### ARTICLE 11

The expenses necessary for the performance of the duties of the Office, estimated at 150,000 francs per annum, shall be defrayed by the States signatory to the Convention, their quotas being determined according to the following classes:

- First class: Brazil, Spain, the United States, France, Great Britain, British India, Italy, Russia, at the rate of 25 units;
- Second class, at the rate of 20 units;
- Third class, Belgium, Egypt, the Netherlands, at the rate of 15 units;
- Fourth class, Switzerland, at the rate of 10 units;
- Fifth class, at the rate of 5 units;
- Sixth class, at the rate of 3 units.

This sum of 150,000 francs cannot be exceeded except by consent of the signatory Powers.

Every State is at liberty to have itself entered into a higher class at some future time.

The States that may hereafter adhere to the Convention shall select the class in which they wish to be entered.

#### ARTICLE 12

A sum intended to form a reserve fund shall be taken from the annual resources. The total sum of said reserve, which cannot exceed the amount of the annual budget, shall be invested in first class State securities.

#### ARTICLE 13

The members of the Committee shall receive, out of the working funds of

the Office, an allowance for traveling and other expenses. They shall also receive an attendance counter for each meeting which they attend.

#### ARTICLE 14

The Committee shall fix the amount to be set aside annually from its budget for a fund intended to secure a retirement pension for the Office force.

#### ARTICLE 15

The Committee shall draw up its annual estimates and shall approve the account of expenditures. It shall make the organic regulations governing the personnel, as well as all the arrangements necessary for the performance of the duties of the Office.

The regulations as well as the arrangements shall be reported by the Committee to the participant States and cannot be modified without their assent.

#### ARTICLE 16

A statement of the financial management of the Office shall be submitted annually to the participant States at the close of the fiscal year.

For Belgium:

E. BECO

O. VELGHE

For Brazil:

DR. EGYDIO DE SALLES GUERRA

DR. HENRIQUE DE ROCHA LIMA

For Spain:

MANUEL DE TOLOSA LATOUR

PABLO SOLER

For the United States:

A. M. LAUGHLIN

R. S. REYNOLDS HITT

For France:

CAMILLE BARRÈRE

J. DE CAZOTTE

ER. RONSSIN

For Great Britain:

THEODORE THOMSON

B. FRANKLIN

For Italy:

ROCCO SANTOLIVUDO

ADOLFO COTTA

For the Netherlands:

H. DE WEEDE

For Portugal:

M. DE CARVALHO E VASCONCELLOS

For Russia:

BARON KORFF

For Switzerland:

J. B. PODA

For Egypt:

IBRAHIM NEGUIB

MARC ARMAND RUFFER

## REPRESSION OF CIRCULATION OF OBSCENE PUBLICATIONS

*Arrangement signed at Paris May 4, 1910*

*Senate advice and consent to ratification January 13, 1911*

*Ratified by the President of the United States February 4, 1911*

*Ratification of the United States deposited at Paris March 15, 1911*

*Proclaimed by the President of the United States April 13, 1911*

*Entered into force September 15, 1911*<sup>1</sup>

*Amended by protocol of May 4, 1949*<sup>2</sup>

37 Stat. 1511; Treaty Series 559

### [TRANSLATION]

#### ARRANGEMENT RELATIVE TO THE REPRESSION OF THE CIRCULATION OF OBSCENE PUBLICATIONS

The Governments of the Powers hereinbelow named, equally desirous of facilitating within the scope of their respective legislation, the mutual interchange of information with a view to tracing and repressing offences connected with obscene publications, have resolved to conclude an arrangement to that end and have, in consequence, designated their plenipotentiaries who met in conference at Paris from April 18 to May 4, 1910, and agreed on the following provisions:

#### ARTICLE 1

Each one of the Contracting Powers undertakes to establish or designate an authority charged with the duty of

(1) Centralizing all information which may facilitate the tracing and repressing of acts constituting infringements of their municipal law as to obscene writings, drawings, pictures or articles, and the constitutive elements of which bear an international character.

(2) Supplying all information tending to check the importation of publications or articles referred to in the foregoing paragraph and also to insure or expedite their seizure all within the scope of municipal legislation.

(3) Communicating the laws that have already been or may subsequently be enacted in their respective States in regard to the object of the present Arrangement.

<sup>1</sup> Six months after Mar. 15, 1911, date of first deposit of instruments of ratification (see arts. 5 and 6).

<sup>2</sup> 1 UST 849; TIAS 2164.



The Contracting Governments shall mutually make known to one another, through the Government of the French Republic, the authority established or designated in accordance with the present Article.

ART. 2

The authority designated in Article 1 shall be empowered to correspond directly with the like service established in each one of the other Contracting States.

ART. 3

The authority designated in Article 1 shall be bound, if there be nothing to the contrary in the municipal law of its country, to communicate bulletins of the sentences passed in the said country to the similar authorities of all the other Contracting States in cases of offences coming under Article 1.

ART. 4

Non-Signatory States will be permitted to adhere to the present Arrangement. They shall notify their intention to that effect by means of an instrument which shall be deposited in the archives of the Government of the French Republic. The said Government shall send through diplomatic channel a certified copy of the said instrument to each one of the Contracting States and shall at the same time apprise them of the date of deposit.

Six months after that date the Arrangement will go into effect throughout the territory of the adhering State which will thereby become a Contracting State.

ART. 5

The present Arrangement shall take effect six months after the date of deposit of the ratifications.

In the event of one of the Contracting States denouncing it, the denunciation would only have effect in regard to that State.

The denunciation shall be notified by an instrument which shall be deposited in the archives of the Government of the French Republic. The said Government shall send through the diplomatic channel a certified copy thereof to each one of the Contracting States and at the same time apprise them of the date of deposit.

Twelve months after that date the Arrangement shall cease to be in force throughout the territory of the denouncing State.

ART. 6

The present Arrangement shall be ratified and the ratifications shall be deposited at Paris as soon as six of the Contracting States shall be in position to do so.

A procès-verbal of every deposit of ratifications shall be drawn up and a certified copy thereof shall be delivered through the diplomatic channel to each one of the Contracting States.

## ART. 7

Should a Contracting State wish to enforce the present Arrangement in one or more of its colonies, possessions or consular court districts, it shall notify its intention to that effect by an instrument which shall be deposited in the archives of the Government of the French Republic. The said Government shall send through the diplomatic channel a certified copy to each one of the Contracting States and at the same time apprise it of the date of the deposit.

Six months after that date the Arrangement shall go into effect in the colonies, possessions or consular court districts specified in the instrument of notification.

The denunciation of the Arrangement by one of the Contracting States in behalf of one or more of its colonies, possessions or consular court districts will be effected in the form and under the conditions set forth in the first paragraph of this Article. It will become operative twelve months after the date of the deposit of the instrument of denunciation in the archives of the Government of the French Republic.

## ART. 8

The present Arrangement which will bear date of May 4, 1910, may be signed at Paris until the following 31st of July by the Plenipotentiaries of the Powers represented at the Conference relative to the repression of the circulation of obscene publications.

Done at Paris, the fourth day of May one thousand nine hundred and ten in a single copy of which a certified copy shall be delivered to each one of signatory Powers.

For Germany:

ALBRECHT LENTZE [SEAL]

CURT JOËL [SEAL]

For Austria and for Hungary:

A. NEMES, *Chargé d' Affaires* [SEAL]  
of Austria-Hungary

For Austria:

J. EICHHOFF, *Austrian Imperial and Royal Section Counselor* [SEAL]

For Hungary:

G. LERS, *Hungarian Royal Ministerial Counselor* [SEAL]

For Belgium:

JULES LEJEUNE [SEAL]

ISIDORE MAUS [SEAL]

For Brazil:

J. C. DE SOUZA BANDEIRA [SEAL]

For Denmark:

C. E. COLD [SEAL]

For Spain:

OCTAVIO CUARTERO [SEAL]

For the United States:

A. BAILLY-BLANCHARD [SEAL]

For France:

R. BÉRENGER [SEAL]

For Great Britain:

E. W. FARNALL [SEAL]

F. S. BULLOCK [SEAL]

G. A. AITKEN [SEAL]

For Italy:

J. C. BUZZATTI [SEAL]

GEROLAMO CALVI [SEAL]

For the Netherlands:

A. DE STUERS [SEAL]

RETHAAN MACARE [SEAL]

For Portugal:

COUNT DE SOUZA ROZA [SEAL]

For Russia:

ALEXIS DE BELLEGARDE [SEAL]

WLADIMIR DÉRUGINSKY [SEAL]

For Switzerland:

LARDY [SEAL]

## PAN AMERICAN UNION

*Resolution adopted by the Fourth International American Conference at Buenos Aires August 11, 1910*

*Amended by resolution of May 1, 1923,<sup>1</sup> of the Fifth International Conference of American States, as amended*

*Termination: Became obsolete December 13, 1951, upon entry into force of the Charter of the Organization of American States of April 30, 1948<sup>2</sup>*

*Report of the Delegates of the United States to the Fourth International Conference of American States, Held at Buenos Aires, July 12 to August 30, 1910 (U.S. Government Printing Office, 1911), p. 156; Senate document 744, 61st Congress, 3d session*

### RESOLUTION

#### REORGANIZATION OF THE "UNION OF AMERICAN REPUBLICS"

The undersigned, Delegates of the Republics represented in the Fourth International American Conference, duly authorized by their respective Governments, have approved the following resolution:

The Fourth International American Conference resolves:

#### ARTICLE I

To maintain, under the name of "Union of American Republics," the International Union created by the First,<sup>3</sup> and confirmed by the Second<sup>4</sup> and Third Conferences,<sup>5</sup> and under the name of "Pan American Union" the institution serving as its Agent and having its seat in the Building of the American Republics in the City of Washington, D.C.

The purposes of the "Pan American Union" are the following:

1. To compile and distribute commercial information and prepare commercial reports.

<sup>1</sup> *Post*, vol. 2.

<sup>2</sup> 2 UST 2394; TIAS 2361.

<sup>3</sup> Resolution dated Apr. 14, 1890, *ante*, p. 129.

<sup>4</sup> Resolution dated Jan. 29, 1902, *ante*, p. 344.

<sup>5</sup> Resolution dated Aug. 7, 1906, *ante*, p. 535.

2. To compile and classify information respecting the treaties and Conventions between the American Republics, and between these and other States, and their legislation in force.

3. To supply information on educational matters.

4. To prepare reports on questions assigned to it by resolutions of the International American Conferences.

[5. To assist in obtaining the ratification of the resolutions and conventions adopted by the different Conferences.] <sup>6</sup>

6. To carry into effect all resolutions, the execution of which may have been assigned or may hereafter be assigned to it by the International American Conference.

7. To act as a Permanent Committee of the International American Conferences, recommending topics to be included in the programme of the next Conference; such projects must be communicated to the various Governments forming the Union, at least six months before the date of the meeting of the next Conference.

8. To submit within the same period a report to the various Governments on the work of the "Pan American Union" during the term covered since the meeting of the last Conference, and also special reports on any matter which may have been referred to it for report.

9. To keep the records of the International American Conferences.

## ARTICLE II

The control of the "Pan American Union" is vested in a Governing Board consisting of the diplomatic representatives of all the Governments of said Republics accredited to the Government of the United States of America, and the Secretary of State of the United States, on whom the American Republics have conferred the presidency of the Governing Board.

## ARTICLE III

Any diplomatic representative unable to attend the meetings of the Board may transmit his vote, stating his reason therefor in writing. Representation by proxy is prohibited. Any Republic having no representative accredited before the Government of the United States of America may designate a member of the Governing Board to represent it in the "Union of American Republics," and in this case said representative will have a vote for each representation.

## ARTICLE IV

The Governing Board shall meet in regular session the first Wednesday of every month, excepting the months of June, July, and August; and in special

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<sup>6</sup> Paragraph 5 has been inserted here although not contained in the English text of a certified copy of the original filed in the U.S. archives. The paragraph does appear in the Spanish, Portuguese, and French texts.

session at the call of the President issued on his own initiative, or at the request of two members of the Board.

The attendance of five members at any ordinary or special session shall be sufficient to permit the Board to proceed with Business.

#### ARTICLE V

In the absence of the Secretary of State of the United States, one of the diplomatic representatives in Washington then present, shall preside according to rank and seniority, with the title of Vice-Chairman.

#### ARTICLE VI

At the regular session to be held in November the Governing Board shall fix by lot the order of precedence among all the representatives of the American Republics forming the Union in order to create a Supervisory Committee. The first four on this list and the Secretary of State of the United States of America will constitute the first Supervisory Committee; and the four members of the Committee shall be replaced in turn, one every year, so that the Committee shall be totally renewed in four years. The outgoing members shall always be replaced by those following on the list, the same method being observed in event of resignation. The Secretary of State of the United States of America shall always be the Chairman of the Committee.

The Supervisory Committee shall hold their regular session the first Monday of every month, and three members shall be sufficient to constitute a quorum.

#### ARTICLE VII

There shall be a Director General appointed by the Governing Board and an Assistant Director who shall also act as Secretary to the said Board.

#### ARTICLE VIII

The Director General shall have charge of the administration of the "Pan American Union" in accordance with these fundamental rules, the regulations, and the resolutions of the Governing Board.

He shall have charge of the correspondence with the Governments of the Union through their diplomatic representatives in Washington, or directly in the absence of such representatives, and with the Pan-American Committees. He shall attend in an advisory capacity the meetings of the Governing Board, of the Committees, and of International American Conferences, except in the case of resolution to the contrary.

#### ARTICLE IX

The personnel of the "Pan American Union," the number of employees, their appointment, duties and everything pertaining thereto, shall be determined by the Regulations.

## ARTICLE X

There shall be in the Capital of each of the Republics of this Union a Pan-American Commission responsible to the Minister of Foreign Affairs consisting, if possible, of persons who have been Delegates to some International American Conference, their functions being:

- a) To obtain the approval of the resolutions adopted by these Conferences.
- b) To furnish accurately and without delay to the "Pan American Union" all the data needed in the preparation of its work.
- c) To submit of their own initiative any projects they may deem proper to foster the interest of the Union, and to exercise such further functions as the respective Governments may entrust to them.

These Commissions may correspond with the "Pan American Union" either directly or through the diplomatic representatives in Washington.

The Governments represented shall be entitled to send, at their own cost, to the "Pan American Union" a special agent of the respective Commission, charged with the supplying of such data and information as may be asked from him and at the same time to secure such as may be needed by his Government.

## ARTICLE XI

The Director General of the "Pan American Union" shall submit at the regular meeting in November a detailed budget of the expenses for the following year. This Budget, after approval by the Governing Board shall be transmitted to the various Signatory Governments with a statement of the annual quota which each is to contribute, this quota being fixed in proportion to the population of the country.

## ARTICLE XII

The "Pan American Union" shall issue such publications as the Governing Board may determine, and shall publish a Bulletin at least once a month.

All geographical maps published by the "Pan American Union" shall bear a statement thereon that they do not constitute documents approved by the Government of the country to which they apply, nor by the Governments of the countries whose boundaries appear thereon, unless the former and the latter Governments shall have expressly given their approval, which shall in each case also be stated on the map. A similar statement shall be made on the other publications of the Union, save those which are of an official nature.

All these publications, with the exceptions determined by the Governing Board, shall be distributed gratuitously.

## ARTICLE XIII

In order to assure the greatest possible accuracy in the publications of the "Pan American Union," each of the Signatory States shall transmit directly



to the Union two copies of all official documents or publications relating to matters connected with the purposes of the Union; and with the same object they shall also send one copy to each of the Pan American Commissions.

#### ARTICLE XIV

All correspondence and publications of the "Pan American Union" shall be carried free of charge by the mails of the American Republics.

#### ARTICLE XV

The "Pan American Union" shall be governed by the regulations prepared by the Governing Board in accordance with the Statutes.

#### ARTICLE XVI

The American Republics bind themselves to continue to support the "Pan American Union" for a term of ten years from this date, and to pay annually into the Treasury of the "Pan American Union" their respective quotas. Any of the Republics may cease to belong to the Union of American Republics upon notice to the Governing Board, two years in advance. The "Pan American Union" shall continue for successive terms of ten years unless twelve months before the expiration of such term a majority of the members of the Union shall express the wish, through the Secretary of State of the United States of America, to withdraw therefrom on the expiration of the term.

#### ARTICLE XVII

All rules contrary to the present Resolution are hereby repealed.

Made and signed in the city of Buenos Aires on the eleventh day of the month of August in the year one thousand nine hundred and ten in the Spanish, English, Portuguese and French languages, and filed in the Ministry of Foreign Affairs of the Argentine Republic, in order that certified copies may be taken to be forwarded through the Diplomatic Channels to each one of the Signatory States.

For the United States of America:

HENRY WHITE  
ENOCH H. CROWDER  
LEWIS NIXON  
JOHN BASSETT MOORE  
BERNARD MOSES  
LAMAR C. QUINTERO  
PAUL S. REINSCH  
DAVID KINLEY

For the Argentine Republic:

ANTONIO BERMEJO  
EDUARDO L. BIDAU  
MANUEL A. MONTES DE OCA  
EPIFANIO PORTELA  
CARLOS SALAS  
JOSÉ A. TERRY  
ESTANISLAO S. ZEBALLOS

## For the United States of Brazil:

JOAQUIM MURTINHO  
DOMICIO DA GAMA  
JOSÉ L. ALMEIDA NOGUEIRA  
OLAVO BILAC  
GASTÃO DA CUNHA  
HERCULANO DE FREITAS

## For the Republic of Chili:

MIGUEL CRUCHAGA TOCORNAL  
EMILIO BELLO CODECIDO  
ANÍBAL CRUZ DÍAZ  
BELTRÁN MATHIEU

## For the Republic of Colombia:

ROBERTO ANCÍZAR

## For the Republic of Costa Rica:

ALFREDO VOLIO

## For the Republic of Cuba:

CARLOS GARCÍA VÉLEZ  
RAFAEL MONTORO Y VALDÉS  
GONZALO DE QUESADA Y ARÓSTEGUI  
ANTONIO GONZALO PÉREZ  
JOSÉ M. CARBONELL

## For the Dominican Republic:

AMÉRICO LUGO

## For the Republic of Ecuador:

ALEJANDRO CÁRDENAS

## For the Republic of Guatemala:

LUIS TOLEDO HERRARTE  
MANUEL ARROYO  
MARIO ESTRADA

## For the Republic of Haiti:

CONSTANTIN FOUGHARD

## For the Republic of Honduras:

LUIS LAZO ARRIAGA

## For the Mexican United States:

VICTORIANO SALADO ALVAREZ  
LUIS PÉREZ VERDÍA  
ANTONIO RAMOS PEDRUEZA  
ROBERTO A. ESTEVA RUIZ

## For the Republic of Nicaragua:

MANUEL PÉREZ ALONSO

## For the Republic of Panama:

BELISARIO PORRAS

## For the Republic of Paraguay:

TEODOSIO GONZÁLEZ  
JOSÉ P. MONTERO

## For the Republic of Peru:

EUGENIO LARRABURE Y UNÁNUE  
CARLOS ALVAREZ CALDERÓN  
JOSÉ ANTONIO DE LAVALLE Y PARDO

## For the Republic of Salvador:

FEDERICO MEJÍA  
FRANCISCO MARTÍNEZ SUÁREZ

## For the Republic of Uruguay:

GONZALO RAMÍREZ  
CARLOS M. DE PENÁ  
ANTONIO M. RODRÍGUEZ  
JUAN JOSÉ AMÉZAGA

## For the United States of Venezuela:

MANUEL DÍAZ RODRÍGUEZ  
CÉSAR ZUMETA

## LITERARY AND ARTISTIC COPYRIGHT (INTER-AMERICAN)

*Convention signed at Buenos Aires August 11, 1910*

*Senate advice and consent to ratification February 15, 1911*

*Ratified by the President of the United States March 21, 1911*

*Ratification of the United States deposited at Buenos Aires May 1, 1911*

*Entered into force October 31, 1912<sup>1</sup>*

*Proclaimed by the President of the United States July 13, 1914*

*Revised by convention of February 18, 1928,<sup>2</sup> as between contracting parties to the later convention*

*Replaced by convention of June 22, 1946,<sup>3</sup> as between contracting parties to the later convention; convention of September 6, 1952,<sup>4</sup> states that its provisions shall prevail over provisions of existing conventions which differ from them, in relations between contracting parties to the 1952 convention*

38 Stat. 1785; Treaty Series 593

### CONVENTION

#### LITERARY AND ARTISTIC COPYRIGHT

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela;

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following Delegates duly authorized to approve the recommendations, resolutions, conventions and treaties which they might deem advantageous to the interests of America:

*United States of America:* Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

<sup>1</sup> Three months after date of deposit of second instrument of ratification (see art. 16).

<sup>2</sup> 132 LNTS 275. The United States did not become a party.

<sup>3</sup> S. Ex. HH, 80th Cong., 1st sess. The United States did not become a party.

<sup>4</sup> 6 UST 2731; TIAS 3324.

*Argentine Republic:* Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

*United States of Brazil:* Joaquim Murтинho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

*Republic of Chili:* Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

*Republic of Colombia:* Roberto Ancizar.

*Republic of Costa Rica:* Alfredo Volio.

*Republic of Cuba:* Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

*Dominican Republic:* Américo Lugo.

*Republic of Ecuador:* Alejandro Cárdenas.

*Republic of Guatemala:* Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

*Republic of Haiti:* Constantin Fouchard.

*Republic of Honduras:* Luis Lazo Arriaga.

*Mexican United States:* Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

*Republic of Nicaragua:* Manuel Pérez Alonso.

*Republic of Panama:* Belisario Porras.

*Republic of Paraguay:* Teodosio González, José P. Montero.

*Republic of Peru:* Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.

*Republic of Salvador:* Federico Mejía, Francisco Martínez Suárez.

*Republic of Uruguay:* Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.

*United States of Venezuela:* Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention on Literary and Artistic Copyright.

1st.—The signatory States acknowledge and protect the rights of Literary and Artistic Property in conformity with the stipulations of the present Convention.

2nd.—In the expression "Literary and Artistic Works" are included books, writings, pamphlets of all kinds, whatever may be the subject of which they treat, and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings; photographic works; astronomical or geographical globes; plans, sketches or plastic works relating to geography, geology or topography, architecture or any other science; and, finally, all productions that can be published by any means of impression or reproduction.

3rd.—The acknowledgement of a copyright obtained in one State, in conformity with its laws, shall produce its effects of full right, in all the other States, without the necessity of complying with any other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right.

4th.—The copyright of a literary or artistic work, includes for its author or assigns the exclusive power of disposing of the same, of publishing, assigning, translating or authorizing its translation and reproducing it in any form whether wholly or in part.

5th.—The author of a protected work, except in case of proof to the contrary, shall be considered the person whose name or well known nom-de-plume is indicated therein; consequently suit brought by such author or his representative against counterfeiters or violators, shall be admitted by the Courts of the Signatory States.

6th.—The authors or their assigns, citizens or domiciled foreigners, shall enjoy in the signatory countries the rights that the respective laws accord, without those rights being allowed to exceed the term of protection granted in the country of origin.

For works comprising several volumes that are not published simultaneously, as well as for bulletins, or parts, or periodical publications, the term of the copyright will commence to run, with respect to each volume, bulletin, part, or periodical publication, from the respective date of its publication.

7th.—The country of origin of a work will be deemed that of its first publication in America, and if it shall have appeared simultaneously in several of the signatory countries, that which fixes the shortest period of protection.

8th.—A work which was not originally copyrighted shall not be entitled to copyright in subsequent editions.

9th.—Authorised translations shall be protected in the same manner as original works.

Translators of works concerning which no right of guaranteed property exists, or the guaranteed copyright of which may have been extinguished, may obtain for their translations the rights of property set forth in Article 3rd but they shall not prevent the publication of other translations of the same work.

10th.—Addresses or discourses delivered or read before deliberative assemblies, Courts of Justice, or at public meeting, may be printed in the daily press without the necessity of any authorisation, with due regard, however, to the provisions of the domestic legislation of each nation.

11th.—Literary, scientific or artistic writings, whatever may be their subjects, published in newspapers or magazines, in any one of the countries of the Union, shall not be reproduced in the other countries without the consent of the authors. With the exception of the works mentioned, any article in a newspaper may be reprinted by others, if it has not been expressly

prohibited, but in every case, the source from which it is taken must be cited.

News and miscellaneous items published merely for general information, do not enjoy protection under this Convention.

12th.—The reproduction of extracts from literary or artistic publications for the purpose of instruction or chrestomathy, does not confer any right of property, and may, therefore, be freely made in all the signatory countries.

13th.—The indirect appropriation of unauthorised parts of a literary or artistic work, having no original character, shall be deemed an illicit reproduction, in so far as affects civil liability.

The reproduction in any form of an entire work, or of the greater part thereof, accompanied by notes or commentaries under the pretext of literary criticism or amplification, or supplement to the original work, shall also be considered illicit.

14th.—Every publication infringing a copyright may be confiscated in the signatory countries in which the original work had the right to be legally protected, without prejudice to the indemnities or penalties which the counterfeiters may have incurred according to the laws of the country in which the fraud may have been committed.

15th.—Each of the Governments of the signatory countries, shall retain the right to permit, inspect, or prohibit the circulation, representation or exhibition of works or productions, concerning which the proper authority may have to exercise that right.

16th.—The present Convention shall become operative between the Signatory States which ratify it, three months after they shall have communicated their ratification to the Argentine Government, and it shall remain in force among them until a year after the date when it may be denounced. This denunciation shall be addressed to the Argentine Government and shall be without force except with respect to the country making it.

In witness whereof, the Plenipotentiaries have signed the present treaty and affixed thereto the Seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the eleventh day of August in the year one thousand and nine hundred and ten, in Spanish, English, Portuguese and French, and deposited in the Ministry of Foreign Affairs of the Argentine Republic, in order that certified copies be made for transmission to each one of the signatory nations through the appropriate diplomatic channels.

For the United States of America:

HENRY WHITE  
ENOCH H. CROWDER  
LEWIS NIXON  
JOHN BASSETT MOORE  
BERNARD MOSES  
LAMAR C. QUINTERO  
PAUL S. REINSCH  
DAVID KINLEY

For the Argentine Republic:

ANTONIO BERMEJO  
EDUARDO L. BIDAÚ  
MANUEL A. MONTES DE OCA  
EPIFANIO PORTELA  
CARLOS SALAS  
JOSÉ A. TERRY  
ESTANISLAO S. ZEBALLOS

For the United States of Brazil:

JOAQUIM MURTINHO  
DOMICIO DA GAMA  
JOSÉ L. ALMEIDA NOGUEIRA  
OLAVO BILAC  
GASTÃO DA CUNHA  
HERCULANO DE FREITAS

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EMILIO BELLO CODECIDO  
ANÍBAL CRUZ DÍAZ  
BELTRÁN MATHIEU

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AMÉRICO LUGO

For the Republic of Ecuador:

ALEJANDRO CÁRDENAS

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LUIS TOLEDO HERRARTE  
MANUEL ARROYO  
MARIO ESTRADA

For the Republic of Haiti:

CONSTANTIN FOUGHARD

For the Republic of Honduras:

LUIS LAZO ARRIAGA

For the Mexican United States:

VICTORIANO SALADO ALVAREZ  
LUIS PÉREZ VERDÍA  
ROBERTO A. ESTEVA RUIZ

For the Republic of Nicaragua:

MANUEL PÉREZ ALONSO

For the Republic of Panama:

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For the Republic of Paraguay:

TEODOSIO GONZÁLEZ  
JOSÉ P. MONTERO

For the Republic of Peru:

EUGENIO LARRABURE Y UNÁNUE  
CARLOS ALVAREZ CALDERÓN  
JOSÉ ANTONIO DE LAVALLE Y PARDO

For the Republic of Salvador:

FEDERICO MEJÍA  
FRANCISCO MARTÍNEZ SUÁREZ

For the Republic of Uruguay:

GONZALO RAMÍREZ  
CARLOS M. DE PENA  
ANTONIO M. RODRÍGUEZ  
JUAN JOSÉ AMÉZAGA

For the United States of Venezuela:

MANUEL DÍAZ RODRÍGUEZ  
CÉSAR ZUMETA



## ARBITRATION OF PECUNIARY CLAIMS (INTER-AMERICAN)

*Convention signed at Buenos Aires August 11, 1910*

*Senate advice and consent to ratification February 1, 1911*

*Ratified by the President of the United States March 21, 1911*

*Ratification of the United States deposited at Buenos Aires May 1,  
1911*

*Entered into force January 1, 1913*

*Proclaimed by the President of the United States July 29, 1914*

38 Stat. 1799; Treaty Series 594

### CONVENTION PECUNIARY CLAIMS

Their Excellencies the Presidents of the United States of America, Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela;

Being desirous that their respective countries may be represented at the Fourth International American Conference have sent thereto the following Delegates, duly authorized to approve the recommendations, resolutions, conventions and treaties which may be advantageous to the interests of America:

*United States of America:* Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

*Argentine Republic:* Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

*United States of Brazil:* Joaquim Murтинho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

*Republic of Chili:* Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

*Republic of Colombia:* Roberto Ancízar.

*Republic of Costa Rica:* Alfredo Volio.

*Republic of Cuba:* Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

*Dominican Republic:* Américo Lugo.

*Republic of Ecuador:* Alejandro Cárdenas.

*Republic of Guatemala:* Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

*Republic of Haiti:* Constantin Fouchard.

*Republic of Honduras:* Luis Lazo Arriaga.

*Mexican United States:* Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

*Republic of Nicaragua:* Manuel Pérez Alonso.

*Republic of Panama:* Belisario Porras.

*Republic of Paraguay:* Teodosio González, José P. Montero.

*Republic of Peru:* Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.

*Republic of Salvador:* Federico Mejía, Francisco Martínez Suárez.

*Republic of Uruguay:* Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José de Amézaga.

*United States of Venezuela:* Manuel Díaz Rodriquez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention on Pecuniary Claims.

1st. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens and which cannot be amicably adjusted through diplomatic channels, which said claims are of sufficient importance to warrant the expense of arbitration.

The decision shall be rendered in accordance with the principles of International Law.

2nd. The High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration of The Hague all controversies which are the subject-matter of the present Treaty, unless both parties agree to constitute a special jurisdiction.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the treaty relating to the organization of that arbitral Tribunal,<sup>1</sup> to the procedure to be followed and to the obligation to comply with the sentence.

3rd. If it shall be agreed to constitute a special jurisdiction, there shall be prescribed in the convention by which this is determined the rules according to which the tribunal shall proceed, which shall have cognizance of the

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<sup>1</sup> See conventions of July 29, 1899 (TS 392), *ante*, p. 230, and Oct. 18, 1907 (TS 536), *ante*, p. 577.

questions involved in the claims referred to in Article 1st. of the present treaty.

4th. The present Treaty shall come into force immediately after the thirty-first of December 1912, when the treaty on pecuniary claims, signed at Mexico, on January 31 [30], 1902,<sup>2</sup> and extended by the treaty signed at Rio de Janeiro on August 13, 1906,<sup>3</sup> expires.

It shall remain in force indefinitely, as well for the nations which shall then have ratified it as those which shall ratify it subsequently.

The ratifications shall be transmitted to the Government of the Argentine Republic, which shall communicate them to the other Contracting Parties.

5th. Any of the nations ratifying the present Treaty may denounce it, on its own part, by giving two years notice in writing, in advance, of its intention so to do.

This notice shall be transmitted to the Government of the Argentine Republic and through its intermediation, to the other contracting Parties.

6th. The treaty of Mexico shall continue in force after December 31, 1912, as to any claims which may, prior to that date, have been submitted to arbitration under its provisions.

In witness whereof, the Plenipotentiaries and Delegates sign this Convention and affix to it the Seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires, on the eleventh day of August in the year one thousand nine hundred and ten, in the Spanish, English, Portuguese and French languages, and filed in the Ministry of Foreign Affairs of the Argentine Republic, in order that certified copies may be taken to be forwarded through the appropriate Diplomatic channels to each one of the Signatory Nations.

For the United States of America:

HENRY WHITE  
 ENOCH H. CROWDER  
 LEWIS NIXON  
 JOHN BASSETT MOORE  
 BERNARD MOSES  
 LAMAR C. QUINTERO  
 PAUL S. REINSCH  
 DAVID KINLEY

For the Argentine Republic:

ANTONIO BERMEJO  
 EDUARDO L. BIDAÚ  
 MANUEL A. MONTES DE OCA  
 EPIFANIO PORTELA  
 CARLOS SALAS  
 JOSÉ A. TERRY  
 ESTANISLAO S. ZEBALLOS

For the United States of Brazil:

JOAQUIM MURTINHO  
 DOMICIO DA GAMA  
 JOSÉ L. ALMEIDA NOGUEIRA  
 OLAVO BILAC  
 GASTÃO DA CUNHA  
 HERCULANO DE FREITAS

For the Republic of Chili:

MIGUEL CRUCHAGA TOCORNAL  
 EMILIO BELLO CODECIDO  
 ANÍBAL CRUZ DÍAZ  
 BELTRÁN MATHIEU

For the Republic of Colombia:

ROBERTO ANCÍZAR

For the Republic of Costa Rica:

ALFREDO VOLIO

<sup>2</sup> TS 443, *ante*, p. 347.

<sup>3</sup> TS 574, *ante*, p. 541.

For the Republic of Cuba:

CARLOS GARCÍA VÉLEZ  
RAFAEL MONTORO Y VALDÉS  
GONZALO DE QUESADA Y ARÓS-  
TEGUI

ANTONIO GONZALO PÉREZ  
JOSÉ M. CARBONELL

For the Dominican Republic:

AMÉRICO LUGO

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ALEJANDRO CÁRDENAS

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MARIO ESTRADA

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CONSTANTIN FOUGHARD

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ANTONIO RAMOS PEDRUEZA  
ROBERTO A. ESTEVA RUIZ

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MANUEL PÉREZ ALONSO

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JOSÉ P. MONTERO

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EUGENIO LARRABURE Y UNÁNUE  
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JOSÉ ANTONIO DE LAVALLE Y PARDO

For the Republic of Salvador:

FEDERICO MEJÍA  
FRANCISCO MARTÍNEZ SUÁREZ

For the Republic of Uruguay:

GONZALO RAMÍREZ  
CARLOS M. DE PENÁ  
ANTONIO M. RODRÍGUEZ  
JUAN JOSÉ AMÉZAGA

For the United States of Venezuela:

MANUEL DÍAZ RODRÍGUEZ  
CÉSAR ZUMETA

## INVENTIONS, PATENTS, DESIGNS, AND INDUSTRIAL MODELS (INTER-AMERICAN)

*Convention signed at Buenos Aires August 20, 1910*

*Senate advice and consent to ratification February 8, 1911*

*Ratified by the President of the United States March 21, 1911*

*Ratification of the United States deposited at Buenos Aires May 1,  
1911*

*Entered into force July 31, 1912<sup>1</sup>*

*Proclaimed by the President of the United States July 29, 1914*

38 Stat. 1811; Treaty Series 595

### CONVENTION

#### INVENTIONS, PATENTS, DESIGNS AND INDUSTRIAL MODELS

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela:

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions and treaties which they might deem advantageous to the interests of America.

*United States of America:* Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

*Argentine Republic:* Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

*United States of Brazil:* Joaquim Murtinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

*Republic of Chili:* Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

---

<sup>1</sup> Date of deposit of second instrument of ratification.

*Republic of Colombia:* Roberto Ancízar.

*Republic of Costa Rica:* Alfredo Volio.

*Republic of Cuba:* Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

*Dominican Republic:* Américo Lugo.

*Republic of Ecuador:* Alejandro Cárdenas.

*Republic of Guatemala:* Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

*Republic of Haiti:* Constantin Fouchard.

*Republic of Honduras:* Luis Lazo Arriaga.

*Mexican United States:* Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

*Republic of Nicaragua:* Manuel Pérez Alonso.

*Republic of Panama:* Belisario Porras.

*Republic of Paraguay:* Teodosio González, José P. Montero.

*Republic of Peru:* Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.

*Republic of Salvador:* Federico Mejía, Francisco Martínez Suárez.

*Republic of Uruguay:* Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.

*United States of Venezuela:* Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials, and the same having been found in due and proper form, have agreed upon the following Convention on Inventions, Patents, Designs and Industrial Models.

#### ARTICLE I

The subscribing Nations enter into this convention for the protection of patents of invention, designs and industrial models.

#### ARTICLE II

Any persons who shall obtain a patent of invention in any of the signatory States, shall enjoy in each of the other States all the advantages which the laws relative to patents of invention, designs and industrial models concede. Consequently, they shall have the right to the same protection and identical legal remedies against any attack upon their rights, provided they comply with the laws of each State.

#### ARTICLE III

Any person who shall have regularly deposited an application for a patent of invention or design or industrial model in one of the contracting States shall enjoy, for the purposes of making the deposit in the other States, and under the reserve of the rights of third parties, a right of priority during a period of twelve months for patents of invention, and of four months for designs or industrial models.

In consequence the deposit subsequently made in any other of the signatory States before the expiration of these periods, cannot be invalidated by acts performed in the interval, especially by other deposits, by the publication of the invention or its working, or by the sale of copies of the design or of the model.

#### ARTICLE IV

When, within the terms fixed, a person shall have filed applications in several States for the patent of the same invention, the rights resulting from patents thus applied for shall be independent of each other.

They shall also be independent of the rights arising under patents obtained for the same invention in countries not parties to this Convention.

#### ARTICLE V

Questions which may arise regarding the priority of patents of invention, shall be decided with regard to the date of the application for the respective patents in the countries in which they are granted.

#### ARTICLE VI

The following shall be considered as inventions: A new manner of manufacturing industrial products; a new machine or mechanical or manual apparatus which serves for the manufacture of said products; the discovery of a new industrial product; the application of known methods for the purpose of securing better results; and every new, original and ornamental design or model for an article of manufacture.

The foregoing shall be understood without prejudice to the laws of each State.

#### ARTICLE VII

Any of the signatory States may refuse to recognize patents for any of the following causes:

- (a) Because the inventions or discoveries may have been published in any country prior to the date of the invention by the applicant;
- (b) Because the inventions have been registered, published, or described in any country more than one year prior to the date of the application in the country in which the patent is sought;
- (c) Because the inventions have been in public use, or have been on sale in the country in which the patent has been applied for, one year prior to the date of said application;
- (d) Because the inventions or discoveries are in some manner contrary to morals or laws.



## ARTICLE VIII

The ownership of a patent of invention comprises the right to enjoy the benefits thereof, and the right to assign or transfer it in accordance with the laws of the country.

## ARTICLE IX

Persons who incur civil or criminal liabilities, because of injuries or damage to the rights of inventors, shall be prosecuted and punished, in accordance with the laws of the countries wherein the offence has been committed or the damage occasioned.

## ARTICLE X

Copies of patents certified in the country of origin, according to the national law thereof, shall be given full faith and credit as evidence of the right of priority, except as stated in Article VII.

## ARTICLE XI

The treaties relating to patents of invention, designs or industrial models, previously entered into between the countries subscribing to the present Convention, shall be superseded by the same from the time of its ratification in so far as the relations between the signatory States are concerned.

## ARTICLE XII

The adhesion of the American Nations to the present Convention shall be communicated to the Government of the Argentine Republic in order that it may communicate them to the other States. These Communications shall have the effect of an exchange of ratifications.

## ARTICLE XIII

A signatory Nation that sees fit to retire from the present convention, shall notify the Government of the Argentine Republic, and one year after the receipt of the communication the force of this Convention shall cease, in so far as the nation which shall have withdrawn its adherence is concerned.

In witness whereof, the Plenipotentiaries have signed the present treaty and affixed thereto the Seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the twentieth day of August in the year one thousand nine hundred and ten, in Spanish, English, Portuguese, and French, and deposited in the Ministry of Foreign Affairs of the Argentine Republic, in order that certified copies be made for transmission to each of the Signatory Nations through the appropriate diplomatic channels.

For the United States of America:

HENRY WHITE  
 ENOCH H. CROWDER  
 LEWIS NIXON  
 JOHN BASSETT MOORE  
 BERNARD MOSES  
 LAMAR C. QUINTERO  
 PAUL S. REINSCH  
 DAVID KINLEY

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 EPIFANIO PORTELA  
 CARLOS SALAS  
 JOSÉ A. TERRY  
 ESTANISLAO S. ZEBALLOS

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JOAQUIM MURTINHO  
 DOMICIO DA GAMA  
 JOSÉ L. ALMEIDA NOGUEIRA  
 OLAVO BILAC  
 GASTÃO DA CUNHA  
 HERCULANO DE FREITAS

For the Republic of Chili:

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 EMILIO BELLO CODECIDO  
 ANÍBAL CRUZ DÍAZ  
 BELTRÁN MATHIEU

For the Republic of Colombia:

ROBERTO ANCÍZAR

For the Republic of Costa Rica:

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CARLOS GARCÍA VÉLEZ  
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AMÉRICO LUGO

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VICTORIANO SALADO ALVAREZ  
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FEDERICO MEJÍA  
 FRANCISCO MARTÍNEZ SUÁREZ

For the Republic of Uruguay:

GONZALO RAMÍREZ  
 CARLOS M. DE PENA  
 ANTONIO M. RODRÍGUEZ  
 JUAN JOSÉ AMÉZAGA

For the United States of Venezuela:

MANUEL DÍAZ RODRÍGUEZ  
 CÉSAR ZUMETA

## PROTECTION OF TRADEMARKS (INTER-AMERICAN)

*Convention signed at Buenos Aires August 20, 1910*

*Senate advice and consent to ratification February 8, 1911*

*Ratified by the President of the United States March 21, 1911*

*Ratification of the United States deposited at Buenos Aires May 1, 1911*

*Entered into force July 31, 1912*<sup>1</sup>

*Proclaimed by the President of the United States September 16, 1916*

*Replaced by convention of April 28, 1923,<sup>2</sup> and convention and protocol of February 20, 1929,<sup>3</sup> as between contracting parties to the later conventions and protocol*

39 Stat. 1675; Treaty Series 626

### CONVENTION

#### PROTECTION OF TRADE-MARKS

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela;

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto, the following Delegates, duly authorized to approve the recommendations, resolutions, conventions and treaties which they might deem advantageous to the interest of America.

*United States of America:* Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

*Argentine Republic:* Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

*United States of Brazil:* Joaquim Murtinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculanio de Freitas.

---

<sup>1</sup> Date of deposit of second instrument of ratification.

<sup>2</sup> TS 751, *post*, vol. 2.

<sup>3</sup> TS 833, *post*, vol. 2.

*Republic of Chili:* Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

*Republic of Colombia:* Roberto Ancizar.

*Republic of Costa Rica:* Alfredo Volio.

*Republic of Cuba:* Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

*Dominican Republic:* Américo Lugo.

*Republic of Ecuador:* Alejandro Cárdenas.

*Republic of Guatemala:* Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

*Republic of Haiti:* Constantin Fouchard.

*Republic of Honduras:* Luis Lazo Arriaga.

*Mexican United States:* Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

*Republic of Nicaragua:* Manuel Pérez Alonso.

*Republic of Panama:* Belisario Porras.

*Republic of Paraguay:* Teodosio González, José P. Montero.

*Republic of Peru:* Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.

*Republic of Salvador:* Federico Mejía, Francisco Martínez Suárez.

*Republic of Uruguay:* Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.

*United States of Venezuela:* Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention for the Protection of Trade-Marks.

#### ARTICLE I

The signatory Nations enter into this Convention for the protection of trade-marks and commercial names.

#### ARTICLE II

Any mark duly registered in one of the signatory States shall be considered as registered also in the other States of the Union, without prejudice to the rights of third persons and to the provisions of the laws of each State governing the same.

In order to enjoy the benefit of the foregoing, the manufacturer or merchant interested in the registry of the mark must pay, in addition to the fees or charges fixed by the laws of the State in which application for registration is first made, the sum of fifty dollars gold, which sum shall cover all the expenses of both Bureaux for the international registration in all the signatory States.

## ARTICLE III

The deposit of a trade-mark in one of the signatory States produces in favor of the depositor a right of priority for the period of six months, so as to enable the depositor to make the deposit in the other states.

Therefore, the deposit made subsequently and prior to the expiration of this period, cannot be annulled by acts performed in the interval, especially by another deposit, by publication, or by the use of the mark.

## ARTICLE IV

The following shall be considered as trade-mark: any sign, emblem, or especial name that merchants or manufacturers may adopt or apply to their goods or products in order to distinguish them from those of other manufacturers or merchants who manufacture or deal in articles of the same kind.

## ARTICLE V

The following cannot be adopted or used as trade-mark: national, provincial or municipal flags or coats-of-arms; immoral or scandalous figures; distinctive marks which may have been obtained by others or which may give rise to confusion with other marks; the general classification of articles; pictures or names of persons without their permission; and any design which may have been adopted as an emblem by any fraternal or humanitarian association.

The foregoing provisions shall be construed without prejudice to the particular provisions of the laws of each State.

## ARTICLE VI

All questions which may arise regarding the priority of the deposit, or the adoption of a trade-mark, shall be decided with due regard to the date of the deposit in the State in which the first application was made therefor.

## ARTICLE VII

The ownership of a trade-mark includes the right to enjoy the benefits thereof, and the right of assignment or transfer in whole or in part of its ownership or its use in accordance with the provisions of the laws of the respective States.

## ARTICLE VIII

The falsification, imitation or unauthorized use of a trade-mark, as also the false representation as to the origin of a product, shall be prosecuted by the interested party in accordance with the laws of the State wherein the offence is committed.

For the effects of this article, interested parties shall be understood to be any producer, manufacturer or merchant engaged in the production, manufacture or traffic of said product, or in the case of false representation of

origin, one doing business in the locality falsely indicated as that of origin, or in the territory [in] which said locality is situated.

#### ARTICLE IX

Any person in any of the signatory States shall have the right to petition and obtain in any of the States, through its competent judicial authority, the annulment of the registration of a trade-mark, when he shall have made application for the registration of that mark, or of any other mark calculated to be confused, in such state, with the mark in whose annulment he is interested, upon proving:

*a*) That the mark, the registration whereof he solicits, has been employed or used within the country prior to the employment or use of the mark registered by the person registering it, or by the persons from whom he has derived title;

*b*) That the registrant had knowledge of the ownership, employment or use in any of the signatory states, of the mark of the applicant, the annulment whereof is sought, prior to the use of the registered mark by the registrant or by those from whom he has derived title;

*c*) That the registrant had no right to the ownership, employment or use of the registered mark on the date of its deposit;

*d*) That the registered mark had not been used or employed by the registrant or by his assigns within the term fixed by the laws of the State in which the registration shall have been made.

#### ARTICLE X

Commercial names shall be protected in all the States of the Union, without deposit or registration, whether the same form part of a trade-mark or not.

#### ARTICLE XI

For the purposes indicated in the present Convention a Union of American Nations is hereby constituted, which shall act through two International Bureaux established one in the city of Habana, Cuba, and the other in the city of Rio de Janeiro, Brazil, acting in complete accord with each other.

#### ARTICLE XII

The International Bureaux shall have the following duties:

1. To keep a register of the certificates of ownership of trade-mark issued by any of the signatory States.

2. To collect such reports and data as relate to the protection of intellectual and industrial property and to publish and circulate them among the nations of the Union, as well as to furnish them whatever special information they may need upon this subject.

3. To encourage the study and publicity of the questions relating to the protection of intellectual and industrial property; to publish for this purpose one or more official reviews, containing the full texts or digest of all documents forwarded to the Bureaux by the authorities of the signatory States.

The Governments of said States shall send to the International American Bureaux their official publications which contain the announcements of the registrations of trade-marks, and commercial names, and the grants of patents and privileges as well as the judgments rendered by the respective courts concerning the invalidity of trade marks and patents.

4. To communicate to the Governments of the Union any difficulties or obstacles that may oppose or delay the effective application of this Convention.

5. To aid the Governments of the signatory States in the preparations of international conferences for the study of legislation concerning industrial property, and to secure such alterations as it may be proper to propose in the regulations of the Union, or in treaties in force to protect industrial property. In case such conferences take place, the Directors of the Bureaux shall have the right to attend the meetings and there to express their opinions, but not to vote.

6. To present to the Governments of Cuba and of the United States of Brazil, respectively, yearly reports of their labors which shall be communicated at the same time to all the Governments of the other States of the Union.

7. To initiate and establish relations with similar Bureaux, and with the scientific and industrial associations and institutions for the exchange of publications, information and data conducive to the progress of the protection of industrial property.

8. To investigate cases where trade-marks, designs, and industrial models, have failed to obtain the recognition of registration provided for by this Convention, on the part of the authorities of any one of the States forming the Union, and to communicate the facts and reasons to the Government of the country of origin and to interested parties.

9. To cooperate as agents for each one of the Governments of the signatory States before the respective authorities for the better performance of any act tending to promote or accomplish the ends of this convention.

### ARTICLE XIII

The Bureau established in the City of Habana, Cuba, shall have charge of the registration of trade-marks coming from the United States of America, Mexico, Cuba, Haiti, the Dominican Republic, El Salvador, Honduras, Nicaragua, Costa Rica, Guatemala and Panama.

The Bureau established in the City of Rio de Janeiro, shall have charge of the registration of trade-marks coming from Brazil, Uruguay, the Argen-



tine Republic, Paraguay, Bolivia, Chile, Peru, Ecuador, Venezuela, and Colombia.

#### ARTICLE XIV

The two International Bureaux shall be considered as one, and for the purpose of the unification of the registrations it is provided:

- a) Both shall have the same books and the same accounts kept under an identical system;
- b) Copies shall be reciprocally transmitted weekly from one to the other of all applications, registrations, communications and other documents affecting the recognition of the rights of owners of trademarks.

#### ARTICLE XV

The International Bureaux shall be governed by identical regulations, formed with the concurrence of the Governments of the Republic of Cuba and of the United States of Brazil and approved by all the other signatory States.

Their budgets, after being sanctioned by the said Governments, shall be defrayed by all the signatory States in the same proportion as that established for the International Bureau of the American Republics at Washington, and in this particular they shall be placed under the control of those Governments within whose territories they are established.

The International Bureaux may establish such rules of practice and procedure, not inconsistent with the terms of this convention, as they may deem necessary and proper to give effect to its provisions.

#### ARTICLE XVI

The Governments of the Republic of Cuba and of the United States of Brazil shall proceed with the organization of the Bureaux of the International Union as herein provided, upon the ratification of this Convention by at least two-thirds of the nations belonging to each group.

The simultaneous establishment of both Bureaux shall not be necessary; one only may be established if there be the number of adherent governments provided for above.

#### ARTICLE XVII

The treaties on trade-marks previously concluded by and between the signatory States, shall be substituted by the present convention from the date of its ratification, as far as the relations between the signatory States are concerned.

#### ARTICLE XVIII

The ratifications or adhesion of the American States to the present Convention shall be communicated to the Government of the Argentine Republic,

which shall lay them before the other States of the Union. These communications shall take the place of an exchange of ratifications.

### ARTICLE XIX

Any signatory State that may see fit to withdraw from the present Convention shall so notify the Government of the Argentine Republic, which shall communicate this fact to the other States of the Union, and one year after the receipt of such communication this Convention shall cease with regard to the State that shall have withdrawn.

In witness whereof, the Plenipotentiaries and Delegates sign this Convention and affix to it the Seal of the Fourth International American Conference.

Made and signed in the City of Buenos Aires, on the twentieth day of August, in the year one thousand nine hundred and ten, in Spanish, English, Portuguese and French, and filed in the Ministry of Foreign Affairs of the Argentine Republic in order that certified copies may be made to be forwarded through appropriate diplomatic channels to each one of the signatory Nations.

For the United States of America:

HENRY WHITE  
ENOCH H. CROWDER  
LEWIS NIXON  
JOHN BASSETT MOORE  
BERNARD MOSES  
LAMAR C. QUINTERO  
PAUL S. REINSCH  
DAVID KINLEY

For the Argentine Republic:

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For the United States of Brazil:

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EMILIO BELLO CODECIDO  
ANÍBAL CRUZ DÍAZ  
BELTRÁN MATHIEU

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JUAN JOSÉ AMÉZAGA

For the United States of Venezuela:

MANUEL DÍAZ RODRÍGUEZ  
CÉSAR ZUMETA

## ASSISTANCE AND SALVAGE AT SEA

*Convention and protocol of signature signed at Brussels September 23, 1910*

*Senate advice and consent to ratification January 18, 1912*

*Ratified by the President of the United States March 14, 1912*

*Procès-verbal of first deposit of ratifications (including that of the United States) at Brussels dated February 1, 1913*

*Proclaimed by the President of the United States February 13, 1913*

*Entered into force March 1, 1913*<sup>1</sup>

37 Stat. 1658; Treaty Series 576

### [TRANSLATION]

#### CONVENTION FOR THE UNIFICATION OF CERTAIN RULES WITH RESPECT TO ASSISTANCE AND SALVAGE AT SEA

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Chile; the President of the Republic of Cuba; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United Mexican States; the President of the Republic of Nicaragua; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden; the President of the Republic of Uruguay,

Having recognized the utility of establishing in common accord certain uniform rules with respect to Assistance and Salvage at Sea, have decided to conclude a Convention to that effect and appointed as their Plenipotentiaries, to wit:

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<sup>1</sup> One month after date of procès-verbal of deposit of ratifications (see art. 18).

His Majesty the German Emperor, King of Prussia, in the name of the German Empire:

Mr. Kracker von Schwartzefeldt, Chargé d'Affaires of Germany at Brussels.

Dr. Struckmann, Regency High Privy Councillor, reporting Counsellor at the Department of Justice.

The President of the Argentine Republic:

His Excellency A. Blancas, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic near the King of the Belgians.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

*For Austria and Hungary:*

His Excellency Count von Clary et Aldringen, His Envoy Extraordinary and Minister Plenipotentiary near the King of the Belgians.

*For Austria:*

Dr. Stephen Worms, Section Counsellor at the Imperial and Royal Austrian Ministry of Commerce.

*For Hungary:*

Dr. François de Nagy, Secretary of State on the retired list, Ordinary Professor at the Royal University of Budapest, Member of the Hungarian Chamber of Deputies.

His Majesty the King of the Belgians:

Mr. Beernaert, Minister of State, President of the International Maritime Committee.

Mr. Capelle, Envoy Extraordinary and Minister Plenipotentiary, Director General of Trade Relations and the Consular Service at the Ministry of Foreign Affairs.

Mr. Ch. Le Jeune, Vice President of the International Maritime Committee.

Mr. Louis Franck, Member of the House of Representatives, Secretary General of the International Maritime Committee.

Mr. P. Segers, Member of the House of Representatives.

The President of the United States of Brazil:

Dr. Roderigo Octavio de Langgaard Menezes, Professor of the Free Faculty of Judicial and Social Sciences of Rio de Janeiro, Member of the Brazilian Academy.

The President of the Republic of Chile:

His Excellency F. Puga-Borne, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile near His Majesty the King of the Belgians.

The President of the Republic of Cuba:

Mr. Francisco Zayas y Alfonso, Minister Resident of the Republic of Cuba at Brussels.

His Majesty the King of Denmark:

Mr. W. de Grevenkop Castenskiold, Minister Resident of Denmark at Brussels.

Mr. Herman Barclay Halkier, member of the bar of the Supreme Court of Denmark.

His Majesty the King of Spain:

His Excellency de Baguer y Corsi, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Don Juan Spottorno, Auditor General of the Royal Navy.

Don Ramon Sanchez Ocaña, Chief of Division of the Ministry of Justice, former Magistrate of the territorial audiencia court.

Don Faustino Alvarez del Manzano, Professor of the Central University of Madrid.

The President of the United States of America:

Mr. Walter C. Noyes, Judge of the Circuit Court of the United States at New York.

Mr. Charles C. Burlingham, attorney at law, of New York.

Mr. A. J. Montague, former Governor of the State of Virginia.

Mr. Edwin W. Smith, attorney at law of Pittsburgh.

The President of the French Republic:

His Excellency M. Beau, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians.

Mr. Lyon-Caen, member of the Institute, Professor of the Faculty of Law of Paris and of the School of Political Science, President of the French Association of Maritime Law.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency Sir Arthur Hardinge, K. C. B., K. C. M. G., His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

The Honorable Sir William Pickford, Justice of the High Court of London.

Mr. Leslie Scott, King's counsel, of London.

The Honorable Hugh Godley, barrister, of London.

His Majesty the King of the Hellenes:

Mr. George Diobouniotis, Professor of the University of Athens.

His Majesty the King of Italy:

Prince de Castagneto Caracciolo, Chargé d'Affaires of Italy at Brussels.

Mr. François Berlingieri, attorney at law, Professor of the University of Genoa.

Mr. François Mirelli, Councillor of the Court of Appeals of Naples.

Mr. César Vivante, Professor of the University of Rome.

His Majesty the Emperor of Japan:

His Excellency K. Nabeshima, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Mr. Yoshiyuki Irie, Attorney and Counsellor of the Ministry of Justice of Japan.

Mr. Takeyuki Ishikawa, Chief of the Division of Maritime Affairs at the Office of Communications of Japan.

Mr. M. Matsuda, Second Secretary of the Legation of Japan at Brussels.

The President of the United Mexican States:

His Excellency Olarte, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States near His Majesty the King of the Belgians.

Mr. Victor Manuel Castillo, lawyer, Member of the Senate.

The President of the Republic of Nicaragua:

Mr. L. Vallez, Consul General of the Republic of Nicaragua at Brussels.

His Majesty the King of Norway:

His Excellency Dr. G. F. Hagerup, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Mr. Christian Theodor Boe, Shipowner.

Her Majesty the Queen of the Netherlands:

Jonkheer P. R. A. Melvill van Carnbee, Chargé d'Affaires of the Netherlands at Brussels.

Mr. W. L. P. A. Molengraaf, LL.D., Professor of the University of Utrecht.

Mr. B. C. J. Loder, LL.D., Councillor of the Court of Cassation of The Hague.

Mr. C. D. Asser, Jr., LL.D., attorney at law of Amsterdam.

His Majesty the King of Portugal and of the Algarves:

Mr. Antonio Duarte de Oliveira Soares, Chargé d'Affaires of Portugal at Brussels.

His Majesty the King of Roumania:

His Excellency Djuvara, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

His Majesty the Emperor of All the Russias:

Mr. C. Nabokoff, First Secretary of the Embassy of Russia at Washington.

His Majesty the King of Sweden:

His Excellency Count J. J. A. Ehrensward, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.



Mr. Einar Lange, Manager of the Steamship Insurance Society of Sweden.

The President of the Republic of Uruguay:

His Excellency Luis Garabelli, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay near His Majesty the King of the Belgians.

Who, duly authorized thereto, have agreed upon the following:

#### ARTICLE 1

Assistance and salvage of seagoing vessels in danger, of any things on board, of freight and passage money, and also services of the same nature rendered to each other by seagoing vessels and vessels of inland navigation are subject to the following provisions, without any distinction being drawn between the two kinds of service and in whatever waters the services have been rendered.

#### ARTICLE 2

Every act of assistance or salvage which has had a useful result gives a right to equitable remuneration.

No remuneration is due if the services rendered have no beneficial result.

In no case shall the sum to be paid exceed the value of the property saved.

#### ARTICLE 3

Persons who have taken part in salvage operations, notwithstanding the express and reasonable prohibition on the part of the vessel to which services were rendered, have no right to any remuneration.

#### ARTICLE 4

A tug has no right to remuneration for assistance to or salvage of the vessel she is towing or of the vessel's cargo except where she has rendered exceptional services which can not be considered as rendered in fulfilment of the contract of towage.

#### ARTICLE 5

Remuneration is due notwithstanding that the salvage services have been rendered by or to vessels belonging to the same owner.

#### ARTICLE 6

The amount of remuneration is fixed by agreement between the parties, and, failing agreement, by the court.

The proportion in which the remuneration is to be distributed among the salvors is fixed in the same manner.

The apportionment of the remuneration among the owner, master, and other persons in the service of each salving vessel is determined by the law of the vessel's flag.

## ARTICLE 7

Every agreement as to assistance or salvage entered into at the moment and under the influence of danger can, at the request of either party, be annulled or modified by the court if it considers that the conditions agreed upon are not equitable.

In all cases, when it is proved that the consent of one of the parties is vitiated by fraud or concealment, or when the remuneration is, in proportion to the services rendered, in an excessive degree too large or too small, the agreement may be annulled or modified by the court at the request of the party affected.

## ARTICLE 8

The remuneration is fixed by the court, according to the circumstances of each case, on the basis of the following considerations: (*a*) First, the measure of success obtained, the efforts and the deserts of the salvors, the danger run by the salvaged vessel, by her passengers, crew and cargo, by the salvors and by the salvaging vessel, the time expended, the expenses incurred and losses suffered, and the risks of liability and other risks run by the salvors, and also the value of the property exposed to such risks, due regard being had, the case arising, to the special adaptation of the salvor's vessel; (*b*) second, the value of the property salvaged.

The same provisions apply to the apportionment provided for by the second paragraph of Article 6.

The court may reduce or deny remuneration if it appears that the salvors have by their fault rendered the salvage or assistance necessary, or have been guilty of theft, receiving stolen goods, or other acts of fraud.

## ARTICLE 9

No remuneration is due from the persons whose lives are saved, but nothing in this article shall affect the provisions of the national laws on this subject.

Salvors of human life who have taken part in the services rendered on the occasion of the accident, giving rise to salvage or assistance, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

## ARTICLE 10

A salvage action is barred after an interval of two years from the day on which the operations of assistance or salvage are terminated.

The grounds upon which the said period of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide by legislation in their respective countries that the said periods shall be extended in cases where it has not been possible to arrest the vessel assisted

or salvaged in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

#### ARTICLE 11

Every master is bound, so far as he can do so without serious danger to his vessel, her crew and passengers, to render assistance to everybody, even though an enemy, found at sea in danger of being lost.

The owner of the vessel incurs no liability by reason of contravention of the foregoing provision.

#### ARTICLE 12

The High Contracting Parties whose legislation does not forbid infringements of the preceding article bind themselves to take or to propose to their respective legislatures the measures necessary for the prevention of such infringements.

The High Contracting Parties will communicate to one another, as soon as possible, the laws or regulations which have already been or may be hereafter promulgated in their States for the purpose of giving effect to the above undertakings.

#### ARTICLE 13

This convention does not affect the provisions of national laws or international treaties as regards the organization of services of assistance and salvage by or under the control of public authorities, nor, in particular, does it affect such laws or treaties on the subject of the salvage of fishing gear.

#### ARTICLE 14

This convention does not apply to ships of war or to Government ships appropriated exclusively to a public service.

#### ARTICLE 15

The provisions of this convention shall be applied as regards all persons interested when either the assisting or salvaging vessel or the vessel assisted or salvaged belongs to one of the contracting States, and in any other cases for which the national laws provide.

Provided always, that:

1. As regards persons interested who belong to a non-contracting State the application of said provisions may be made subject by each of the contracting States to the condition of reciprocity.

2. Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the convention are applicable.

3. Without prejudice to any wider provisions of any national laws, article 11 only applies as between vessels belonging to the States of the High Contracting Parties.

## ARTICLE 16

Any one of the High Contracting Parties shall have the right three years after this convention comes into force to call for a fresh conference with a view to seeking such ameliorations as may be brought therein, and particularly with a view to extending, if possible, the sphere of its application.

Any power exercising this right must notify its intention to the other powers, through the Belgian Government, which will see to the convening of the conference within six months.

## ARTICLE 17

States which have not signed the convention are allowed to adhere to it on request. Such adhesion shall be notified through the diplomatic channel to the Belgian Government and by the latter to each of the other Governments. It shall become effective one month after the sending of the notification by the Belgian Government.

ARTICLE 18<sup>2</sup>

This convention shall be ratified.

After an interval of at most one year from the day on which the convention is signed, the Belgian Government shall place itself in communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify the convention with a view to deciding whether it is expedient to put it into force.

The ratification shall, if so decided, be deposited forthwith at Brussels, and the convention shall come into force a month afterwards.

The protocol shall remain open another year in favor of the States represented at the Brussels Conference. After this interval they can only adhere to it on conforming to the provisions of Article 17.

## ARTICLE 19

In the case of one or other of the High Contracting Parties denouncing this convention, such denunciation should not take effect until a year after the day on which it has been notified to the Belgian Government, and the convention would remain in force as between the other Contracting Parties.

In witness whereof the plenipotentiaries of the respective High Contracting Parties have signed this convention and have affixed their seals thereto.

Done at Brussels, in a single copy, the 23rd September, 1910.

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<sup>2</sup> The *procès-verbal* of first deposit of ratifications dated Feb. 1, 1913, provided that "the date of February 1, 1913, shall mark the commencement of the period of one month, stipulated in article 18 of the Convention, as regards its coming into force" (translation). It further provided that "States signatories of the Convention which were not able to deposit their ratifications on the date of February 1, 1913, shall have another year, commencing on that date, in which to carry out this formality" (translation). For complete text of *procès-verbal*, see *British Treaty Series* No. 4 (1913), p. 78.

For Germany:  
KRACKER VON SCHWARTZENFELDT  
DR. G. STRUCKMANN

For the Argentine Republic:  
ALBERTO BLANCAS

For Austria and for Hungary:  
S. CLARY ET ALDRINGEN

For Austria:  
STEPHEN WORMS

For Hungary:  
DR. FRANÇOIS DE NAGY

For Belgium:  
A. BEERNAERT  
CAPELLE  
CH. LEJEUNE  
LOUIS FRANCK  
PAUL SEGERS

For the United States of Brazil:  
RODRIGO OCTAVIO DE LANGGAARD  
MENEZES

For Chile:  
F. PUGA-BORNE

For the Republic of Cuba:  
DR. F. ZAYAS

For Denmark:  
W. GREVENKOP CASTENSKIOLD  
HERMAN HALKIER

For Spain:  
ARTURO DE BAGUER  
JUAN SPOTTORNO  
RAMON SANCHEZ DE OCAÑA  
FAUSTINO A. DEL MANZANO

For the United States of America:  
WALTER C. NOYES  
CHARLES C. BURLINGHAM  
A. J. MONTAGUE  
EDWIN W. SMITH

For France:  
BEAU  
CH. LYON-CAEN

For Great Britain:  
ARTHUR H. HARDINGE  
W. PICKFORD  
LESLIE SCOTT  
HUGH GODLEY

For Greece:  
G. DIOBOUNIOTIS

For Italy:  
PRINCE DE CASTAGNETO  
FRANCESCO BERLINGIERI  
FRANCESCO M. MIRELLI  
PROF. CÉSAR VIVANTE

For Japan:  
K. NABESHIMA  
Y. IRIE  
T. ISHIKAWA  
M. MATSUDA

For the United Mexican States:  
ENRIQUE OLARTE  
VICTOR MANUEL CASTILLO

For Nicaragua:  
LÉON VALLEZ

For Norway:  
HAGERUP  
CHR. TH. BOE

For the Netherlands:  
P. R. A. MELVILL VAN CARNBEE  
MOLENGRAAFF  
LODER  
C. D. ASSER

For Portugal:  
A. D. DE OLIVEIRA SOARES

For Roumania:  
T. G. DJUVARA

For Russia:  
C. NABOKOFF

For Sweden:  
ALBERT EHRENSVARD  
EINAR LANGE

For Uruguay:  
LUIS GARABELLI

### PROTOCOL OF SIGNATURE

At the time of signing the Conventions for the unification of certain rules of law with respect to collisions<sup>3</sup> and to assistance and salvage at sea, concluded this day, the undersigned Plenipotentiaries have agreed as follows:—

<sup>3</sup> 1911 For. Rel. 19; S. Ex. K, 75th Cong., 1st sess. The United States did not become a party.

The provisions of the said Conventions shall be applicable to the colonies and possessions of the contracting Powers, subject to the following reservations:

1. The German Government reserves its decisions on the subject of its colonies. It reserves, for each one of these separately, the right of acceding to the Conventions and of denouncing them.

2. The Danish Government reserves the right of acceding to the said Conventions and of denouncing them for Iceland and the Danish colonies or possessions separately.

3. The Government of the United States of America reserves the right of acceding to the said Conventions and of denouncing them for the island possessions of the United States of America.

4. His Britannic Majesty's Government reserves the right of acceding to the said Conventions and of denouncing them for each of the British colonies, protectorates, and territories separately, as well as for the Island of Cyprus.

5. The Italian Government reserves the right of acceding eventually to the Conventions for the Italian dependencies and colonies.

6. The Netherland Government reserves the right of acceding eventually to the Conventions for the Netherland colonies and possessions.

7. The Portuguese Government reserves the right of acceding eventually to the Conventions for the Portuguese colonies.

These accessions may be notified either by a general declaration comprehending all the colonies and possessions, or by special declarations. For accessions and denunciations, the procedure indicated in the two present Conventions shall be observed in due course. It is understood, however, that the said accessions may also be declared in the *procès-verbal* of ratification.

In witness whereof, the undersigned Plenipotentiaries have drawn up the present Protocol, which shall have the same force and validity as if its provisions were inserted in the text of the Conventions to which it relates.

Done at Brussels, in a single copy, on September 23, 1910.

For Germany:

KRACKER VON SCHWARTZENFELDT  
DR. G. STRUCKMANN

For the Argentine Republic:

ALBERTO BLANCAS

For Austria and Hungary:

S. CLARY ET ALDRINGEN

For Austria:

STEPHEN WORMS

For Hungary:

DR. FRANÇOIS DE NAGY

For Belgium:

A. BEERNAERT

CAPELLE

CH. LEJEUNE

LOUIS FRANCK

PAUL SEGERS

For the United States of Brazil:

RODRIGO OCTAVIO DE LANGGAARD

MENEZES

For Chile:

F. PUGA-BORNE

## For the Republic of Cuba:

DR. F. ZAYAS

## For Denmark:

W. GREVENKOP CASTENSKIOLD  
HERMAN HALKIER

## For Spain:

ARTURO DE BAGUER  
JUAN SPOTTORNO  
RAMÓN SÁNCHEZ DE OCAÑA  
FAUSTINO A. DEL MANZANO

## For the United States of America:

WALTER C. NOYES  
CHARLES C. BURLINGHAM  
A. J. MONTAGUE  
EDWIN W. SMITH

## For France:

BEAU  
CH. LYON-CAEN

## For Great Britain:

ARTHUR H. HARDINGE  
W. PICKFORD  
LESLIE SCOTT  
HUGH GODLEY

## For Greece:

G. DIOBOUNIOTIS

## For Italy:

PRINCE DE CASTAGNETO  
FRANCESCO BERLINGIERI  
FRANCESCO M. MIRELLI  
PROF. CÉSAR VIVANTE

## For Japan:

K. NABESHIMA  
Y. IRIE  
T. ISHIKAWA  
M. MATSUDA

## For the United Mexican States:

ENRIQUE OLARTE  
VICTOR MANUEL CASTILLO

## For Nicaragua:

LÉON VALLEZ

## For Norway:

HAGERUP  
CHR. TH. BOE

## For the Netherlands:

P. R. A. MELVILL VAN CARNBEE  
MOLENGRAAFF  
LODER  
C. D. ASSER

## For Portugal:

A. D. DE OLIVEIRA SOARES

## For Roumania:

T. G. DJUVARA

## For Russia:

C. NABOKOFF

## For Sweden:

ALBERT EHRENSVARD  
EINAR LANGE

## For Uruguay:

LUIS GARABELLI



## PROTECTION OF INDUSTRIAL PROPERTY

*Convention and final protocol signed at Washington June 2, 1911*

*Senate advice and consent to ratification February 6, 1912*

*Ratified by the President of the United States June 20, 1912*

*Procès-verbal of first deposit of ratifications (including that of the United States) at Washington dated April 1, 1913*

*Proclaimed by the President of the United States April 29, 1913*

*Entered into force May 1, 1913*<sup>1</sup>

*Replaced by convention of November 6, 1925,<sup>2</sup> as between contracting parties to the later convention*

38 Stat. 1645; Treaty Series 579

### [TRANSLATION]

CONVENTION OF THE UNION OF PARIS OF MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY, REVISED AT BRUSSELS DECEMBER 14, 1900, AND AT WASHINGTON JUNE 2, 1911

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc. and Apostolic King of Hungary for Austria and for Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories Beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Provisional Government of the Republic of Portugal; His Majesty the King of Servia; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the Government of Tunis,

Having judged it expedient to make certain modifications and additions to the international Convention of March 20, 1883,<sup>3</sup> concerning the creation

<sup>1</sup> One month after date of procès-verbal of deposit of ratifications (see art. 18).

<sup>2</sup> TS 834, *post*, vol. 2.

<sup>3</sup> TS 379, *ante*, p. 80.

of an International Union for the Protection of Industrial Property, revised at Brussels December 14, 1900,<sup>4</sup> have named for their plenipotentiaries, to-wit:

His Majesty the Emperor of Germany, King of Prussia:

Dr. Haniel von Haimhausen, Counselor of the Embassy of His Majesty the Emperor of Germany at Washington;

Mr. Robolski, Regency High Councillor, reporting Counsellor to the Imperial Department of the Interior;

Professor Dr. Albert Osterrieth;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

For Austria and Hungary:

His Excellency Baron Ladislav Hengelmüller de Hengervár, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at Washington;

For Austria:

His Excellency Dr. Paul Chevalier Beck de Mannagetta et Lerchenau, His Privy Councillor, Departmental Chief in the Imperial and Royal Ministry of Public Works, and President of the Imperial and Royal Patent Office;

For Hungary:

Mr. Elemér de Pompéry, Ministerial Adviser at the Royal Hungarian Patent Office;

His Majesty the King of the Belgians:

Mr. Jules Brunet, Director General in the Ministry of Foreign Affairs;

Mr. Georges de Ro, Deputy Senator, Belgian Delegate to the Madrid and Brussels Conferences for the Protection of Industrial Property;

Mr. Albert Capitaine, Advocate at the Liège Court of Appeal;

The President of the United States of Brazil:

Mr. R. de Lima e Silva, Chargé d'Affaires of the United States of Brazil at Washington;

The President of the Republic of Cuba:

His Excellency M. Rivero, Envoy Extraordinary and Minister Plenipotentiary of Cuba at Washington;

His Majesty the King of Denmark:

Mr. Martin J. C. T. Clan, Consul-General of Denmark at New York;

The President of the Dominican Republic:

His Excellency Emilio C. Joubert, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic at Washington;

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<sup>4</sup> TS 411, *ante*, p. 296.

His Majesty the King of Spain:

His Excellency Juan Riaño y Gayangos, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

His Excellency Juan Florez Posada, Director of the Madrid School of Engineers;

The President of the United States of America:

Mr. Edward Bruce Moore, Commissioner of Patents;

Mr. Frederick P. Fish, Attorney at the Supreme Court of the United States and at the Supreme Court of the State of New York;

Mr. Charles H. Duell, formerly Commissioner of Patents, formerly Judge of the Court of Appeals of the District of Columbia, Attorney at the Supreme Court of the United States and at the Supreme Court of the State of New York;

Mr. Robert H. Parkinson, Attorney at the Supreme Court of the United States and at the Supreme Court of the State of Illinois;

Mr. Melville Church, Attorney at the Supreme Court of the United States;

The President of the French Republic:

Mr. Lefèvre-Pontalis, Counselor of the Embassy of the French Republic at Washington;

Mr. Georges Breton, Director of the National Office of Industrial Property;

Mr. Michel Pelletier, Advocate at the Paris Court of Appeal, Delegate to the Rome, Madrid, and Brussels Conferences for the Protection of Industrial Property;

Mr. Georges Maillard, Advocate at the Paris Court of Appeal;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

Mr. Alfred Mitchell Innes, Counselor of the Embassy of His Britannic Majesty at Washington;

Sir Alfred Bateman, K.C.M.G., formerly Comptroller General of Commerce, Labor, and Statistics;

Mr. W. Temple Franks, Comptroller General of Patents, Designs and Trademarks;

His Majesty the King of Italy:

Nob. Lazzaro dei Marchesi Negrotto Cambiaso, Counselor of the Embassy of His Majesty the King of Italy at Washington;

Mr. Emilio Venezian, Engineer, Inspector at the Ministry of Agriculture, Commerce, and Industry;

Dr. Giovanni Battista Ceccato, Commercial Attaché to the Embassy of His Majesty the King of Italy at Washington;

His Majesty the Emperor of Japan:

Mr. K. Matsui, Counselor of the Embassy of His Majesty the Emperor of Japan at Washington;

Mr. Morio Nakamatsu, Director of the Patent Office;

The President of the United States of Mexico:

Mr. José de las Fuentes, Engineer, Director of the Patent Office;

His Majesty the King of Norway:

Mr. L. Aubert, Secretary of the Legation of His Majesty the King of Norway at Washington;

Her Majesty the Queen of the Netherlands:

Dr. F. W. J. G. Snyder van Wissenkerke, Director of the Office of Industrial Property, Counselor at the Ministry of Justice;

The President of the Provisional Government of the Republic of Portugal:

His Excellency Viscount de Alte, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Washington;

His Majesty the King of Servia:

His Majesty the King of Sweden:

His Excellency Count Albert Ehrensward, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

The Federal Council of the Swiss Confederation:

His Excellency Paul Ritter, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at Washington;

Mr. W. Kraft, attached to the Federal Bureau of Intellectual Property at Bern;

Mr. Henri Martin, Secretary of the Legation of Switzerland at Washington;

The President of the French Republic, for Tunis:

Mr. de Peretti de la Rocca, First Secretary of the Embassy of the French Republic at Washington;

Who, after having been given their full respective powers, made in good and due form, have agreed upon the following articles:

#### ARTICLE 1

The contracting countries constitute a state of Union for the protection of industrial property.

#### ARTICLE 2

The subjects or citizens of each of the contracting countries shall enjoy, in all the other countries of the Union, with regard to patents of invention, models of utility, industrial designs or models, trademarks, trade names, the statements of place of origin, suppression of unfair competition, the advantages which the respective laws now grant or may hereafter grant to the citizens of that country. Consequently, they shall have the same protection as the latter and the same legal remedies against any infringements of their

rights, provided they comply with the formalities and requirements imposed by the National laws of each State upon its own citizens. Any obligation of domicile or of establishment in the country where the protection is claimed shall not be imposed on the members of the Union.

#### ARTICLE 3

The subjects or citizens of countries which do not form part of the Union, who are domiciled or own effective and bona fide industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the subjects or citizens of the contracting countries.

#### ARTICLE 4

(a) Any person who shall have duly filed an application for a patent, utility model, industrial design or model, or trademark, in one of the contracting countries, or the successor or assignee of such person shall enjoy, for the purpose of filing application in the other countries, and subject to the rights of third parties, a right of priority during the periods hereinafter specified.

(b) Consequently, the subsequent filing in one of the other countries of the Union, prior to the expiration of such periods, shall not be invalidated by acts performed in the interval, especially, by another application, by publication of the invention or the working of the same, by the sale of copies of the design or model, nor by the use of the mark.

(c) The periods of priority above referred to shall be twelve months for patents and models of utility and four months for industrial designs and models as also for trademarks.

(d) Whoever shall wish to avail himself of the priority of an anterior filing, shall be required to make a declaration showing the date and the country of this filing. Each country shall determine at what moment, at the latest, this declaration must be executed. This information shall be mentioned in the publications issued by the competent Administration, particularly on patents and the specifications relative thereto. The contracting countries shall require of one who makes a declaration of priority the production of a copy of the application (specification, drawings, etc.) previously filed, certified to be a true copy by the Administration which shall have received it. This copy shall be dispensed from any legalisation. It may be required that it be accompanied by a certificate of the date of filing, issuing from this Administration, and of a translation. Other formalities shall not be required for the declaration of priority at the time of the filing of the application. Each contracting country shall determine the consequences of the omission of the formalities prescribed by the present article, unless these consequences exceed the loss of the right of priority.

(e) Later other justifications can be demanded.

## ARTICLE 4½

Patents applied for in the different contracting countries by persons admitted to the benefit of the Convention in the terms of articles 2 and 3, shall be independent of the patents obtained for the same invention in the other countries, adherent or not to the Union.

This provision shall be understood in an absolute manner, particularly in the sense that the patents applied for during the term of priority are independent, as much from the point of view of the causes of nullity and of forfeiture as from the point of view of the normal duration.

It applies to all patents existing at the time of entrance into force.

It shall be likewise, in case of accession of new countries, for patents existing on both sides at the time of accession.

## ARTICLE 5

The importation, by the patentee, into the country where the patent has been granted, of articles manufactured in any of the countries of the Union shall not entail forfeiture.

However, the patentee shall be obliged to work his patent according to the laws of the country into which he introduces the patented objects, but with the restriction that the patent shall not be liable to forfeiture because of non-working in one of the countries of the Union until after a term of three years, from the date of the filing of the application in that country, and only in case the patentee shall fail to show sufficient cause for his inaction.

## ARTICLE 6

Every trademark regularly registered in the country of origin shall be admitted to registration and protected as that in the other countries of the Union.

However, there may be refused or invalidated:

1. Marks which are of a nature to infringe rights acquired by third parties in the country where protection is claimed.

2. Marks devoid of all distinctive character, or even composed exclusively of signs or data which may be used in commerce, to designate the kind, quality, quantity, destination, value, place of origin of the products or the time of production, or become common in the current language or the legal and steady customs of commerce of the country where the protection is claimed.

In the estimation of the distinctive character of a mark, all the circumstances existing should be taken into account, particularly the duration of the use of the mark.

3. Marks which are contrary to morals or public order.

The country where the applicant has his principal establishment shall be considered as the country of origin.

If this principal establishment is not located in one of the countries of the Union, that to which the applicant belongs shall be considered as country of origin.

#### ARTICLE 7

The nature of the product on which the trademark is to be applied cannot, in any case, be an obstacle to the filing of the mark.

#### ARTICLE 7½

The contracting countries agree to admit for filing and to protect marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

Each country shall be judge of the special conditions under which an association may be admitted to have the marks protected.

#### ARTICLE 8

Trade names shall be protected in all the countries of the Union without the obligation of filing, whether it be a part or not of a trademark.

#### ARTICLE 9

Any product bearing illegally a trademark or a trade name shall be seized at importation in those of the countries of the Union in which this mark or this trade name may have a right to legal protection.

If the laws of a country do not admit of seizure on importation, the seizure shall be replaced by prohibition of importation.

The seizure shall be likewise effected in the country where illegal affixing shall have been made, or in the country into which the product shall have been imported.

The seizure shall be made at the request of the public ministry, or any other competent authority, or by an interested party, individual or society, in conformity to the interior laws of each country.

The authorities shall not be required to make the seizure in transit.

If the laws of a country admit neither of the seizure on importation nor the prohibition of importation, nor seizure in said country, these measures shall be replaced by the acts and means which the law of such country would assure in like case to its own citizens.

#### ARTICLE 10

The provisions of the preceding article shall be applicable to any product bearing falsely, as indication of place of production, the name of a definite locality, when this indication shall be joined to a fictitious or borrowed trade name with an intention to defraud.

The interested party is considered any producer, manufacturer or merchant, engaged in the production, manufacture or commerce of such product, and



established either in the locality falsely indicated as place of production or in the region where this locality is situated.

#### ARTICLE 10½

All the contracting countries agree to assure to the members of the Union an effective protection against unfair competition.

#### ARTICLE 11

The contracting countries shall accord, in conformity with their national laws, a temporary protection to patentable inventions, working models, industrial models or designs, as well as to trademarks, for products exhibited at international expositions, official or officially recognized, organized in the territory of one of them.

#### ARTICLE 12

Each of the contracting countries agrees to establish a special service for Industrial Property and a central office for the communication to the public of patents, working models, industrial models or designs and trademarks.

This service shall publish, as often as possible, an official periodical.

#### ARTICLE 13

The international Office instituted at Berne under the name of "Bureau international pour la protection de la Propriété industrielle" is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

The international Bureau shall centralize information of any nature relative to the protection of industrial property, and form it in a general statistical report which shall be distributed to all Administrations. It shall proceed to considerations of common utility interesting to the Union and shall edit, with the aid of the documents put at its disposal by the different Administrations, a periodical in the French language on questions concerning the object of the Union.

Numbers of this periodical, like all the documents published by the international Bureau, shall be distributed among the Administrations of the countries of the Union, in proportion to the number of contributive units mentioned below. Copies and supplementary documents which shall be requested, either by the said Administrations, or by societies or individuals, shall be paid for separately.

The international Bureau shall hold itself at all times at the disposition of the members of the Union, to furnish them special information of which they may have need, on the questions relative to the international service of industrial property. It shall make an annual report of its management which shall be communicated to all members of the Union.

The official language of the international Bureau shall be French.

The expense of the international Bureau shall be borne in common by the contracting countries. They may not, in any case, exceed the sum of sixty thousand francs per year.

In order to determine the contributive part of each of the countries in this sum total of the expenses, the contracting countries and those which later join the Union shall be divided into six classes, each contributing in proportion to a certain number of units, to-wit:

	Units
Class 1 .....	25
Class 2 .....	20
Class 3 .....	15
Class 4 .....	10
Class 5 .....	5
Class 6 .....	3

These coefficients shall be multiplied by the number of countries of each class, and the sum of the products thus obtained will furnish the number of units by which the total expenses are to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession, the class in which it wishes to be ranked.

The Government of the Swiss Confederation shall supervise the expenses of the international Bureau, make necessary advances and draw up annual statements of accounts which shall be communicated to all the other Administrations.

#### ARTICLE 14

The present Convention shall be submitted to periodical revisions with a view to introducing improvements in it of a nature to perfect the system of the Union.

To this end Conferences of the delegates of the contracting countries shall be held successively in one of the said countries.

The Administration of the country where the Conference is to be held shall prepare, with the concurrence of the international Bureau the works of such Conference.

The Director of the international Bureau will assist at the meetings of the Conferences and take part in the discussions without a vote.

#### ARTICLE 15

It is understood that the contracting countries reserve to themselves respectively the right to make separately, between themselves, special arrangements for the protection of industrial Property, in so far as these arrangements may not interfere with the provisions of the present Convention.

#### ARTICLE 16

The countries which have not taken part in the present Convention shall be permitted to adhere to it upon their request.

Notice of adhesion shall be made through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the others.

It shall entail complete adhesion to all the clauses and admission to all the advantages stipulated by the present Convention, and shall take effect one month after the notification made by the Government of the Swiss Confederation to the other unionist countries, unless a later date shall have been indicated by the adhering country.

#### ARTICLE 16½

The contracting countries have the right to adhere at any time to the present Convention for their colonies, possessions, dependencies and protectorates, or for certain ones of them.

They may, to this end, either make a general declaration by which all their colonies, possessions, dependencies and protectorates are included in the adherence, or expressly name those included therein, or simply indicate those excluded from it.

This declaration shall be made in writing to the Government of the Swiss Confederation and by the latter made to all the others.

The contracting countries can, under like conditions, renounce the Convention for their colonies, possessions, dependencies and protectorates, or for certain ones of them.

#### ARTICLE 17

The fulfillment of the reciprocal obligations contained in the present Convention is subordinated, in so far as need be, to compliance with the formalities and regulations established by the constitutional laws of those of the contracting countries which are bound to secure the application of the same which they engage to do with the least possible delay.

#### ARTICLE 17½

The Convention shall remain in force an indefinite time, until the expiration of one year from the day when the renunciation shall be made.

This renunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the country giving such notice, the Convention remaining operative as to the other contracting countries.

#### ARTICLE 18

The present Act shall be ratified, and the ratification filed in Washington, at the latest, April 1, 1913. It shall be put into execution, among the countries which shall have ratified it, one month after the expiration of this period of time.

This Act, with its Final Protocol, shall replace, in the relations of the countries which shall have ratified it: the Convention of Paris, March 20,

1883;<sup>5</sup> the Final Protocol annexed to that Act;<sup>6</sup> the Protocol of Madrid, April 15, 1891<sup>6</sup> relating to the dotation of the international Bureau, and the additional Act of Brussels, December 14, 1900.<sup>7</sup> However, the Acts cited shall remain binding on the countries which shall not have ratified the present Act.

## ARTICLE 19

The present Act shall be signed in a single copy, which shall be filed in the archives of the Government of the United States. A certified copy shall be sent by the latter to each of the unionist Governments.

In witness whereof, the respective Plenipotentiaries have signed the present Act.

Done at Washington, in a single copy, the second day of June 1911.

For Germany:

HANIEL VON HAIMHAUSEN  
H. ROBOLSKI  
ALBERT OSTERRIETH

For Austria and for Hungary:

L. BARON DE HENGELMULLER,  
*Ambassador of Austria-Hungary*

For Austria:

DR. PAUL CHEVALIER BECK DE MAN-  
NAGETTA ET LERCHENAU, *Depart-*  
*mental Chief and President of the*  
*Imperial and Royal Patent Office*

For Hungary:

ELEMÉR DE POMPÉRY,  
*Ministerial Counselor at the Royal*  
*Hungarian Patent Office*

For Belgium:

J. BRUNET  
GEORGES DE RO  
CAPITAINE

For Brazil:

R. DE LIMA E SILVA

For Cuba:

ANTONIO MARTIN RIVERO

For Denmark:

J. CLAN

For the Dominican Republic:

EMILIO C. JOUBERT

For Spain:

JUAN RIAÑO Y GAYANGOS  
J. FLOREZ POSADA

For the United States of America:

EDWARD BRUCE MOORE  
MELVILLE CHURCH  
CHARLES H. DUELL  
ROBT. H. PARKINSON  
FREDERICK P. FISH

For France:

PIERRE LEFÈVRE-PONTALIS  
G. BRETON  
MIGHEL PELLETIER  
GEORGES MAILLARD

For Great Britain:

A. MITCHELL INNES  
A. E. BATEMAN  
W. TEMPLE FRANKS

For Italy:

LAZZARO NEGROTTO CAMBIASO  
EMILIO VENEZIAN  
G. B. CECCATO

For Japan:

K. MATSUI  
MORIO NAKAMATSU

For the United States of Mexico:

J. DE LAS FUENTES

For Norway:

LUDWIG AUBERT

For the Netherlands:

SNYDER VAN WISSENKERKE

For Portugal:

J. F. H. M. DA FRANCA, VTE. D'ALTE

For Servia:

For Sweden:

ALBERT EHRENSVÄRD

<sup>5</sup> TS 379, *ante*, p. 80.

<sup>6</sup> TS 385, *ante*, p. 183.

<sup>7</sup> TS 411, *ante*, p. 296.

For Switzerland:  
P. RITTER  
W. KRAFT  
HENRI MARTIN

For Tunis:  
E. DE PERETTI DE LA ROCCA

#### FINAL PROTOCOL

At the time of proceeding to the signing of the Act concluded on this day, the undersigned Plenipotentiaries are agreed upon the following:

##### AD ARTICLE 1

The words "Propriete industrielle" [Industrial Property] shall be taken in their broadest acceptance; they extend to all production in the domain of agricultural industries (wines, grains, fruits, animals, etc.), and extractives (minerals, mineral waters, etc.).

##### AD ARTICLE 2

(a) Under the name of patents are comprised the different kinds of industrial patents admitted by the laws of the contracting countries, such as patents of importation, patents of improvement, etc., for the processes as well as for the products.

(b) It is understood that the provision in Article 2 which dispenses the members of the Union from the obligation of domicile and of establishment has an interpretable character and must, consequently, be applied to all the rights granted by the Convention of March 20, 1883, before the entrance into force of the present Act.

(c) It is understood that the provisions of Article 2 do not infringe the laws of each of the contracting countries, in regard to the procedure followed before the courts and the competency of those courts, as well as the election of domicile or the declaration of the selection of an attorney required by the laws on patents, working models, marks, etc.

##### AD ARTICLE 4

It is understood that, when an industrial model or design shall have been filed in a country by virtue of the right of priority based on the filing of a working model, the term of priority shall be only that which Article 4 has fixed for industrial models and designs.

##### AD ARTICLE 6

It is understood that the provision of the first paragraph of Article 6 does not exclude the right to require of the depositor a certificate of regular registration in the country of origin, issued by competent authority.

It is understood that the use of badges, insignia or public decorations which shall not have been authorized by competent powers, or the use of official signs and stamps of control and of guaranty adopted by a unionist country, may be considered as contrary to public order in the sense of No. 3 of Article 6.

However, marks, which contain, with the authorization of competent powers, the reproduction of badges, decorations or public insignia, shall not be considered as contrary to public order.

It is understood that a mark shall not be considered as contrary to public order for the sole reason that it is not in conformity with some provision of laws on marks, except in the case where such provision itself concerns public order.

The present Final Protocol, which shall be ratified at the same time as the Act concluded on this day, shall be considered as forming an integral part of this Act, and shall be of like force, value and duration.

In witness whereof, the respective Plenipotentiaries have signed the present Protocol.

Done at Washington, in a single copy, June 2, 1911.

HANIEL VON HAIMHAUSEN  
H. ROBOLSKI  
ALBERT OSTERRIETH  
L. BARON DE HENGELMULLER  
DR. PAUL CHEVALIER BECK DE  
MANNAGETTA ET LERCHENAU  
ELEMÉR POMPÉRY  
J. BRUNET  
GEORGES DE RO  
CAPITAINE  
R. DE LIMA E SILVA  
J. CLAN  
JUAN RIAÑO Y GAYANGOS  
J. FLOREZ POSADA  
EDWARD BRUCE MOORE  
MELVILLE CHURCH  
CHARLES H. DUELL  
FREDERICK P. FISH  
ROBT. H. PARKINSON  
EMILIO C. JOUBERT  
PIERRE LEFÈVRE-PONTALIS

MICHEL PELLETIER  
G. BRETON  
GEORGES MAILLARD  
A. MITCHELL INNES  
A. E. BATEMAN  
W. TEMPLE FRANKS  
LAZZARO NEGROTTO CAMBIASO  
EMILIO VENEZIAN  
G. B. CECCATO  
K. MATSUI  
MORIO NAKAMATSU  
J. DE LAS FUENTES  
SNYDER VAN WISSENKERKE  
J. F. H. M. DA FRANCA, VTE. D'ALTE  
ALBERT EHRENSVÄRD  
P. RITTER  
W. KRAFT  
HENRI MARTIN  
E. DE PERETTI DE LA ROCCA  
LUDWIG AUBERT  
ANTONIO MARTIN RIVERO

## PRESERVATION AND PROTECTION OF FUR SEALS

*Convention signed at Washington July 7, 1911; exchange of notes of July 7, 1911, respecting a British reservation; note of July 18, 1911, withdrawing reservation*

*Senate advice and consent to ratification of the convention July 24, 1911*

*Ratified by the President of the United States November 24, 1911*

*Ratifications exchanged at Washington December 12, 1911*

*Proclaimed by the President of the United States December 14, 1911*

*Entered into force December 15, 1911*

*Terminated October 23, 1941*<sup>1</sup>

37 Stat. 1542, Treaty Series 564 (convention); Department of State files, *Protocols of the International Fur Seal Conference, 1911*, p. 38 (notes)

### CONVENTION

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States;

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honorable

<sup>1</sup> Japan gave written notice of termination Oct. 23, 1940 (see art. XVI).



Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honorable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

#### ARTICLE I

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectfully, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

#### ARTICLE II

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article I.

#### ARTICLE III

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article I, and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as

having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

#### ARTICLE IV

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

#### ARTICLE V

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article I of this Convention.

#### ARTICLE VI

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

#### ARTICLE VII

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

#### ARTICLE VIII

All of the High Contracting Parties agree to cooperate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article I.

#### ARTICLE IX

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

#### ARTICLE X

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort,

there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

#### ARTICLE XI

The United States further agrees to pay the sum of two hundred thousand dollars (\$200,000) to Great Britain and the sum of two hundred thousand dollars (\$200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars (\$200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15%) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars (\$10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as

above provided for, the entire amount so paid, with interest at the rate of four per cent (4%) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

#### ARTICLE XII

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other island or shores of the waters defined in Article I subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

#### ARTICLE XIII

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end

of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

#### ARTICLE XIV

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article I subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

#### ARTICLE XV

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating

to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.<sup>2</sup>

#### ARTICLE XVI

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

#### ARTICLE XVII

The Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

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

Done at Washington the 7th day of July, in the year one thousand nine hundred and eleven.

[For the United States:]

CHARLES NAGEL

[SEAL]

CHANDLER P. ANDERSON

[SEAL]

[For Japan:]

Y. UCHIDA

[SEAL]

H. DAUKE

[SEAL]

[For the United Kingdom:]

JAMES BRYCE

[SEAL]

JOSEPH POPE

[SEAL]

[For Russia:]

P. BOTKINE

[SEAL]

NOLDE

[SEAL]

#### EXCHANGE OF NOTES RESPECTING BRITISH RESERVATION

*The Delegates of Great Britain to the President of the International  
Fur Seal Conference*

WASHINGTON

July 7th, 1911

SIR,

The Delegates of Great Britain, in signing the treaty for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, are instructed to state that, while accepting the whole treaty on behalf of Great Britain and the Dominion of Canada, they are obliged to reserve

<sup>2</sup> TS 563, *post*.



for the present the assent of the other self governing Dominions within the British Empire so far as regards the words in Article III, lines 3 and 4: "and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*," because there has not been time to obtain the assent of those Dominions to these words, which were submitted to His Majesty's Government only a few days ago.

This reservation is made, not because His Majesty's Government think or have any ground for thinking that these Dominions are likely to object to the words in question, but solely because it has been impossible within the time to ascertain, conformably to the usual practice, whether they are prepared to undertake such obligations as the words impose. His Majesty's Government will consult these Dominions at the earliest possible moment with a view to obtaining their consent to the words for the present reserved.

We have the honour to be,

Sir,

Your most obedient Servants,

JAMES BRYCE  
JOSEPH POPE

To

The Honorable CHARLES NAGEL  
*President of the Conference*

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*The President of the International Fur Seal Conference  
to the Delegates of Great Britain*

July 7, 1911

The Right Honorable JAMES BRYCE, O. M.,  
and

The Honorable JOSEPH POPE,  
*Delegates of Great Britain to the  
International Fur Seal Conference*

GENTLEMEN:

In reply to your note of today addressed to me, I have the honor to inform you that the Delegations of the United States and Japan have read and considered it, and that they regard the obstacles therein mentioned as so remote that they have decided to sign the North Pacific Sealing Convention with the understanding that the Governments of the United States, Japan and Russia are at liberty to await the acceptance by Great Britain of the Convention without the particular reservations mentioned in your note before proceeding with ratification.

I have the honor to be,

With the highest respect

CHARLES NAGEL  
*President of the Conference*



## NOTE OF WITHDRAWAL OF BRITISH RESERVATION

*A Delegate of Great Britain to the Secretary of State*

BRITISH EMBASSY

SEAL HARBOR, MAINE

July 18, 1911

DEAR MR. SECRETARY:

I have pleasure in informing you in confirmation of my telegram of to-day's date that my Government having just informed me that the Self-Governing Dominions of the British Empire (other than Canada) having been consulted by His Majesty's Government with regard to the words in Article III viz: "and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*", of the International Treaty, signed on July 7th at Washington "for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean," have now expressed their assent to the words in question, their acceptance of which had been provisionally reserved at the time of the signature of the Treaty by the British Delegates to the Conference. I should therefore be very much obliged if you would cause this information to be conveyed to the Delegates who represented the United States at the Conference giving them to understand that the Treaty is now accepted in its entirety by His Majesty's Government on behalf not only of Great Britain and Canada but also of all the other British Dominions.

The whole Treaty, including the words in Article III above quoted, having now been thus accepted, the note of reservation addressed to the President of the Conference on July 7 by Mr. Pope and myself as British Delegates has now become ineffective and is hereby withdrawn by me on behalf of His Majesty's Government. Therewith also the note signed by the United States and Japanese Delegates at the same time explaining that they, while noting the reservation made by us, nevertheless signed the Treaty, has now become superfluous.

I have the honour therefore to request that you will have the goodness to communicate the above complete acceptance of the Treaty and withdrawal of the Note of Reservation to Mr. Secretary Nagel as President of the Conference, as it will no doubt be the wish both of the United States Delegates and of the United States Administration that the Treaty should be presented to the Senate of the United States at an early date.

With cordial congratulations on the successful issue of the Conference convoked by the United States and in the hope that the result of its delibera-

tions may prove to be of benefit both to the nations more immediately concerned and to the world at large,

I have the honour to be, Dear Mr. Secretary,

Very faithfully yours,

JAMES BRYCE

P.S. I am sending a copy of this note to the Japanese Ambassador and to the Russian Charge d'Affaires in this country for the information of their respective Delegates.

The Honourable

P. C. KNOX,

*Secretary of State,*

*etc. etc. etc.*

## INTERNATIONAL SANITARY CONVENTION

*Convention signed at Paris January 17, 1912, with appendixes  
Senate advice and consent to ratification of convention, with an under-  
standing, February 19, 1913*<sup>1</sup>

*Ratified by the President of the United States, with an understanding,  
March 22, 1913*<sup>1</sup>

*Procès-verbal of first deposit of ratifications (including that of the  
United States) at Paris dated October 7, 1920*<sup>2</sup>

*Entered into force October 7, 1920*

*Proclaimed by the President of the United States December 11, 1920*

*Superseded by convention of June 21, 1926,<sup>3</sup> as modified, as between  
contracting parties to the later convention; replaced by Interna-  
tional Sanitary Regulations (World Health Organization Regula-  
tions No. 2) of May 25, 1951,<sup>4</sup> as amended, as between states  
bound by the regulations*

42 Stat. 1823; Treaty Series 649

[TRANSLATION]

### CONVENTION

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Majesty the King of the Bulgarians; the President of the Republic of Chile; the President of the Republic of Colombia; the President of the Republic of Costa Rica; the

<sup>1</sup> The U.S. understanding contained in the Senate resolution of advice and consent to ratification, maintained in the President's ratification, and included in the procès-verbal of deposit of ratifications of Oct. 7, 1920, reads as follows: ". . . that nothing contained in article 9 [of the convention] shall be deemed to prevent the United States from carrying out any special quarantine measures against the infection of its ports which might be demanded by unusual sanitary conditions." The procès-verbal also contained the following sentence: "In making this reservation the United States Government does not intend to infringe in any way the fundamental regulations of the Convention" (translation).

<sup>2</sup> For complete text of procès-verbal, see 42 Stat. 1905 or TS 649, p. 101.

<sup>3</sup> TS 762, *post*, vol. 2.

<sup>4</sup> 7 UST 2255; TIAS 3625.

President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Territories Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; the President of the Republic of Honduras; His Majesty the King of Italy; His Royal Highness the Grand Duke of Luxemburg; the President of the United Mexican States; His Majesty the King of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; Her Majesty the Queen of the Netherlands; His Majesty the Shah of Persia; the President of the Portuguese Republic; His Majesty the King of Rumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; His Highness the Khedive of Egypt, acting within the limits of the powers conferred upon him by the Imperial firmans, and the President of the Oriental Republic of Uruguay,

Having decided to make such modifications in the provisions of the Sanitary Convention signed at Paris on December 3, 1903,<sup>5</sup> as are warranted by the new data of prophylactic science and experience, to enact new international regulations in regard to yellow fever, and to extend as far as possible the field of application of the principles underlying the international sanitary regulations, have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia,

Baron von Stein, Superior Privy Government Counselor, Reporting Counselor in the Imperial Office of the Interior, member of the Board of Health of the Empire;

Professor Gaffky, Superior Privy Medical Counselor, Director of the Royal Institute for Infectious Diseases at Berlin, member of the Board of Health of the Empire;

The President of the United States of America,

Mr. A. Bailly-Blanchard, Minister Plenipotentiary, Counselor of the Embassy of the United States of America at Paris;

The President of the Argentine Republic,

Dr. Francisco de Vcyga, Inspector General of the Medical Services of the Argentine Army, Professor in the Faculty of Medicine and member of the National Board of Hygiene;

Dr. Ezciquiel Castilla, member of the Committee of the International Office of Public Hygiene;

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<sup>5</sup> TS 466, *ante*, p. 359.

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolic King of Hungary,

Baron Maximilian von Gagem, Grand Cross of the Imperial Austrian Order of Francis Joseph, His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation;

Knight Francis von Haberler, Doctor of Law and Medicine, Ministerial Counselor in the Imperial-Royal Austrian Ministry of the Interior;

Mr. Étienne Worms, Doctor of Law, Knight of the Imperial Austrian Order of Francis Joseph, Section Counselor in the Imperial Royal Austrian Ministry of Commerce;

Mr. Jules Bölcs de Nagybudafa, Counselor in the Royal Hungarian Ministry of the Interior;

Baron Calman von Müller, Doctor of Medicine, Ministerial Counselor, Professor in the Royal Hungarian University of Budapest, President of the Board of Health of the Kingdom, member of the Hungarian Chamber of Magnates;

His Majesty the King of the Belgians,

Mr. O. Velghe, Director General of the Sanitary and Hygienic Service in the Ministry of the Interior, Secretary Member of the Superior Board of Hygiene, Officer of the Order of Leopold;

Mr. E. van Ermengem, Professor in the University of Ghent, member of the Superior Board of Hygiene, Commander of the Order of Leopold;

The President of the Republic of Bolivia,

Mr. Ismael Montes, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

Dr. Chervin, Knight of the National Order of the Legion of Honor;

The President of the Republic of the United States of Brazil,

Dr. Henrique Figueiredo de Vasconcellos, Chief of Service in the Oswaldo Cruz Institute at Rio de Janeiro;

His Majesty the King of Bulgarians,

Mr. Dimitrius Stancioff, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

Dr. Chichkoff, Medical Captain in the Bulgarian Army;

The President of the Republic of Chile,

Mr. Federico Puga Borne, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Republic of Colombia,

Dr. Juan E. Manrique, Minister Plenipotentiary;

The President of the Republic of Costa Rica,

Dr. Alberto Alvarez Cañas, Consul General of the Republic of Costa Rica at Paris;

The President of the Republic of Cuba,  
General Tomás Collazo y Tejada, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Denmark,  
Count de Reventlow, Grand Cross of the Order of Danebrog, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Republic of Ecuador,  
Mr. Victor M. Rendon, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

Mr. E. Dorn y de Alsua, First Secretary of the Legation of the Republic of Ecuador at Paris;

His Majesty the King of Spain,  
Mr. Francisco de Reynoso, Minister Resident, Counselor of the Royal Embassy of Spain at Paris;

Dr. Angel Pulido Fernandez, Sanitary Counselor, former Director General of Health, life Senator of the Kingdom;

The President of the French Republic,  
Mr. Camille Barrère, Ambassador of the French Republic to H. M. the King of Italy, Grand Cross of the National Order of the Legion of Honor;

Mr. Fernand Gavarry, Minister Plenipotentiary of the first class, Director of Administrative and Technical Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

Dr. Emile Roux, President of the Superior Board of Public Hygiene of France, Director of the Pasteur Institute, Commander of the National Order of the Legion of Honor;

Mr. Louis Mirman, Director of Public Assistance and Hygiene in the Ministry of the Interior;

Dr. A. Calmette, Director of the Pasteur Institute of Lille, Officer of the National Order of the Legion of Honor;

Mr. Ernest Ronssin, Consul General of France in India, Officer of the National Order of the Legion of Honor;

Mr. Georges Harismendy, Consul General, Assistant Chief of the Bureau of International Unions and Consular Affairs in the Ministry of Foreign Affairs, Knight of the National Order of the Legion of Honor;

Mr. Paul Roux, Assistant Chief in the Ministry of the Interior, Knight of the National Order of the Legion of Honor;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories Beyond the Seas, Emperor of India,

The Honorable Lancelot Douglas Carnegie, Minister Plenipotentiary, Counselor of the Royal British Embassy at Paris, member of the Royal Order of Victoria;

Dr. Ralph William Johnstone, Medical Inspector of the Local Government Board;

Surgeon General Sir Benjamin Franklin, former Director General of the Indian Medical Service and former Head of the Health Service for British India, Knight Commander of the Order of the Empire of India, Knight of Grace of the Order of St. John of Jerusalem;

His Majesty the King of the Hellenes,

Mr. Demetrius Caclamanos, First Secretary of the Royal Legation of Greece at Paris;

The President of the Republic of Guatemala,

Mr. José Maria Lardizabal, Chargé d'Affaires of the Republic of Guatemala at Paris;

The President of the Republic of Haiti,

Dr. Auguste Casséus;

The President of the Republic of Honduras,

Mr. Désiré Pector, Consul General of the Republic of Honduras at Paris, member of the Permanent Court of Arbitration of The Hague;

His Majesty the King of Italy,

Commander Rocco Santoliquido, Deputy Doctor of Medicine, Director General of Public Health of the Kingdom;

Dr. Adolfo Cotta, Chief of Division in the Royal Ministry of the Interior;

His Royal Highness the Grand Duke of Luxemburg,

Mr. E. L. Bastin, Consul of Luxemburg at Paris;

Dr. Praum, Director of the Practical Laboratory of Bacteriology at Luxemburg;

The President of the United Mexican States,

Dr. Miguel Zuñiga y Azcarate;

His Majesty the King of Montenegro,

Mr. Louis Brunet, Consul General of Montenegro at Paris;

Dr. Edouard Binet, Chief Surgeon of the Hospital of the Eight Score;

His Majesty the King of Norway,

Mr. Frederick Hartvig Herman Wedel Jarlsberg, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Republic of Panama,

Mr. Juan Antonio Jimenez, Chargé d'Affaires of the Republic of Panama at Paris;

Her Majesty the Queen of the Netherlands,

Dr. W. P. Ruysch, Inspector General of the Sanitary Service of South Holland and Zealand;



Dr. C. Winkler, retired Medical Inspector of the Civil Health Service for Java and Madoura;

His Majesty the Shah of Persia,

Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Portuguese Republic,

Dr. Antonio Augusto Gonçalves Braga, Sanitary Maritime Physician at Lisbon;

His Majesty the King of Rumania,

Mr. Alexander Em. Lahovary, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the Emperor of All the Russias,

Mr. Platon de Waxel, Privy Councilor, permanent member of the Council of the Ministry of Foreign Affairs and of the Board of Public Hygiene in the Imperial Ministry of the Interior;

Dr. Freyberg, Actual Counselor of State, Official of the Imperial Ministry of the Interior, Representative of the Commission created by Supreme Order against the propagation of the plague;

The President of the Republic of Salvador,

Dr. S. Letona, Consul General of the Republic of Salvador at Paris;

His Majesty the King of Servia,

Dr. Milenko Vesnitch, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Siam,

Dr. A. Manaud, Sanitary Counselor of the Royal Government;

His Majesty the King of Sweden,

Count Gyldenstolpe, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The Swiss Federal Council,

Mr. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation to the President of the French Republic;

His Majesty the Emperor of the Ottomans,

Missak Effendi, Minister Plenipotentiary;

His Highness the Khedive of Egypt,

Youssef Pacha Saddik, Representative of the Khedival Government before the Sublime Porte;

And the President of the Oriental Republic of Uruguay,

Dr. Luis Piera, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic,

Who, having exchanged their full powers, found in good and due form, have agreed to the following provisions:

# TITLE I. GENERAL PROVISIONS

## CHAPTER I. *Rules to be observed by the countries signing the Convention as soon as plague, cholera, or yellow fever appears in their territory*

### SECTION I. NOTIFICATION AND SUBSEQUENT COMMUNICATIONS TO THE OTHER COUNTRIES

ART. 1. Each Government shall immediately notify the other Governments of the first authentic case of plague, cholera, or yellow fever discovered in its territory.

Likewise, the first authentic case of cholera, plague, or yellow fever occurring outside the districts already stricken shall constitute the object of an immediate notification to the other Governments.

ART. 2. Every notification as provided for in article 1 shall be accompanied or very promptly followed by particulars regarding:

1. The neighborhood in which the disease has appeared;
2. The date of its appearance, its origin, and its form;
3. The number of established cases and the number of deaths;
4. The extent of the area or areas affected;
5. In the case of plague, the existence of plague or of an unusual mortality among rats;
6. In the case of yellow fever, the existence of *Stegomyia calopus*;
7. The measures immediately taken.

ART. 3. The notification and the information contemplated in articles 1 and 2 are to be addressed to the diplomatic or consular agencies in the capital of the contaminated country.

In the case of countries not represented there, they shall be transmitted directly by telegraph to the Governments of these countries.

ART. 4. The notification and the information contemplated in articles 1 and 2 shall be followed by subsequent communications sent regularly, so as to keep the Governments informed as to the progress of the epidemic.

These communications, which shall be sent at least once a week and which shall be as complete as possible, shall state more particularly the precautions taken with a view to preventing the spread of the disease.

They shall specify: 1<sup>st</sup> The prophylactic measures applied in regard to sanitary or medical inspection, isolation, and disinfection; 2<sup>d</sup> the measures enforced upon the departure of ships in order to prevent the exportation of the disease and especially, in the cases contemplated under Nos. 5 and 6 of article 2 above, the measures taken respectively against rats and mosquitoes.

ART. 5. The prompt and faithful execution of the foregoing provisions is of prime importance.

The notifications are of no real value unless each Government is itself opportunely informed of cases of plague, cholera, and yellow fever and of doubtful cases occurring in its territory. It can not therefore be too strongly recommended to the various Governments that they make compulsory the announcement of cases of plague, cholera, and yellow fever and that they keep themselves informed of any unusual mortality among rats, especially in ports.

ART. 6. It is desirable that neighboring countries make special arrangements with a view to organizing a direct information service among the competent heads of departments in matters concerning contiguous territories or those which have close commercial relations.

SECTION II. CONDITIONS WHICH WARRANT CONSIDERING A TERRITORIAL AREA AS BEING CONTAMINATED OR AS HAVING BECOME HEALTHY AGAIN

ART. 7. The notification of a single case of plague, cholera, or yellow fever shall not involve the application, against the territorial area in which it has occurred, of the measures prescribed in Chapter II hereinbelow.

However, when several unimported cases of plague or yellow fever have appeared or when the cholera cases become localized,<sup>6</sup> the area may be considered contaminated.

ART. 8. In order to confine the measures to the stricken regions only, the Governments shall apply them only to arrivals from the contaminated areas.

By the word *area* is meant a portion of territory definitely specified in the particulars which accompany or follow the notification; for instance, a province, a government, a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a polder, a hamlet, etc., whatever be the area and population of these portions of territory.

However, this restriction to the contaminated area shall only be accepted upon the formal condition that the Government of the contaminated country take the necessary measures: 1<sup>st</sup> To combat the spread of the epidemic and 2<sup>d</sup>, if it is a question of cholera, to prevent, unless previously disinfected, the exportation of the things mentioned under Nos. 1 and 2 of article 13 and coming from the contaminated area.

When an area is contaminated, no restrictive measures shall be taken against arrivals from such area if such arrivals have left it at least five days before the beginning of the epidemic.

ART. 9.<sup>7</sup> In order that an area may be considered as being no longer contaminated it must be officially stated:

<sup>6</sup> There is localization when the appearance of cases of cholera beyond the immediate environments of the first case or cases proves that the spread of the disease has not been checked where it appeared first. [Footnote in original.]

<sup>7</sup> For text of U.S. understanding, see footnote 1, p. 814.

1. That there has neither been a death nor a new case, as regards the plague or cholera for five days, and as regards the yellow fever for eighteen days, either since the isolation or since the death or cure of the last patient;

2. That all measures for disinfection have been applied; besides, if it is a case of plague, that the measures against rats have been executed, and, in case of yellow fever, that the precautions against mosquitoes have been taken.

SECTION III. MEASURES IN CONTAMINATED PORTS UPON THE DEPARTURE  
OF VESSELS

ART. 10. The competent authority shall be obliged to take effective measures:

1. To prevent the embarkation of persons showing symptoms of plague, cholera, or yellow fever;

2. In case of plague or cholera, to prevent the exportation of merchandise or any articles which he may consider contaminated and which have not been previously disinfected on land, under the supervision of the physician delegated by the public authority;

3. In case of plague, to prevent the embarkation of rats;

4. In case of cholera, to see that the drinking water taken on board is wholesome;

5. In case of yellow fever, to prevent mosquitoes from coming on board.

CHAPTER II. *Measures of defense against contaminated territories*

SECTION I. PUBLICATION OF THE PRESCRIBED MEASURES

ART. 11. The Government of each country shall be obliged to immediately publish the measures which it believes necessary to prescribe with regard to arrivals from a contaminated country or territorial area.

It shall at once communicate this publication to the diplomatic or consular officer of the contaminated country residing in its capital, as well as to the international boards of health.

It shall likewise be obliged to make known, through the same channels, the revocation of these measures or any modifications which may be made therein.

In default of a diplomatic or consular office in the capital, the communications shall be made directly to the Government of the country concerned.

SECTION II. MERCHANDISE—DISINFECTION—IMPORTATION AND TRANSIT—  
BAGGAGE

ART. 12. No merchandise is capable by itself of transmitting plague, cholera, or yellow fever. It only becomes dangerous when contaminated by plague or cholera products.

ART. 13. Disinfection shall be applied only in case of plague or cholera and only to merchandise and articles which the local health authority considers contaminated.

However, in case of plague or cholera, the merchandise and articles enumerated below may be subjected to disinfection or even prohibited entry, independently of any proof that they are or are not contaminated:

1. Body linen, clothing worn (wearing apparel), and bedding which has been used.

When these articles are being transported as baggage or as a result of a change of residence (household goods), they shall not be prohibited and are subject to the provisions of article 20.

Packages left by soldiers and sailors and returned to their country after death are treated the same as the articles comprised in the first paragraph of No. 1.

2. Rags (including those for making paper), with the exception, as to cholera, of compressed rags transported as wholesale merchandise in hooped bales.

Fresh waste coming directly from spinning mills, weaving mills, manufactories, or bleacheries; artificial wools (shoddy), and fresh paper trimmings shall not be forbidden.

ART. 14. The transit of the merchandise and articles specified under Nos. 1 and 2 of the preceding article shall not be prohibited if they are so packed that they can not be manipulated en route.

Likewise, when the merchandise or articles are transported in such a manner that it is impossible for them to have been in contact with contaminated articles en route, their transit across an infected territorial area shall not constitute an obstacle to their entry into the country of destination.

ART. 15. The merchandise and articles specified under Nos. 1 and 2 of article 13 shall not be subject to the application of the measures prohibiting entry if it is proven to the authorities of the country that they were shipped at least five days before the beginning of the epidemic.

ART. 16. The mode and place of disinfection, as well as the methods to be employed for the destruction of rats, insects, and mosquitoes, shall be determined by the authorities of the country of destination. These operations should be performed in such a manner as to cause the least possible injury to the articles. Clothing, old rags, infected materials for dressing wounds, papers, and other articles of little value may be destroyed by fire.

It shall devolve upon each Nation to determine the question as to the possible payment of damages as a result of the disinfection and destruction of the articles mentioned above and of the destruction of rats, insects, and mosquitoes.

If, on the occasion of the taking of measures for the destruction of rats, insects, and mosquitoes on board vessels, the health authorities should levy a tax either directly or through a society or private individual, the rate of such tax must be fixed by a tariff published in advance and so calculated that no

profit shall be derived by the Nation or the Health Department from its application as a whole.

ART. 17. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (postal parcels not included) shall not be subjected to any restriction or disinfection.

In case of yellow fever, postal parcels shall not be subjected to any restriction or disinfection.

ART. 18. Merchandise, arriving by land or sea, shall not be detained at frontiers or in ports.

The only measures which it is permissible to prescribe in regard to them are specified in articles 13 and 16 above.

However, if merchandise arriving by sea in bulk or in defective bails has been contaminated during the passage by rats known to be stricken with plague, and if it can not be disinfected, the destruction of the germs may be insured by storing it in a warehouse for a maximum period of two weeks.

It is understood that the application of this last measure shall not entail any delay upon the vessel or any extra expense as a result of the lack of warehouses in the ports.

ART. 19. When merchandise has been disinfected by applying the provisions of article 13, or temporarily warehoused in accordance with the third paragraph of article 18, the owner or his representative shall be entitled to demand from the health authority who has ordered the disinfection or storage, a certificate setting forth the measures taken.

ART. 20. Soiled linen, clothing, and articles constituting part of baggage or furniture (household goods) coming from a contaminated territorial area shall only be disinfected in case of plague or cholera and only when the health authority considers them contaminated.

### SECTION III. MEASURES IN PORTS AND AT MARITIME FRONTIERS

#### *A. Classification of vessels*

ART. 21. A vessel is considered as *infected* which has plague, cholera, or yellow fever on board, or which has presented one or more cases of plague, cholera, or yellow fever within seven days.

A vessel is considered as *suspicious* on board of which there were cases of plague, cholera, or yellow fever at the time of departure or have been during the voyage, but on which there have been no new cases within seven days.

A vessel is considered as *uninfected* which, although coming from an infected port, has had neither death nor any case of plague, cholera, or yellow fever on board either before departure, during the voyage, or at the time of arrival.

#### *B. Measures concerning plague*

ART. 22. Ships *infected with plague* shall be subjected to the following measures:



1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. All persons who have been in contact with the patients and those whom the health authority of the port has reason to consider suspicious shall be landed if possible. They may be subjected either to observation,<sup>8</sup> or to surveillance,<sup>9</sup> or to observation followed by surveillance, and the total duration of these measures shall not exceed five days from the date of arrival.

It is within the discretion of the health authority of the port to apply whichever of these measures appears preferable to him according to the date of the last case, the condition of the vessel, and the local possibilities.

4. The soiled linen, wearing apparel, and other articles of the crew<sup>10</sup> and passengers which are considered by the health authority as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by persons stricken with plague or which are considered by the health authority as being contaminated shall be disinfected.

6. The destruction of the rats on the vessel shall take place before or after the discharge of the cargo, avoiding injury to the cargo, the platings, and the engines as far as possible. The operation shall be performed as soon and as quickly as possible, and shall not in any event last over forty-eight hours.

In the case of vessels in ballast, this operation shall be performed as soon as possible before taking on cargo.

ART. 23. Vessels suspected of plague shall be subjected to the measures indicated under Nos. 1, 4, 5, and 6 of article 22.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. The landing of the crew may be forbidden during the same period except in connection with the service.

ART. 24. Vessels *uninfected with plague* shall be granted pratique immediately, whatever be the nature of their bills of health.

The only measures which the authority of the port of arrival may prescribe with regard to them shall be the following:

1. Medical inspection.
2. Disinfection of the soiled linen, wearing apparel, and other articles of

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<sup>8</sup> By "observation" is meant the isolation of the passengers, either on board a vessel or at a sanitary station, before they are granted pratique. [Footnote in original.]

<sup>9</sup> By "surveillance" is meant that the passengers are not isolated and that they immediately obtain pratique, but that the attention of the authorities is called to them wherever they go and that they are subjected to a medical examination to ascertain the state of their health. [Footnote in original.]

<sup>10</sup> The term "crew" is applied to all persons who form or have formed part of the crew or of the servants on board the vessel, including stewards, waiters, "cafedji," etc. The term is to be construed in this sense wherever employed in the present Convention. [Footnote in original.]



the crew and passengers, but only in exceptional cases when the health authority has special reason to believe that they are contaminated.

3. Although the measure should not be laid down as a general rule, the health authority may subject vessels coming from a contaminated port to an operation designed to destroy the rats on board, either before or after the discharge of the cargo. This operation should take place as soon and as quickly as possible and should not in any event last more than twenty-four hours, avoiding hindrance to the movement of the passengers and crew between the vessel and the shore and, as far as possible, injury to the cargo, plating, and engines. As for vessels in ballast, that operation will, if there be occasion, be performed as soon and as quickly as possible, and at all events before taking on cargo.

The crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port. The landing of the crew may also be forbidden during the same time except in connection with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician, or in default of such physician, from the captain, to the effect that there has not been a case of plague on the vessel since its departure and that no unusual mortality among the rats has been observed.

ART. 25. When rats have been recognized as plague-stricken on board an *uninfected* vessel as a result of a bacteriological examination, or when an unusual mortality has been discovered among these rodents, the following measures shall be applied:

I. Vessels with plague-stricken rats:

a) Medical inspection.

b) The rats shall be destroyed either before or after the discharge of the cargo, avoiding injury, as far as possible, to the cargo, plating, and engines. This operation should take place as soon as possible, in no case lasting more than forty-eight hours. On vessels in ballast this operation shall be performed as soon and as quickly as possible and at all events before taking on cargo.

c) The parts of the vessel and the articles which the health authority considers to be contaminated shall be disinfected.

d) The passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival.

II. Vessels on which an unusual mortality among rats is discovered:

a) Medical inspection.

b) An examination of the rats with regard to the plague shall be made as far and as quickly as possible.

c) If the destruction of the rats is deemed necessary, it shall take place under the conditions indicated above for vessels with plague-stricken rats.

d) Until all suspicion is removed, the passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival.

ART. 26. It is recommended that vessels be periodically rid of their rats, the operation to take place at least once every six months. The health officer of the port in which the rat ridding operation is performed shall deliver to the captain, owner, or agent, whenever request is made therefor, a certificate showing the date of the operation, the port where it was performed, and the method employed.

It is recommended that the health authorities of ports at which vessels stop which practice periodical rat ridding keep account of the aforementioned certificates in determining the measures to be taken, especially as regards the provisions of No. 3 of the 2d paragraph of article 24.

#### *C. Measures concerning cholera*

ART. 27. Vessels *infected with cholera* shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. The other persons shall likewise be landed and subjected, from the date of arrival of the vessel, to an observation or a surveillance whose duration shall vary according to the sanitary condition of the vessel and the date of the last case, without, however, exceeding five days; provided this period is not exceeded, the medical authority may proceed to make a bacteriological examination as far as necessary.
4. The soiled linen, wearing apparel, and other articles of the crew and passengers which are considered by the health authority of the port as being contaminated shall be disinfected.
5. The parts of the vessel which have been occupied by cholera patients or which are considered by the health authority as being contaminated shall be disinfected.
6. When the drinking water stored on board is considered suspicious, it shall be turned off, after being disinfected, and replaced if necessary by water of good quality.

The health authority may prohibit turning water ballast off in ports if it has been taken on in a contaminated port, unless it has been previously disinfected.

It may be forbidden to let run or throw human dejections or the residuary waters of the vessel into the waters of the port, unless they are first disinfected.

ART. 28. Vessels *suspected of cholera* shall be subjected to the measures prescribed under Nos. 1, 4, 5, and 6 of article 27.

The crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. It is recommended that the landing

of the crew be prevented during the same period except for purposes connected with the service.

On condition that the measures provided by the foregoing paragraph are not aggravated, the health authorities may cause the bacteriological examination to be made in so far as it may be necessary.

The health authorities may prohibit turning water ballast off in ports if it has been taken on in a contaminated port, unless it has been previously disinfected.

ART. 29. Vessels *uninfected with cholera* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures to which they may be subjected by the health authority of the port of arrival shall be those provided under Nos. 1, 4, and 6 of article 27.

The health authority may forbid letting water ballast off in ports if it has been taken on in a contaminated port, unless it has been previously disinfected.

With regard to the state of their health, the crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port.

It is recommended that the landing of the crew be forbidden during the same period except for purposes connected with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician or, in the absence of such, from the captain, to the effect that there has not been a case of cholera on board since the vessel sailed.

#### *D. Measures concerning the yellow fever*

ART. 30. Vessels *infected with yellow fever* shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be landed under such conditions that they will be protected from mosquito bites, and duly isolated.
3. The other persons may likewise be landed and subjected, from the date of arrival, to an observation or surveillance not exceeding six days.
4. Vessels shall anchor, as far as possible, at a distance of 200 meters from the shore.
5. If possible, the mosquitoes on board shall be exterminated before the cargo is discharged. If this is impossible, all necessary measures shall be taken in order that the persons employed in discharging the cargo may not be infected. These persons shall be subjected to a surveillance not to exceed six days from the time they cease to work on board.

ART. 31. Vessels *suspected of yellow fever* shall be subjected to the measures indicated under Nos. 1, 4, and 5 of the preceding article.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed six days from the date of arrival of the vessel.

ART. 32. Vessels *uninfected with yellow fever* shall be granted pratique immediately after medical inspection, whatever be the nature of their bill of health.

ART. 33. The measures contemplated in articles 30 and 31 do not concern the countries in which *stegomya* exist. In other countries they shall be applied to the extent deemed necessary by the medical authorities.

*E. Provisions common to all three diseases*

ART. 34. In applying the measures set forth in articles 22 to 33, the competent authority shall take into account the presence of a physician and of disinfecting apparatuses (chambers) on board the vessels of the three categories mentioned above.

In regard to plague, he shall likewise take into account the installation on board of apparatus for the destruction of rats.

The health authorities of nations which may deem it suitable to reach an understanding on this point may excuse from the medical inspection and other measures those uninfected vessels which have on board a physician specially commissioned by their country.

ART. 35. Special measures, especially (as regards cholera) a bacteriological examination, may be prescribed in regard to any vessel in a bad hygienic condition or crowded.

ART. 36. Any vessel not desiring to submit to the obligations imposed by the port authority in pursuance of the stipulations of the present convention, shall be free to put to sea again.

It may be permitted to land its cargo after the necessary precautions have been taken, viz:

1. Isolation of the vessel, crew, and passengers.
2. In regard to plague, inquiry as to the existence of an unusual mortality among the rats.
3. In regard to cholera, the substitution of good water in place of the drinking water stored on board, when the latter is considered suspicious.

It may also be permitted to land passengers who so request upon condition that they submit to the measures prescribed by the local authority.

ART. 37. Vessels hailing from a contaminated port and which have been subjected to sanitary measures applied in an efficient manner in a port belonging to one of the contracting countries, shall not undergo the same measures a second time upon their arrival in a new port, whether or not the latter belong to the same country, provided no incident has occurred which would involve the application of the sanitary measures contemplated heretofore, and provided they have not touched at a contaminated port.

A vessel shall not be considered as having stopped at a port when, without

having been in communication with the shore, it lands only passengers and their baggage and the mail, or takes on only the mail, or passengers with or without baggage who have not communicated with the port or with a contaminated area. In case of yellow fever, the vessel must besides have kept away from shore as much as possible, and at a distance of 200 meters, in order to prevent the invasion of mosquitoes.

ART. 38. A port authority who applies sanitary measures shall deliver to the captain, owner, or agent, whenever requested, a certificate specifying the nature of the measures and the reasons for which they have been applied.

ART. 39. Passengers arriving on an infected vessel shall have a right to demand a certificate of the health authority of the port showing the date of their arrival and the measures to which they and their baggage have been subjected.

ART. 40. Coasting vessels shall be subjected to special measures to be established by mutual agreement among the countries concerned.

ART. 41. The Governments of riparian Nations on the same sea may conclude special agreements among themselves, taking into account their special situations and in order to render more effective and less annoying the application of the sanitary measures provided by the Convention.

ART. 42. It is desirable that the number of ports provided with a sufficient organization and equipment to receive a vessel, whatever be her sanitary condition, should, in the case of each Nation, be in proportion to the importance of traffic and navigation. However, and without prejudice to the rights of the Governments to agree on organizing common sanitary stations, each country should provide at least one of the ports on the coast line of each of its seas with such an organization and equipment.

Moreover, it is recommended that all great ports of maritime navigation be equipped in such a way that at least uninfected vessels may undergo the prescribed sanitary measures therein as soon as they arrive and not be sent to another port for this purpose.

The Governments shall make known the ports which are open in their country to arrivals from ports contaminated with plague, cholera, and yellow fever, and particularly those which are open to infected or suspicious vessels.

ART. 43. It is recommended that there be established in large maritime ports:

*a)* A regular medical service of the port and a permanent medical surveillance of the sanitary conditions of the crews and the inhabitants of the port.

*b)* Means for the transportation of patients and places set apart for their isolation and for the observation of suspected persons.

*c)* The necessary plants for efficient disinfection, and bacteriological laboratories.

*d)* A supply of drinking water beyond suspicion for the use of the port, and a system affording all possible security for carrying off refuse and sewage.

ART. 44. It is also recommended that the Contracting Nations take into account, in the treatment to be accorded the arrivals from a country, the measures taken by the latter for combating infectious diseases and for preventing their exportation.

SECTION IV. MEASURES ON LAND FRONTIERS—TRAVELERS—RAILROADS—  
FRONTIER ZONES—RIVER ROUTES

ART. 45. No land quarantines shall be established.

Only persons showing symptoms of plague, cholera, or yellow fever shall be detained at frontiers.

This rule shall not bar the right of each Nation to close a part of its frontiers in case of necessity.

ART. 46. It is important that travelers be subjected to surveillance on the part of railroad employees with a view to determining the state of their health.

ART. 47. Medical interference shall be limited to an examination of the passengers and the care to be given to the sick. If such an examination is made, it should be combined as far as possible with the customhouse inspection to the end that travelers may be detained as short a time as possible. Only persons who are obviously ill shall be subjected to a thorough medical examination.

ART. 48. As soon as travelers coming from an infected locality shall have arrived at their destination, it would be of greatest utility to subject them to a surveillance which ought not to exceed, counting from the date of departure, five days in case of plague or cholera and six days in case of yellow fever.

ART. 49. The Governments reserve the right to take special measures in regard to certain categories of persons, notably gypsies, vagabonds, emigrants, and persons traveling or crossing the frontier in troops.

ART. 50. Cars used for the conveyance of passengers, mail, and baggage shall not be detained at frontiers.

If it should happen that one of these cars is contaminated or has been occupied by a plague or cholera patient, it shall be detached from the train and disinfected as soon as possible.

The same rule shall apply to freight cars.

ART. 51. The measures concerning the crossing of frontiers by railroad and postal employees shall be determined by the companies or departments concerned and shall be so arranged as not to hinder the service.

ART. 52. The regulation of frontier traffic and questions pertaining thereto, as well as the adoption of exceptional measures of surveillance, shall be left to special arrangements between the contiguous nations.

ART. 53. It shall be the province of the Governments of the riparian Nations to regulate the sanitary conditions of river routes by means of special arrangements.



TITLE II. SPECIAL PROVISIONS APPLICABLE TO ORIENTAL  
AND FAR EASTERN COUNTRIES

SECTION I. MEASURES IN PORTS CONTAMINATED UPON THE DEPARTURE  
OF VESSELS

ART. 54. Every person, including the members of the crew, who takes passage on board a vessel shall, at the time of embarkation, be examined individually in the daytime on shore, for the necessary length of time, by a physician delegated by the public authority. The consular authority of the nation to which the vessel belongs may be present at this examination.

As an exception to this stipulation, the medical examination may take place on shipboard at Alexandria and Port Said, when the local health authority deems it expedient, provided that the third-class passengers shall not be permitted to leave the vessel. This medical examination may be made at night in the case of first and second class passengers but not of third-class passengers.

SECTION II. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM  
CONTAMINATED NORTHERN PORTS AND APPEARING AT THE ENTRANCE OF  
THE SUEZ CANAL OR IN EGYPTIAN PORTS

ART. 55. Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine. They shall continue their route under observation of five days.

ART. 56. Ordinary *uninfected* vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said, where the passengers shall complete the observation period of five days either on shipboard or in a sanitary station, according to the decision of the local health authority.

ART. 57. The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Board of Health of Egypt in conformity with the stipulations of the present Convention.

The regulations containing these measures shall, in order to become effective, be accepted by the various Powers represented on the Board; they shall determine the measures to which vessels, passengers, and merchandise are to be subjected and shall be presented within the shortest possible period.



## SECTION III. MEASURES IN THE RED SEA

*A. Measures with respect to ordinary vessels hailing from the south and appearing in ports of the Red Sea or bound toward the Mediterranean*

ART. 58. Independently of the general provisions contained in Section III, Chapter 2, Title I, concerning the classification of and the measures applicable to infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ART. 59. *Uninfected* vessels must have completed or shall be required to complete an observation period of five full days from the time of their departure from the last infected port.

They shall be allowed to pass through the Suez Canal in quarantine and shall enter the Mediterranean continuing the aforesaid observation period of five days. Ships having a physician and a disinfecting chamber on board shall not undergo disinfection until the passage through in quarantine begins.

ART. 60. Suspected vessels shall be treated differently according to whether they have a physician and a disinfecting apparatus (chamber) on board or not.

a) Vessels having a physician and a disinfecting apparatus (chamber) on board and fulfilling the necessary conditions shall be permitted to pass through the Suez Canal in quarantine under conditions prescribed by the regulations for the passage through.

b) Other suspected vessels having neither physician nor disinfecting apparatus (chamber) on board shall, before being permitted to pass through in quarantine, be detained at Suez or Moses Spring a sufficient length of time to carry out the disinfecting measures prescribed and to ascertain the sanitary condition of the vessel.

In the case of mail vessels or of packets specially utilized for the transportation of passengers, having no disinfecting apparatus (chamber) but having a physician on board, if the local authority can through official evidence satisfy itself that sanitation and disinfection measures have properly been carried out, either at port of departure or in the course of the voyage, passage in quarantine shall be granted.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the last case of plague or cholera dates back longer than seven days and if the sanitary condition of the vessel is satisfactory, pratique may be granted at Suez when the operations prescribed by the regulations are completed.

When a vessel has had a run of less than seven days without infection, the passengers bound for Egypt shall be landed at an establishment designated

by the Board of Health of Alexandria and isolated a sufficient length of time to complete the observation period of five days. Their soiled linen and wearing apparel shall be disinfected. They shall then receive pratique.

Vessels having had a run of less than seven days without infection and desiring to obtain pratique in Egypt shall be detained in an establishment designated by the Board of Health of Alexandria for a sufficient length of time to complete the observation period of five days. They shall undergo the measures prescribed for infected vessels.

When the plague or cholera has appeared exclusively among the crew, only the soiled linen of the latter shall be disinfected, but it shall all be disinfected, including that in the living quarters of the crew.

ART. 61. Infected vessels are divided into vessels with a physician and a disinfecting apparatus (chamber) on board, and vessels without a physician and a disinfecting apparatus (chamber).

*a)* Vessels without a physician and a disinfecting apparatus (chamber) shall be stopped at Moses Spring; <sup>11</sup> persons showing symptoms of plague or cholera shall be landed and isolated in a hospital. The disinfection shall be carried out in a thorough manner. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop. The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

It is to be distinctly understood that there shall be no discharge of cargo but simply a disinfection of the part of the vessel which has been infected.

The passengers shall remain for five days in an establishment designated by the Sanitary, Maritime, and Quarantine Board of Egypt. When the cases of plague or cholera date back several days, the length of the isolation shall be diminished. This length shall vary according to the date of the cure, death, or isolation of the last patient. Thus, when the last case of plague or cholera has terminated six days before by a cure or death, or when the last patient has been isolated for six days, the observation shall last one day; if only five days have elapsed, the observation period shall be two days; if only four days have elapsed, the observation period shall be three days; if only three days have elapsed, the observation period shall be four days; and if only two days or one day has elapsed, the observation period shall be five days.

*b)* Vessels with a physician and a disinfecting apparatus (chamber) on board shall be stopped at Moses Spring. The ship's physician must declare, under oath, what persons on board show symptoms of plague or cholera. These patients shall be landed and isolated.

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<sup>11</sup> The patients shall as far as possible, be landed at Moses Spring. The other persons may undergo the observation in a sanitary station designated by the Sanitary, Maritime, and Quarantine Board of Egypt (pilots' lazaretto). [Footnote in original.]

After the landing of these patients, the soiled linen of the rest of the passengers which the health authority may consider dangerous, as well as that of the crew, shall undergo disinfection on board.

When plague or cholera shall have appeared exclusively among the crew, the disinfection of the linen shall be limited to the soiled linen of the crew and the linen of the living apartments of the crew.

The ship's physician shall indicate also, under oath, the part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported. He shall also declare, under oath, what persons have been in contact with the plague or cholera patient since the first manifestation of the disease, either directly or through contact with objects which might be contaminated. Such persons alone shall be considered as "suspects."

The part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported shall be thoroughly disinfected. By "part of the ship" shall be meant the cabin of the patient, the neighboring cabins, the corridor on which these cabins are located, the deck, and the parts of the deck where the patients have been.

If it is impossible to disinfect the part or compartment of the vessel which has been occupied by the persons stricken with plague or cholera without landing the persons declared suspects, these persons shall be either placed in another vessel specially designated for this purpose or landed and lodged in the sanitary establishment without coming in contact with the patients, who shall be placed in the hospital.

The duration of this stay on the vessel or on shore shall be as short as possible and shall not exceed twenty-four hours.

The suspects shall undergo, either on their vessel or on the vessel designated for this purpose, an observation period whose duration shall vary according to the cases and under the conditions provided in the third paragraph of subdivision (a).

The time taken up by the prescribed operations shall be comprised in the duration of the observation period.

The passage through in quarantine may be allowed before the expiration of the periods indicated above if the health authority deems it possible. It shall at all events be granted when the disinfection has been completed, if the vessel leaves behind not only its patients but also the persons indicated above as "suspects."

A disinfecting chamber placed on a lighter may come alongside the vessel in order to expedite the disinfecting operations.

Infected vessels requesting pratique in Egypt shall be detained at Moses Spring five days; they shall, moreover, undergo the same measures as those adopted for infected vessels arriving in Europe.

*B. Measures with respect to ordinary vessels hailing from the infected ports of Hedjaz during the pilgrimage season*

ART. 62. If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from the Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar masses of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they shall undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days from the date of departure for cholera as well as for plague. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, etc.), and shall not be granted pratique until they have passed a favorable medical examination.

It shall be understood that if the vessels have had suspicious occurrences during the voyage they shall pass the observation period at Moses Spring, which shall last five days whether it be a question of plague or cholera.

SECTION IV. ORGANIZATION OF SURVEILLANCE AND DISINFECTION  
AT SUEZ AND MOSES SPRING

ART. 63. The medical inspection prescribed by the regulations shall be made on each vessel arriving at Suez by one or more of the physicians of the station, being made in the daytime on vessels hailing from ports infected with plague or cholera. It may, however, be made at night on vessels which come to pass through the canal, provided they are lit by electricity and whenever the local health authority is satisfied that the lighting facilities are adequate.

ART. 64. The physicians of the Suez station shall be at least seven in number—one chief physician and six others. They must possess a regular diploma and shall be chosen preferably from among physicians who have made special practical studies in epidemiology and bacteriology. They shall be appointed by the Minister of the Interior upon the recommendation of the Sanitary, Maritime, and Quarantine Board of Egypt. They shall receive a salary to begin at 8,000 francs and which may progressively rise to 12,000 francs for the six physicians, and vary from 12,000 to 15,000 francs for the chief physician.

If the medical service should still prove inadequate, recourse may be had to the surgeons of the navies of the several nations, who shall be placed under the authority of the chief physician of the sanitary station.

ART. 65. A corps of sanitary guards shall be intrusted with the surveillance and execution of the prophylactic measures applied in the Suez Canal, at the establishment at Moses Spring, and at Tor.

ART. 66. This corps shall comprise ten guards.

It shall be recruited from among former noncommissioned officers of the European and Egyptian armies and navies.

After their competence has been ascertained by the Board, the guards shall be appointed in the manner provided by article 14 of the Khedival decree of June 19, 1893.<sup>12</sup>

ART. 67. The guards shall be divided into two classes, the first comprising four and the second six guards.

ART. 68. The annual compensation allowed the guards shall be:

For the first class, from £160 Eg. to £200 Eg.;

For the second class, from £120 Eg. to £168 Eg.;

With a progressive increase until the maximum is reached.

ART. 69. The guards shall be invested with the character of officers of the public peace, with the right to call for assistance in case of infractions of the sanitary regulations.

They shall be placed under the immediate orders of the Director of the Suez or the Tor Bureau.

#### SECTION V. PASSAGE THROUGH THE SUEZ CANAL IN QUARANTINE

ART. 70. The health authority of Suez shall grant the passage through in quarantine, and the Board shall be immediately informed thereof.

Doubtful cases shall be decided by the Board.

ART. 71. As soon as the permit provided for in the preceding article is granted, a telegram shall be sent to the authority designated by each Power, the dispatch of the telegram being at the expense of the vessel.

ART. 72. Each Power shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of *vis major* and enforced sojourn being excepted.

ART. 73. Upon a vessel's being spoken, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list or the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath:

"Have you any helpers (stokers or other workmen) not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

The sanitary physicians should ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ART. 74. A health officer and two sanitary guards shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications

<sup>12</sup> For text, see *ante*, p. 405.

and see to the execution of the prescribed measures during the passage through the canal.

ART. 75. All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal to Port Said.

However, passengers may embark at Port Said in quarantine.

ART. 76. Vessels passing through in quarantine shall make the trip from Suez to Port Said without putting into dock.

In case of stranding or of being compelled to put into dock, the necessary operations shall be performed by the personnel on board, all communications with the employees of the Suez Canal Company being avoided.

ART. 77. When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ART. 78. Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 75 (paragraph 2) and 79.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine lighter. Their clothing shall there undergo disinfection as per regulations.

ART. 79. When it is absolutely necessary for vessels passing through in quarantine to take on coal at Port Said, they shall perform this operation in a locality affording the necessary facilities for isolation and sanitary surveillance, to be selected by the Board of Health. When it is possible to maintain a strict supervision on board the vessel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may be permitted. At night the place where the coaling is done should be illuminated by electric lights.

ART. 80. The pilots, electricians, agents of the Company, and sanitary guards shall be put off at Port Said outside of the port between the jetties and thence conducted directly to the quarantine lighter, where their clothing shall undergo disinfection when deemed necessary.

ART. 81. The war vessels hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath:

a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage.



b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

These vessels shall be exempted from the medical examination and immediately receive pratique, provided a period of five full days has elapsed since their departure from the last infected port.

In case the required period has not elapsed, the vessels may pass through the canal in quarantine without undergoing the medical examination, provided they present the above-mentioned certificate to the quarantine authorities.

The quarantine authorities shall nevertheless have a right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ART. 82. The Sanitary, Maritime, and Quarantine Board of Egypt is authorized to organize the transit through Egyptian territory by rail of the mails and ordinary passengers coming from infected countries in quarantine trains, under the conditions set forth in Appendix I.

#### SECTION VI. SANITARY MEASURES APPLICABLE TO THE PERSIAN GULF

ART. 83. The sanitary regulation established by the articles of the present Convention shall be applied, as regards vessels entering the Persian Gulf, by the health authorities of the ports of arrival.

This regulation shall be subject to the following three reservations with respect to the classification of the vessels and to the measures to be applied to them in the Persian Gulf:

1. The surveillance of the passengers and crew shall always be superseded by an observation of the same duration.

2. Uninfected vessels may obtain pratique there only upon condition that five full days have elapsed since the time of their departure from the last infected port.

3. In regard to suspected vessels the period of five days for the observation of the crew and passengers shall begin as soon as there is no case of plague or cholera on board.

### TITLE III. PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES

#### CHAPTER I. *General provisions*

ART. 84. The provisions of article 54 of Title II are applicable to persons and objects bound for Hedjaz or Irak-Arabi and who are to be embarked



on a pilgrim ship, even if the port of embarkation is not infected with plague or cholera.

ART. 85. When cases of plague or cholera exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in a group, have been subjected to an observation for the purpose of ascertaining that none of them is stricken with plague or cholera.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

ART. 86. If local circumstances permit, the pilgrims shall be obliged to prove that they possess the means absolutely necessary to complete the pilgrimage, especially a round-trip ticket.

ART. 87. Steamships shall alone be permitted to engage in the long-voyage transportation of pilgrims, all other vessels being forbidden to engage in this traffic.

ART. 88. Pilgrim ships engaged in coasting trade and used in making the conveyances of short duration called "coasting trade" shall be subject to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles announced in the present Convention.

ART. 89. A vessel which does not embark a greater proportion of pilgrims of the lowest class than one per hundred tons' gross burden, in addition to its ordinary passengers (among whom pilgrims of the higher class may be included), shall not be considered as a pilgrim ship.

ART. 90. Every pilgrim ship situated in Ottoman waters must conform to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles set forth in the present Convention.

ART. 91. The captain shall be obliged to pay all the sanitary taxes collectible from the pilgrims, which shall be comprised in the price of the ticket.

ART. 92. As far as possible, the pilgrims who land or embark at the sanitary stations should not come in contact with one another at the points of debarkation.

The pilgrims who are landed shall be sent to the encampment in as small groups as possible.

They must be furnished with good drinking water, whether it is found on the spot or obtained by distillation.

ART. 93. When there is plague or cholera in Hedjaz, the provisions carried by the pilgrims shall be destroyed if the health authority deems it necessary.

## CHAPTER II. *Pilgrim ships—Sanitary arrangements*

### SECTION I. GENERAL ARRANGEMENT OF VESSELS

ART. 94. The vessel must be able to lodge pilgrims between decks.

Outside of the crew, the vessel shall furnish to every individual, whatever

be his age, a surface of 1.5 square meters (16 English square feet) with a height between decks of about 1.8 meters.

On vessels engaged in coasting trade each pilgrim shall have at his disposal a space of at least 2 meters wide along the gunwales of the vessel.

ART. 95. On each side of the vessel, on deck, there shall be reserved a place screened from view and provided with a hand pump so as to furnish sea water for the needs of the pilgrims. One such place shall be reserved exclusively for women.

ART. 96. In addition to the water closets for the use of the crew, the vessel shall be provided with latrines flushed with water or provided with a stopcock, in the proportion of at least one latrine for every 100 persons embarked.

There shall be latrines reserved exclusively for women.

There shall be no water closets between decks or within the hold.

ART. 97. The vessel shall have two places arranged for private cooking by the pilgrims, who shall be forbidden to make a fire elsewhere and especially on deck.

ART. 98. Infirmaries properly arranged with regard to safety and sanitary conditions shall be reserved for lodging the sick.

They shall be so arranged as to be capable of isolating, according to the kind of disease, persons stricken with transmissible ailments.

The infirmaries shall be able to receive at least 5 per cent of the pilgrims embarked, allowing at least 3 square kilometers per head.

ART. 99. Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines.<sup>13</sup> The care and the remedies shall be furnished free of charge to the pilgrims.

ART. 100. Every vessel embarking pilgrims shall have on board a physician holding a regular diploma and commissioned by the Government of the country to which the vessel belongs or by the Government of the port in which the vessel takes pilgrims on board. A second physician shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ART. 101. The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel.
2. The price of the tickets.
3. The daily ration of water and food allowed to each pilgrim.
4. A price list of victuals not comprised in the daily ration and to be paid for extra.

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<sup>13</sup> It is desirable that each vessel be provided with the principal immunizing agents (anti-plague serum, Haffkine vaccine, etc.) [Footnote in original.]

ART. 102. The heavy baggage of the pilgrims shall be registered, numbered, and placed in the hold. The pilgrims shall keep with them only such articles as are absolutely necessary, the regulations made by each Government for its vessels determining the nature, quantity, and dimensions thereof.

ART. 103. The provisions of Chapters I, II (sections I, II, and III), and III of the present Title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in the principal languages of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

#### SECTION II. MEASURES TO BE TAKEN BEFORE DEPARTURE

ART. 104. At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ART. 105. Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain. The consular officer of the country to which the vessel belongs may be present at this inspection.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.<sup>14</sup>

ART. 106. The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

a) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected.

b) That the vessel is in a condition to undertake the voyage without danger; that it is properly equipped, arranged, and ventilated; that it is provided with an adequate number of small boats; that it contains nothing on board which is or might become detrimental to the health or safety of the passengers, and that the deck is of wood or of iron covered with wood.

c) That, in addition to the provisions for the crew, there are provisions and fuel of good quality on board, suitably stored and in sufficient quantity for all the pilgrims and for the entire anticipated duration of the voyage.

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<sup>14</sup> The competent authority is at present: In British India, an officer designated for this purpose by the local government (Native Passenger Ships Act, 1887, Art. 7); in Dutch India, the harbormaster; in Turkey, the health authority; in Austria-Hungary, the port authority; in Italy, the harbormaster; in France, Tunis, and Spain, the health authority; in Egypt, the quarantine and health authority, etc. [Footnote in original.]

*d)* That the drinking water taken on board is of good quality and from a source protected against all contamination; that there is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all contamination and closed in such a way that the water can only be let out through the stopcocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden.

*e)* That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew.

*f)* That the vessel has a disinfecting chamber whose safety and efficiency have been ascertained by the health authority of the port of embarkation of the pilgrims.

*g)* That the crew comprises a physician holding a diploma and commissioned<sup>15</sup> either by the Government of the country to which the vessel belongs or by the Government of the port where the vessel takes on pilgrims, and that the vessel has a supply of medicines, all in conformity with articles 99 and 100.

*h)* That the deck of the vessel is free from all cargo and other incumbrances.

*i)* That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ART. 107. The captain shall not sail until he has in his possession:

1. A list viséed by the competent authority and showing the name, sex, and total number of the pilgrims whom he is authorized to embark.

2. A bill of health setting forth the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate on the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

### SECTION III. MEASURES TO BE TAKEN DURING THE PASSAGE

ART. 108. The deck shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ART. 109. Every day the space between decks should be cleaned carefully and scrubbed with dry sand mixed with disinfectants while the pilgrims are on deck.

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<sup>15</sup> Exception is made for governments which have no commissioned physicians. [Footnote in original.]

ART. 110. The latrines intended for the passengers as well as those for the crew should be kept neat and be cleansed and disinfected three times a day.

ART. 111. The excretions and dejections of persons showing symptoms of plague or cholera shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the latrines, which shall be thoroughly disinfected after each flushing.

ART. 112. Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding article shall be immediately disinfected. The observance of this rule is especially enjoined with regard to the clothing of persons who come near to these patients and who may have become contaminated.

Such of the articles mentioned above as have no value shall be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be carried to the disinfecting chamber in impermeable sacks washed with a disinfecting solution.

ART. 113. The quarters occupied by the patients and referred to in article 98 shall be thoroughly disinfected.

ART. 114. Pilgrim ships shall be compelled to submit to disinfecting operations in conformity with the regulations in force on the subject in the country whose flag they fly.

ART. 115. The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ART. 116. If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply.

ART. 117. The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared.

2. Satisfy himself that the requirements of article 115 relative to the distribution of water are observed.

3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of article 116.

4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleansed in accordance with the provisions of article 110.

5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with articles 113 and 114.

6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present this diary to the competent authority of the port of arrival.

ART. 118. The persons intrusted with the care of the plague or cholera patients shall alone have access to them and shall have no contact with the other persons on board.

ART. 119. In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ART. 120. The captain shall see that all the prophylactic measures executed during the voyage are recorded in the ship's journal. This journal shall be presented by him to the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with article 107 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned article 107 and before it is viséed again by the competent authority.

ART. 121. The bill of health delivered at the port of departure shall not be changed during the course of the voyage.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in the port.
2. The incidents occurring at sea and affecting the health or life of the persons on board.
3. The sanitary condition of the port of call.

#### SECTION IV. MEASURES TO BE TAKEN ON THE ARRIVAL OF PILGRIMS IN THE RED SEA

*A. Sanitary measures applicable to Mussulman-pilgrim ships hailing from an infected port and bound from the south toward Hedjaz*

ART. 122. Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station of Camaran, where they shall be subjected to the measures prescribed in articles 123 to 125.

ART. 123. Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:



The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Hedjaz.

For plague, the provisions of articles 23 and 24 shall be applied with regard to the rats which may be found on board the vessels.

ART. 124. *Suspicious* vessels on board of which there were cases of plague or cholera at the time of departure but on which there has been no new case of plague or cholera for seven days, shall be treated in the following manner:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected.

In time of cholera the bilge water shall be changed.

The parts of the vessel occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Djeddah, where a second medical inspection shall take place on board. If the result thereof is favorable, and on the strength of a written affidavit by the ship's physician to the effect that there has been no case of plague or cholera during the passage, the pilgrims shall be immediately landed.

If, on the contrary, one or more real or suspected cases of plague or cholera have been discovered during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the measures applicable to infected vessels.

For plague, the provisions of article 22, 6th par., shall be applicable with regard to the rats which may be found on board the vessels.

ART. 125. *Infected* vessels, that is, those having cases of plague or cholera on board or having had cases of plague or cholera within seven days, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not be infected by a particular group if plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected in a thorough manner.



However, the local health authority may decide that the discharge of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain in the Camaran establishment five days. When cases of plague or cholera date back several days, the length of the isolation may be diminished. This length may vary according to the date of appearance of the last case and the decision of the health authority.

The vessel shall then proceed to Djeddah, where an individual and rigorous medical examination shall be made. If the result thereof is favorable, the vessel shall obtain pratique. If, on the contrary, real cases of plague or cholera have appeared on board during the voyage or at the time of arrival, the vessel shall be sent back to Camaran where it shall undergo anew the treatment applicable to infected vessels.

For plague, the measures prescribed by article 22 shall be applied with regard to the rats which may be found on board the vessels.

ART. 126. Every sanitary station designed to receive pilgrims should be provided with a trained, experienced, and sufficiently numerous staff, as well as with all the buildings and apparatus necessary to insure the application, in their entirety, of the measures to which said pilgrims are subject.

*B. Sanitary measures applicable to Mussulman-pilgrim ships hailing from the north and bound toward Hedjaz*

ART. 127. If plague or cholera is not known to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

ART. 128. If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V. MEASURES TO BE TAKEN UPON THE RETURN OF PILGRIMS

*A. Pilgrim ships returning northward*

ART. 129. Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in articles 133 and 135.

ART. 130. Vessels bringing Mussulman pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ART. 131. The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model. Samples of this certificate shall be deposited with the consular and health authorities of Djeddah and Yambo, where the agents and captains of vessels can examine them.

Pilgrims other than Egyptians, such as Turks, Russians, Persians, Tunisians, Algerians, Moroccans, etc., can not be landed in an Egyptian port after leaving Tor. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden.

Vessels having pilgrims on board who belong to the nationalities mentioned in the foregoing paragraph shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ART. 132. Before being granted pratique, Egyptian pilgrims shall undergo an observation of three days and a medical examination at Tor, Souakim, or any other station designated by the Board of Health of Egypt.

ART. 133. If plague or cholera is known to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospitals. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided in articles 22 and 25 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of seven full days from the day on which the disinfecting operations are completed, whether it be a question of plague or of cholera. If a case of plague or cholera has appeared in one section, the period of seven days shall not begin for this section until the day on which the last case was discovered.

ART. 134. In the case contemplated in the preceding article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ART. 135. If plague or cholera is not known to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz

during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including the debarkation and embarkation, shall not exceed seventy-two hours.

However, a pilgrim ship belonging to one of the nations which have adhered to the stipulations of the present and the previous conventions, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Board of Health of Egypt to pass through the Suez Canal in quarantine even at night when the following four conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians commissioned by the governments to which the vessel belongs.

2. The vessel shall be provided with disinfecting chambers and it shall be ascertained that the soiled linen has been disinfected during the course of the voyage.

3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrim regulations.

4. The captain shall bind himself to repair directly to a port of the country to which the vessel belongs.

The medical examination shall be made as soon as possible after debarkation at Tor.

The sanitary tax to be paid to the quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ART. 136. A vessel which has had a suspicious case on board during the voyage from Tor to Suez shall be sent back to Tor.

ART. 137. The transshipment of pilgrims is strictly forbidden in Egyptian ports.

ART. 138. Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall be authorized to proceed directly to Souakim or to such other place as the Board of Health of Alexandria may determine, where they shall submit to the same quarantine procedure as at Tor.

ART. 139. Vessels sailing from Hedjaz or from a port on the Arabian coast of the Red Sea with a clean bill of health, having no pilgrims or similar groups of people on board, and which have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

ART. 140. When plague or cholera shall have been proven to exist in Hedjaz:

1. Caravans composed of Egyptian pilgrims shall, before going to Egypt, undergo at Tor a rigid quarantine of seven days in case of cholera or plague. They shall then undergo an observation of three days at Tor, after which they shall not be granted pratique until a favorable medical inspection has been made and their belongings have been disinfected.

2. Caravans composed of foreign pilgrims who are about to return to their homes by land routes shall be subjected to the same measures as the Egyptian caravans and shall be accompanied by sanitary guards to the edge of the desert.

ART. 141. When plague or cholera has not been observed in Hedjaz, the caravans of pilgrims coming from Hedjaz by way of Akaba or Moila shall, upon their arrival at the canal or at Nakhel, be subjected to a medical examination and their soiled linen and wearing apparel shall be disinfected.

*B. Pilgrims returning southward*

ART. 142. Sufficiently complete sanitary arrangements shall be installed in the ports of embarkation of Hedjaz in order to render possible the application to pilgrims who have to travel southward in order to return to their homes, of the measures which are obligatory by virtue of articles 10 and 54 at the moment of departure of these pilgrims in the ports situated beyond the Straits of Bab-el-Mandeb.

The application of these measures is optional; that is, they are only to be applied in those cases in which the consular officer of the country to which the pilgrim belongs, or the physician of the vessel on which he is about to embark, deems them necessary.

CHAPTER III. *Penalties*

ART. 143. Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by him, shall be liable to a fine of two Turkish pounds.<sup>16</sup> This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

ART. 144. Every infraction of article 101 shall be punished by a fine of thirty Turkish pounds.

ART. 145. Every captain who has committed or knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in article 107 shall be liable to a fine of fifty Turkish pounds.

ART. 146. Every captain of a vessel arriving without a bill of health from the port of departure, or without a visé from the ports of call, or who is not provided with the list required by the regulations and regularly kept in accordance with articles 107, 120, and 121, shall be liable in each case to a fine of twelve Turkish pounds.

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<sup>16</sup> The Turkish pound is worth 22 francs and 50 centimes. [Footnote in original.]

ART. 147. Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a commissioned physician in conformity with the provisions of article 100 shall be liable to a fine of thirty Turkish pounds.

ART. 148. Every captain convicted of having or having had on board a greater number of pilgrims than that which he is authorized to embark in conformity with the provisions of article 107 shall be liable to a fine of five Turkish pounds for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

ART. 149. Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent or excepting cases of *vis major*, shall be liable to a fine of twenty Turkish pounds for each pilgrim wrongfully landed.

ART. 150. All other infractions of the provisions relative to pilgrim ships are punishable by a fine of from 10 to 100 Turkish pounds.

ART. 151. Every violation proven in the course of a voyage shall be noted on the bill of health as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

ART. 152. All agents called upon to assist in the execution of the provisions of the present Convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

#### TITLE IV. SURVEILLANCE AND EXECUTION

##### I. *Sanitary, Maritime, and Quarantine Board of Egypt*

ART. 153. The stipulations of Appendix III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, rights and duties, and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the decrees of His Highness the Khedive under date of June 19, 1893,<sup>17</sup> and December 25, 1894,<sup>18</sup> as well as in the ministerial decision of June 19, 1893.<sup>19</sup>

The said decrees and decision are annexed to the present convention. (Appendix II.)

ART. 154. The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government

<sup>17</sup> *Ante*, p. 404.

<sup>18</sup> *Ante*, p. 409.

<sup>19</sup> *Ante*, p. 410.

of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the lighthouse service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of ten tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government should find difficulty in bearing this share of the expenses, the Powers represented in the Board of Health shall reach an understanding with the Khedival Government in order to insure the participation of the latter in the expenses contemplated.

ART. 155. The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if necessary, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective, must be accepted by the various Powers represented on the Board.

## II. *The International Health Board of Tangier*

ART. 156. In the interest of public health, the High Contracting Parties agree that their representatives in Morocco shall again invite the attention of the International Health Board of Tangier to the necessity of enforcing the provisions of the sanitary conventions.

## III. *Miscellaneous Provisions*

ART. 157. The proceeds from the sanitary taxes and fines shall in no case be employed for objects other than those within the scope of the Boards of Health.

ART. 158. The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague, cholera, and yellow fever.

## TITLE V. ADHESIONS AND RATIFICATIONS

ART. 159. The Governments which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other signatory governments.

ART. 160. The present convention shall be ratified and the ratifications thereof deposited at Paris as soon as possible.

It shall be enforced as soon as it shall have been proclaimed in conformity with the legislation of the signatory nations. In the respective relations of the



Powers which have ratified it, it shall supersede the international sanitary conventions signed January 30, 1892; April 15, 1893; April 3, 1894; March 19, 1897; and December 3, 1903.<sup>20</sup>

The previous arrangements enumerated above shall remain in force with regard to the Powers which, having signed or adhered to them, may not ratify or accede to the present act.

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

Done at Paris on January 17, 1912, in a single copy which shall remain deposited in the archives of the Government of the French Republic, and of which certified copies shall be transmitted through diplomatic channels to the Contracting Powers.

[For Germany:] FRHRR VON STEIN [SEAL] DR. GAFFKY [SEAL]	[For Denmark:] F. REVENTLOW [SEAL]
[For the United States:] A. BAILLY-BLANCHARD [SEAL]	[For Ecuador:] VICTOR M. RENDON [SEAL] E. DORN Y DE ALSUA [SEAL]
[For Argentina:] FRANCISCO DE VEYGA [SEAL] EZEQUIEL CASTILLA [SEAL]	[For Spain:] F. DE REYNOSO [SEAL] ANGEL PULIDO [SEAL]
[For Austria-Hungary:] GAGERN [SEAL] HABERLER [SEAL] WORMS [SEAL] BÖLCS [SEAL] MÜLLER [SEAL]	[For France:] CAMILLE BARRÈRE [SEAL] GAVARRY [SEAL] DR. E. ROUX [SEAL] MIRMAN [SEAL] DR. A. CALMETTE [SEAL] ER. RONSSIN [SEAL] HARISMENDY [SEAL] PAUL ROUX [SEAL]
[For Belgium:] O. VELGHE [SEAL] DR. VAN ERMENGEM [SEAL]	[For the United Kingdom:] LANCELOT D. CARNEGIE [SEAL] RALPH W. JOHNSTONE [SEAL] BENJAMIN FRANKLIN [SEAL]
[For Bolivia:] ISMAEL MONTES [SEAL] DR. CHERVIN [SEAL]	[For Greece:] D. CACLAMANOS [SEAL]
[For Brazil:] DR. FIGUEIREDO DE VASCONCELLOS [SEAL]	[For Guatemala:] J. M. LARDIZABAL [SEAL]
[For Bulgaria:] STANCIOFF [SEAL] DR. G. CHICHCOFF [SEAL]	[For Haiti:] DR. CASSÉUS [SEAL]
[For Chile:] F. PUGA BORNE [SEAL]	[For Honduras:] DÉSIRÉ PECTOR [SEAL]
[For Colombia:] J. E. MANRIQUE [SEAL]	[For Italy:] ROCCO SANTOLIVUO [SEAL] ADOLFO COTTA [SEAL]
[For Costa Rica:] DR. A. ALVAREZ CAÑAS [SEAL]	[For Luxembourg:] BASTIN [SEAL] DR. PRAUM [SEAL]
[For Cuba:] TOMÁS COLLAZO [SEAL]	

<sup>20</sup> The United States was party only to the 1903 convention (TS 466, *ante*, p. 359).



[For Mexico:]		[For Russia:]	
MIGUEL ZUÑIGA Y AZCARATE	[SEAL]	PLATON DE WAXEL	[SEAL]
[For Montenegro:]		NICOLAS FREYBERG	[SEAL]
BRUNET	[SEAL]	[For El Salvador:]	
DR. E. BINET	[SEAL]	DR. S. LETONA	[SEAL]
[For Norway:]		[For Serbia:]	
F. WEDEL JARLSBERG	[SEAL]	MIL. R. VESNITCH	[SEAL]
[For Panama:]		[For Siam:]	
J. A. JIMENEZ	[SEAL]	DR. MANAUD	[SEAL]
[For the Netherlands:]		[For Sweden:]	
DR. W. P. RUYSCH	[SEAL]	GYLDENSTOLPE	[SEAL]
DR. C. WINKLER	[SEAL]	[For Switzerland:]	
[For Persia:]		LARDY	[SEAL]
M. SAMAD	[SEAL]	[For the Ottoman Empire:]	
[For Portugal:]		MISSAK	[SEAL]
ANTONIO AUGUSTO GON-	[SEAL]	[For Egypt:]	
ÇALVES BRAGA		Y. SADDIK	[SEAL]
[For Romania:]		[For Uruguay:]	
ALEXANDRE EM. LAHOVARY	[SEAL]	LUIS PIERA	[SEAL]

## APPENDIXES

## Appendix I

(See art. 82.)

[For text of "Regulations concerning the passage, in quarantine trains through Egyptian territory, of travelers and mail bags coming from contaminated countries," see *ante*, page 403.]

## APPENDIX II

(See art. 153.)

[For text of Khedival decrees of June 19, 1893, and December 25, 1894, and ministerial decision of June 19, 1893, concerning the operation of the Sanitary, Maritime, and Quarantine Service, see *ante*, pages 404, 409, and 410.]

## SUPPRESSION OF ABUSE OF OPIUM AND OTHER DRUGS

*Convention and final protocol signed at The Hague January 23, 1912; final protocol of Second International Opium Conference signed at The Hague July 9, 1913; final protocol of Third International Opium Conference signed at The Hague June 25, 1914; protocol respecting the putting into force of the convention, opened for signature at The Hague (signed for the United States February 11, 1915)*

*Senate advice and consent to ratification (convention and protocols of 1912 and 1913) October 18, 1913*

*Ratified by the President of the United States October 27, 1913*

*Ratification of the United States deposited at The Hague December 15, 1913*

*Entered into force February 11, 1915*

*Proclaimed by the President of the United States March 3, 1915*

*Supplemented and amended, as between contracting parties, by the convention of July 13, 1931,<sup>1</sup> as amended, and the protocols of December 11, 1946,<sup>2</sup> November 19, 1948,<sup>3</sup> and June 23, 1953<sup>4</sup>*

*Terminated by the single convention on narcotic drugs of March 30, 1961,<sup>5</sup> as between contracting parties to the single convention*

38 Stat. 1912, Treaty Series 612;  
1914 For. Rel. 938 and 939

[TRANSLATION]

### INTERNATIONAL OPIUM CONVENTION

His Majesty the German Emperor, King of Prussia in the name of the German Empire; The President of the United States of America; His Majesty the Emperor of China; The President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and

<sup>1</sup> TS 863, *post*.

<sup>2</sup> TIAS 1671, *post*.

<sup>3</sup> 2 UST 1629; TIAS 2308.

<sup>4</sup> 14 UST 10; TIAS 5273.

<sup>5</sup> 18 UST 1407; TIAS 6298.

of the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; the President of the Portuguese Republic; His Majesty the Emperor of All the Russias; His Majesty the King of Siam,

being desirous to take one step further in the way marked out by the International Commission at Shanghai in 1909;<sup>6</sup>

resolved to pursue progressive suppression of the abuse of opium, morphine, cocaine as well as drugs prepared or derived from these substances giving rise or which may give rise to analogous abuses;

taking into consideration the necessity and the mutual profit of an international understanding on this point;

being convinced that they will meet in this humanitarian effort the unanimous adhesion of all the nations interested,

have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

His Majesty the German Emperor, King of Prussia:

His Excellency Mr. Felix von Müller, His present Privy Counsellor, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Mr. Delbrück, His Superior Privy Counsellor;

Dr. Grünenwald, His Counsellor of Legation;

Dr. Kerp, His Privy Counsellor, Director at The Imperial Health Office;

Dr. Rössler, Imperial Consul at Canton.

President of the United States of America:

Bishop Charles H. Brent;

Dr. Hamilton Wright;

Mr. H. J. Finger.

His Majesty the Emperor of China:

His Excellency Mr. Liang Cheng, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

The President of the French Republic:

Mr. Henri Brenier, Inspector of the Agricultural and Commercial Services of Indo-China;

Mr. Pierre Guesde, Administrator of the Civil Services of Indo-China.

His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions Beyond the Seas, Emperor of India:

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<sup>6</sup> For a report of the American delegates to the International Opium Commission, Shanghai, Feb. 1-26, 1909, including text of final resolutions of the Commission, see *Opium Problem*, S. Doc. 377, 61st Cong., 2d sess.; the resolutions are also printed in John V. A. MacMurray, *Treaties and Agreements With and Concerning China, 1894-1919*, vol. II, p. 944.

The Right Honorable Sir Cecil Clementi Smith, G.C.M.G., Member of the Privy Council;

Sir William Stevenson Meyer, K.C.I.E., Chief Secretary of the Government of Madras;

Mr. William Grenfell Max Müller, C.B., M.V.O., His Counsellor of Embassy;

Sir William Job Collins, M.D., Deputy Lieutenant of the County of London.

His Majesty the King of Italy:

His Excellency Count J. Sallier de la Tour, Duke of Calvello, His Ambassador Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of Japan:

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Dr. Tomoe Takagi, Engineer of the General Government of Formosa;

Dr. Kotaro Nishizaki, Technical Specialist attached to the Laboratory of Hygienic Service.

Her Majesty the Queen of the Netherlands:

Mr. J. T. Cremer, Her Former Minister of the Colonies, President of the Dutch Commercial Company;

Mr. C. Th. van Deventer, Member of the First Chamber of the States General;

Mr. A. A. de Jongh, Former Inspector General and Chief of the Opium Régie Service in the Dutch Indies;

Mr. J. G. Scheurer, Member of the Second Chamber of the States General;

Mr. W. G. van Wettum, Inspector of the Opium Régie in the Dutch Indies.

His Imperial Majesty the Shah of Persia:

Mirza Mahmoud Khan, Secretary of the Persian Legation at The Hague.

The President of the Portuguese Republic:

His Excellency Mr. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of All the Russias:

His Excellency Mr. Alexandre Savinsky, His Master of Ceremonies, His present Counsellor of State, His Envoy Extraordinary and Minister Plenipotentiary at Stockholm.

His Majesty the King of Siam:

His Excellency Phya Akharaj Varadhara, His Envoy Extraordinary and Minister Plenipotentiary at London, The Hague and Brussels;

Mr. Wm. J. Archer, C.M.G., His Counsellor of Legation,

Who after having deposited their full powers which have been found to be in good and due form are agreed to that which follows:

## CHAPTER I

*Raw opium*

*Definition.* By raw opium shall be understood:

The spontaneously coagulated sap obtained from capsules of the soporific poppy (*Papaver somniferum*), and which shall not have been subjected to any but the processes necessary to the packing and the transportation thereof.

## Article 1

The Contracting Powers shall enact efficacious laws or regulations for the control of the production and distribution of raw opium, unless existing laws or regulations have already regulated the matter.

## Article 2

The Contracting Powers, taking into account the differences in their trade conditions, shall limit the number of towns, ports or other places through which the importation or exportation of raw opium shall be permitted.

## Article 3

The Contracting Powers shall take measures:

a. to prevent the exportation of raw opium to countries which shall have prohibited the entry thereof, and

b. to control the exportation of raw opium to countries which shall have limited the importation thereof,

unless existing measures have already regulated the matter.

## Article 4

The Contracting Powers shall issue regulations to provide that every package containing raw opium destined for exportation shall be marked in such a manner as to indicate its contents, providing the consignment shall exceed 5 kilograms.

## Article 5

The Contracting Powers shall not permit the importation and exportation of raw opium except through duly authorized persons.

## CHAPTER II

*Prepared opium*

*Definition.* By prepared opium shall be understood:

The product of raw opium obtained by a series of special processes, particularly by dissolution, boiling, heating and fermentation, and which is meant to be made into the form of an extract suitable for consumption.

Prepared opium comprises dross and all other residues of smoked opium.

## Article 6

The Contracting Powers shall take measures for the gradual and efficacious suppression of the manufacture, the internal traffic in and the use of prepared opium in so far as the different conditions peculiar to each nation shall allow of this, unless existing measures have already regulated the matter.

## Article 7

The Contracting Powers shall prohibit the importation and exportation of prepared opium; however, those nations which are not yet ready to prohibit the exportation of prepared opium at once, shall prohibit such exportation as soon as possible.

## Article 8

The Contracting Powers which are not yet prepared to prohibit at once the exportation of prepared opium:

*a.* shall limit the number of towns, ports or other places through which it shall be possible for prepared opium to be exported;

*b.* shall prohibit the exportation of prepared opium to the countries which now prohibit, or which shall later prohibit the importation thereof;

*c.* shall prohibit, in the meanwhile, that any prepared opium be sent to a country which desires to limit the entry thereof, unless the exporter shall conform to the regulations of the importing country;

*d.* shall take measures to the effect that each package exported containing prepared opium shall bear a special mark indicating the nature of its contents;

*e.* shall not permit the exportation of prepared opium except through the agency of persons especially authorized.

## CHAPTER III

*Medicinal opium, morphine, cocaine, etc.*

*Definitions.* By medicinal opium shall be understood:

raw opium which shall have been heated to 60 degrees centigrade whether or not powdered or granulated, or whether or not mixed with neutral substances, and which shall not contain less than 10 percent of morphine.

By morphine shall be understood:

the principal alkaloid of opium, expressed by the chemical formula  $C_{17}H_{19}NO_3$ .

By cocaine shall be understood:

the principal alkaloid of the leaves of *Erythroxylon Coca*, expressed by the formula  $C_{17}H_{21}NO_4$ .

By heroin shall be understood:

morphine-diacetate, expressed by the formula  $C_{23}H_{23}NO_5$ .

## Article 9

The Contracting Powers shall enact pharmacy laws and regulations in such a way as to limit the manufacture, the sale and the use of morphine, cocaine and their respective salts to medical and legitimate uses only, unless existing laws or regulations have already regulated the matter. They shall cooperate amongst themselves in order to prevent the use of these drugs for any other purpose.

## Article 10

The Contracting Powers shall use their best efforts to control, or to cause to be controlled all those who manufacture, import, sell, distribute and export morphine, cocaine and their respective salts, as well as the buildings where such persons exercise that industry or that commerce.

To this end, the Contracting Powers shall use their best efforts to adopt or to cause to be adopted the following measures, unless existing measures have already regulated the matter:

*a.* to limit the manufacture of morphine, cocaine and their respective salts to the premises and localities alone which shall have been authorized to this effect or to keep themselves informed as to the establishments and places where such drugs are manufactured, and to keep a register thereof;

*b.* to demand that all those who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts shall be provided with an authorization of a license to carry on these operations, or shall make an official declaration thereof to the competent authorities.

*c.* to demand of these persons the registration on their books of the quantities manufactured, the importations, the sales or any other transfer and exportations of morphine, cocaine and their respective salts. This rule shall not apply necessarily to medical prescriptions and to sales made by duly authorized pharmacists.

## Article 11

The Contracting Powers shall take measures to prohibit in their internal commerce all transfer of morphine, cocaine and their respective salts to all nonauthorized persons, unless existing measures have already regulated the matter.

## Article 12

The Contracting Powers, taking the differences in their conditions into account, shall use their best efforts to limit the importation of morphine, cocaine and their respective salts, to authorized persons.

## Article 13

The Contracting Powers shall use their best efforts to adopt, or cause to be adopted, measures to the end that the exportation of morphine, cocaine and



their respective salts from their countries, possessions, colonies and leased territories to the countries, possessions, colonies and leased territories of the other contracting powers, shall not take place except in case the persons for whom the drugs are intended shall have received authorizations or permits granted in conformity with the laws or regulations of the importing country.

To this end every government may from time to time communicate to the governments of the exporting countries lists of the persons to whom authorizations or permits to import morphine, cocaine and their respective salts shall have been granted.

#### Article 14

The Contracting Powers shall apply the laws and regulations for the manufacture, importation, sale or exportation of morphine, cocaine and their respective salts:

- a.* to medicinal opium;
- b.* to all preparations (official and non-official including the so-called anti-opium remedies) containing more than 0.2% of morphine or more than 0.1% of cocaine;
- c.* to heroin, its salts and preparations containing more than 0.1% of heroin;
- d.* to every new derivative of morphine, cocaine or their respective salts or to any other alkaloid of opium which might after generally recognized scientific investigations give rise to similar abuse and result in the same injurious effects.

### CHAPTER IV

#### Article 15

The Contracting Powers having treaties with China (Treaty Powers) shall take, on concert with the Chinese Government, the measures necessary for the prevention of the smuggling, as well with respect to Chinese territory as with respect to their colonies in the Far East and the leased territories which they occupy in China, of raw and prepared opium, morphine, cocaine and their respective salts, as well as of the substances indicated in article 14 of the present Convention. On its side the Chinese Government shall take analogous measures for the suppression of the smuggling of opium and the other substances hereinbefore indicated, from China to foreign colonies and leased territories.

#### Article 16

The Chinese Government shall promulgate pharmacy laws for its subjects, regulating the sale and distribution of morphine, cocaine and their respective salts and of the substances indicated in article 14 of the present Convention, and shall communicate these laws to the Governments having treaties with China, through the intermediary of their diplomatic representatives at

Pekin. The Contracting Powers having treaties with China shall examine these laws, and, if they find them acceptable, shall take the necessary measures to the end that they be applied to their nationals residing in China.

#### Article 17

The Contracting Powers having treaties with China shall undertake to adopt the measures necessary for the restraint and control of the opium-smoking habit in their leased territories, "settlements" and concessions in China, for the suppression *pari passu* with the Chinese Government of the opium divans or similar establishments which may still exist there, and for the prohibition of the use of opium in houses of amusement and of prostitution.

#### Article 18

The Contracting Powers having treaties with China shall take effective measures for the gradual reduction, *pari passu* with the effective measures which the Chinese Government shall take to the same end, of the number of shops, intended for the sale of raw and prepared opium, which may still exist in their leased territories, settlements and concessions in China. They shall adopt efficacious measures for the restraint and control of the retail trade in opium in the leased territories, settlements and concessions, unless existing measures have already regulated the matter.

#### Article 19

The Contracting Powers who have post-offices in China shall adopt efficacious measures to prohibit the illegal importation into China, in the guise of a postal package, as well as the illegal transmission from one locality to another in China through the intermediary of these post-offices, of opium, whether raw or prepared, of morphine and of cocaine and their respective salts, and of other substances indicated in article 14 of the present Convention.

### CHAPTER V

#### Article 20

The Contracting Powers shall examine into the possibility of enacting laws or regulations making the illegal possession of raw opium, prepared opium, morphine, cocaine and their respective salts liable to penalties, unless existing laws or regulations have already regulated the matter.

#### Article 21

The Contracting Powers shall communicate to each other, through the Netherlands Ministry for Foreign Affairs:

a. the text of the laws and the administrative regulations in existence which concern matters aimed at by the present convention or enacted by virtue of its clauses;

*b.* statistical information with respect to that which concerns the traffic in raw opium, prepared opium, morphine, cocaine and their respective salts, as well as all other drugs or their salts or preparations aimed at by the present Convention.

These data shall be furnished with as much detail and in as short a time as shall be deemed possible.

## CHAPTER VI

### *Final Provisions*

#### Article 22

The Powers not represented at the Conference shall be permitted to sign the present Convention.

To this end, the Netherlands Government shall invite, immediately after the Convention shall have been signed by the Plenipotentiaries of the Powers who have taken part in the Conference, all the Powers of Europe and of America not represented at the Conference, to wit:

The Argentine Republic; Austria-Hungary; Belgium; Bolivia; Brazil; Bulgaria; Chile; Colombia; Costa Rica; Republic of Cuba; Denmark; Dominican Republic; Republic of Ecuador; Spain; Greece; Guatemala; Republic of Haiti; Honduras; Luxemburg; Mexico; Montenegro; Nicaragua; Norway; Panama; Paraguay; Peru; Roumania; Salvador; Servia; Sweden; Switzerland; Turkey; Uruguay; United States of Venezuela,

to designate a Delegate furnished with the full powers necessary for the signing of the Convention at The Hague.

The Convention shall be furnished with these signatures by means of a "Protocol of signature of Powers not represented at the Conference," to be added after the signatures of the Powers represented and indicating the date of each signature.

The Netherlands Government shall give notice every month, to all the Signatory Powers, of each supplementary signature.

#### Article 23

After all the Powers, as much for themselves as for their possessions, colonies, protectorates and leased territories, shall have signed the Convention, or the supplementary Protocol hereinbefore indicated, the Netherlands Government shall invite the Powers to ratify the Convention together with this Protocol.

In case the signature of all the Powers invited shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date, to designate Delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications.<sup>7</sup>

<sup>7</sup> See final protocol of July 9, 1913, *post*, p. 869.

Ratification shall be executed within as short a time as possible and shall be deposited at once at The Hague in the Ministry for Foreign Affairs.

The Netherlands Government shall give notice every month to the Signatory Powers of the ratifications which it shall have received in the interval.

As soon as the ratifications of all the signatory Powers, as much for themselves as for their colonies, possessions, protectorates and leased territories, shall have been received by the Netherlands Government, this Government shall give notice to all the Powers who shall have ratified the Convention, of the date on which the last of such acts of ratification shall have been received.

#### Article 24

The present Convention shall go into effect three months after the date mentioned in the Netherlands Government's notification, as indicated in the last paragraph of the preceding article.<sup>8</sup>

With regard to the laws, regulations and other measures provided for by the present Convention, it is agreed that the drafts necessary to this end shall be drawn up not later than six months after the going into effect of the Convention. With regard to the laws, these shall also be proposed by the Governments to their parliaments or legislative bodies within this same period of six months, and in any case at the first session which shall follow the expiration of this period.

The date from which these laws, regulations, or measures shall go into effect shall be the subject of an agreement between the Signatory Powers, at the instance of the Netherlands Government.

In case questions shall arise relative to the ratification of the present Convention, or relative to the going into effect of the Convention, or of the laws, regulations and measures which such Convention involves, the Netherlands Government, if these questions cannot be decided by other means, shall invite all the Signatory Powers to designate delegates who shall assemble at The Hague to come to an immediate agreement on these questions.

#### Article 25

If it should happen that one of the Contracting Powers should wish to denounce the present Convention, such denunciation shall be notified in writing to the Netherlands Government, who shall immediately communicate a certified copy in conformity with such notification to all the other Powers, informing them at the same time as to the date on which it received such notification.

The denunciation shall have no effect except with respect to the Power who shall have given notice thereof and one year after such notice shall have reached the Netherlands Government.

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<sup>8</sup> See final protocol of June 25, 1914, *post*, p. 873.

In witness whereof, the Plenipotentiaries have affixed their signatures to the present Convention.

Done at The Hague, January 23, 1912, in one single copy, which shall remain deposited in the archives of the Government of the Netherlands and copies of which, certified in conformity, shall be delivered through diplomatic channels to all the Powers represented at the Conference.

For Germany:

F. VON MÜLLER  
DELBRÜCK  
GRÜNENWALD

For the United States of America:

CHARLES H. BRENT  
HAMILTON WRIGHT  
HENRY J. FINGER

For China:

LIANG CHENG

For France:

H. BRENIER

With the reservation that a separate and special ratification or denunciation may subsequently be obtained for the French protectorates.

For Great Britain:

W. S. MEYER  
W. G. MAX MÜLLER  
WILLIAM JOB COLLINS

With the reservation of the following declaration:

The articles of the present convention, if ratified by His Britannic Majesty's Government, shall apply to the Government of British India, Ceylon, the Straits Settlements, Hong Kong, and Wei-hai Wei in every respect in the same way as they shall apply to the United Kingdom of Great Britain and Ireland; but His Britannic Majesty's Government reserve the right of signing or denouncing separately the said convention in the name of any dominion, colony, dependency, or protectorate of His Majesty other than those which have been specified.

For Italy:

G. DE LA TOUR CALVELLO

For Japan:

AIMARO SATO  
TOMOE TAKAGI  
KOTARO NISHIZAKI

For the Netherlands:

J. T. CREMER  
C. TH. VAN DEVENTER  
A. A. DE JONGH  
J. G. SCHEURER

For Persia:

MIRZA MAHMOUD KHAN

With the reservation of Articles 15, 16, 17, 18, and 19 (Persia having no Treaty with China), and paragraph (a) of Article 3.

For Portugal:

ANTONIO MARIA BARTHOLOMEU  
FERREIRA

For Russia:

A. SAVINSKY

For Siam:

AKHARAJ VARADHARA  
WM. J. ARCHER

With the reservation of Articles 15, 16, 17, 18, and 19, Siam having no treaty with China.

## FINAL PROTOCOL OF THE INTERNATIONAL OPIUM CONFERENCE

The International Opium Conference, proposed by the Government of the United States of America and convoked by the Government of the Nether-

lands, assembled at The Hague in the Palace of the Knights, December 1, 1911.

The Governments, the enumeration of which follows, have taken part in the Conference, to which they had designated the Delegates hereafter named:

GERMANY:

His Excellency Mr. Felix von Müller, Privy Counsellor, Envoy Extraordinary and Minister Plenipotentiary at The Hague, First Delegate Plenipotentiary;

Mr. Delbrück, Privy Counsellor, Delegate Plenipotentiary;

Dr. Grünenwald, Counsellor of Legation, Delegate Plenipotentiary;

Dr. Kerp, Privy Counsellor, Director of the German Health Department, Delegate Plenipotentiary;

Dr. Rössler, German Consul at Canton, Delegate Plenipotentiary.

THE UNITED STATES OF AMERICA:

Bishop Charles H. Brent, Delegate Plenipotentiary;

Mr. Hamilton Wright, Delegate Plenipotentiary;

Mr. H. J. Finger, Delegate Plenipotentiary.

CHINA:

His Excellency Mr. Liang Cheng, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary;

Mr. T'ang Kwo-an, Assistant Secretary at the Wai-wu Pu, Delegate;

Mr. Tchang Tsu-Sueng, chargé d'affaires *ad interim* at The Hague, Delegate;

Dr. Wu Lien-Teh, M.D. (Cambridge), Surgeon-Major, Director of the School of Medicine, Delegate;

Mr. F. A. Carl, formerly Commissioner of the Imperial Maritime Customs at Newchwang, Delegate;

Mr. A. J. Commijs, Assistant Secretary in the Department of the Inspector-General of Imperial Maritime Customs, Delegate.

FRANCE:

Mr. Henri Brenier, Advisory Inspector of the Agricultural and Commercial Service of Indo-China, Delegate Plenipotentiary;

Mr. Pierre Guesde, Administrator of the Civil Service of Indo-China, Delegate Plenipotentiary;

Dr. Gaide, Surgeon-Major of the Colonial Troops, Technical Adviser.

GREAT BRITAIN:

The Right Honorable Sir Cecil Clementi Smith, G.C.M.G., Member of the Privy Council, Delegate Plenipotentiary;

Sir William Stevenson Meyer, K.C.I.E., Chief Secretary to the Government of Madras, Delegate Plenipotentiary;



Mr. William Grenfell Max Müller, C.B., M.V.O., Counsellor of Embassy,  
Delegate Plenipotentiary;  
Sir William Job Collins, M.D., Deputy Lieutenant of the County of London,  
Delegate Plenipotentiary.

## ITALY:

His Excellency Count J. Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;  
Professor Rocco Santoliquido, Member of Parliament, Director-General of Public Health, Delegate.

## JAPAN:

His Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;  
Dr. Tomoe Takagi, Engineer to the Government-General of Formosa, Delegate Plenipotentiary;  
Dr. Kotaro Nishizaki, Technical Expert, attached to the Laboratory of the Hygienic Department, Delegate Plenipotentiary.

## THE NETHERLANDS:

Mr. J. T. Cremer, formerly Minister for the Colonies, President of the Dutch Society of Commerce, Delegate Plenipotentiary;  
Mr. C. Th. van Deventer, Member of the First Chamber of the States-General, Delegate Plenipotentiary;  
Mr. A. A. de Jongh, formerly Inspector-General, Head of the Opium Monopoly in the Dutch Indies, Delegate Plenipotentiary;  
Mr. J. G. Scheurer, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;  
Mr. W. G. van Wettum, Inspector of the Opium Monopoly in the Dutch Indies, Delegate Plenipotentiary.

## PERSIA:

Mirza Mahmoud Khan, Secretary of the Persian Legation at The Hague, Delegate Plenipotentiary.

## PORTUGAL:

His Excellency Mr. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;  
Mr. Oscar George Potier, Consul-General of the First Class, Delegate of the Ministry for Foreign Affairs, Delegate;  
Mr. A. Sanches de Miranda, Captain of Artillery, formerly Governor of Colonies, Delegate of the Ministry of the Colonies, Delegate.

## RUSSIA:

His Excellency Mr. Alexandre Savinsky, Master of Ceremonies of His



Majesty the Emperor, Counsellor of State, Envoy Extraordinary and Minister Plenipotentiary at Stockholm, Delegate Plenipotentiary; Mr. Chapiroff, Honorary Physician at the Court of His Majesty the Emperor, Medical Inspector of the Frontier Guards, Delegate.

SIAM:

His Excellency Phya Akharaj Varadhara, Envoy Extraordinary and Minister Plenipotentiary in London, The Hague, and Brussels, Delegate Plenipotentiary;

Mr. William J. Archer, C.M.G., Counsellor of Legation, Delegate Plenipotentiary;

In a series of meetings held from the 1st of December, 1911, to the 23rd of January, 1912, the Conference determined upon the text of Convention hereto annexed:

The Conference has further expressed the following wishes:

I. The Conference is of the opinion that there is reason to draw the attention of the Universal Postal Union:

1° to the urgency of regulating the transmission by post of raw Opium;

2° to the necessity of regulating, so far as possible, the transmission by post of Morphine and Cocaine and their respective salts, and of the other substances contemplated by Article 14 of the Convention;

3° to the necessity of prohibiting the transmission of prepared Opium by the post.

II. The Conference is of the opinion that it is advisable to study the question of Indian Hemp from the statistical and scientific standpoint, with a view to regulating its misuse, should the necessity therefor make itself felt, by domestic legislation or by an international agreement.

In testimony whereof, the Plenipotentiaries have affixed their signatures to the present Protocol.

Done at The Hague, the 23rd day of January, 1912, in a single copy, which shall remain deposited in the Archives of the Government of the Netherlands, and copies of which, certified and conforming thereto, shall be delivered through the diplomatic channel to all the Powers represented at the Conference.

For Germany:

F. VON MÜLLER  
DELBRÜCK  
GRUNENWALD

For the United States of America:

CHARLES H. BRENT  
HAMILTON WRIGHT  
HENRY J. FINGER

For China:

LIANG CHENG

For France:

H. BRENIER

For Great Britain:

W. S. MEYER  
W. G. MAX MÜLLER  
WILLIAM JOB COLLINS

For Italy:

G. DE LA TOUR CALVELLO

For Japan:

AIMARO SATO

TOMOE TAKAGI

KOTARO NISHIZAKI

For the Netherlands:

J. T. CREMER

C. TH. VAN DEVENTER

A. A. DE JONGH

J. G. SCHEURER

For Persia:

MIRZA MAHMOUD KHAN

For Portugal:

ANTONIO MARIA BARTHOLOMEU

FERREIRA

For Russia:

A. SAVINSKY

For Siam:

AKHARAJ VARADHARA

WM. J. ARCHER

## FINAL PROTOCOL OF THE SECOND INTERNATIONAL OPIUM CONFERENCE, 1913

The Second International Opium Conference, convoked by the Government of the Netherlands in virtue of Article 23 of the International Opium Convention, met at The Hague, in the Palace of the Counts, July 1, 1913.

The Governments enumerated below took part in the Conference, for which they had designated the following-named delegates:

### GERMANY:

His Excellency Mr. Felix von Müller, Privy Counsellor, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

### UNITED STATES OF AMERICA:

Dr. Hamilton Wright, Special Commissioner of the Department of State, delegate;

His Excellency Mr. Lloyd Bryce, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate;

Mr. Gerrit John Kollen, President Emeritus of Hope College, Professor of Mathematics, delegate.

### ARGENTINE REPUBLIC:

Dr. François de Veyga, delegate.

### BELGIUM:

His Excellency Baron Alberic Fallon, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

### UNITED STATES OF BRAZIL:

His Excellency Mr. J. Graça Aranha, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

### CHILE:

His Excellency Mr. Jorge Huneeus, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

## CHINA:

His Excellency Mr. W. W. Yen, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;  
Dr. Wu Lien-Teh, M.A., M.D. (Cambridge), Surgeon-Major, Director of the Medical Service, Physician of the Foreign Office, Delegate Plenipotentiary.

## COLOMBIA:

Mr. Ch. Hischemöller, Consul at Rotterdam, delegate.

## THE REPUBLIC OF COSTA RICA:

His Excellency Mr. Manuel M. de Peralta, Envoy Extraordinary and Minister Plenipotentiary at Paris and at The Hague, delegate.

## DENMARK:

Mr. J. G. de Grevenkop Castenskjold, Minister Resident at Brussels and at The Hague, delegate.

## DOMINICAN REPUBLIC:

His Excellency Dr. José Lamarche, Envoy Extraordinary and Minister Plenipotentiary, delegate.

## ECUADOR:

His Excellency Mr. Jorge Huneeus, Envoy Extraordinary and Minister Plenipotentiary of Chile at Brussels and at The Hague, delegate.

## SPAIN:

M. Manuel Garcia de Acilu y Benito, Chargé d'Affaires *ad interim* at The Hague, delegate.

## FRANCE:

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## GREAT BRITAIN:

Mr. William Grenfell Max Müller, C.B., M.V.O., Councillor of Embassy, delegate;  
Sir William J. Collins, D.L., M.D., F.R.C.S., former Chairman of the London County Council, delegate.

## HAYTI:

Mr. Stenio Vincent, Chargé d'Affaires at The Hague, delegate.

## ITALY:

Marquis Alexandre Compans de Brichanteau, Chargé d'Affaires *ad interim* at The Hague, delegate.

## JAPAN:

Mr. Jumpei Shinobu, Chargé d'Affaires *ad interim* at The Hague, delegate.

## LUXEMBURG:

His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

## MEXICAN UNITED STATES:

His Excellency Mr. Federico Gamboa, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

## THE NETHERLANDS:

Mr. J. T. Cremer, former Minister for the Colonies, former president of the Netherlands Society of Commerce, Member of the First Chamber of the States-General, first delegate;

Dr. C. Th. van Deventer, Member of the First Chamber of the States-General, delegate;

Mr. A. A. de Jongh, former inspector-general, head of the opium monopoly in the Dutch Indies, delegate;

Dr. J. G. Scheurer, Member of the Second Chamber of the States-General, delegate.

## PORTUGAL:

His Excellency Mr. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## RUSSIA:

His Excellency Mr. A. Swétchine, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate;

Professor Stanislas Przibytsek, member of the Academy of Medicine at St. Petersburg, delegate.

## SIAM:

His Excellency Mr. Phya Sudham Maitri, Envoy Extraordinary and Minister Plenipotentiary at London, Brussels and The Hague, delegate;

Mr. William J. Archer, Counsellor of Legation at London and The Hague, delegate.

In a series of meetings held July 1–9, 1913, the Conference after examination of the question put before it by paragraph 2 of Article 23 of the International Opium Convention of January 23, 1912,

I. Decided that ratifications may be deposited from this moment.

II. Unanimously adopted the following resolution:

Desirous of following up in the path opened by the international commission of Shanghai of 1909<sup>o</sup> and the first conference of 1912 at The Hague, the progressive suppression of the abuse of opium, morphine, cocaine, as well as of drugs prepared with or derived from those substances, and deeming it more than ever necessary and mutually advantageous to have an international agreement on that point, the Second International Conference—

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<sup>o</sup> See footnote 6, *ante*, p. 856.

1. Utters a wish that the Government of the Netherlands be pleased to call to the attention of the Governments of Austria-Hungary, Norway, and Sweden the fact that the signature, ratification, drawing up of legislative measures, and putting the convention into force constitute four distinct stages which permit of those powers giving their supplemental signature even now.

Indeed, it is seen from articles 23 and 24 that a period of six months is allowed to run between the going into effect of the convention and the drawing up of the bills, regulations, and other measures contemplated in the convention. Furthermore, the third paragraph of article 24 gives the contracting powers the liberty to reach an agreement, after ratification, upon the date on which the said legislative measures shall go into effect. Besides we can not refrain from remarking that the difficulties foreseen by Austria-Hungary, Norway, and Sweden with respect to their legislation were not unknown to the delegates of the signatory powers and were subjected to thorough consideration on the part of the twelve contracting powers. Nearly all the signatory powers are in the same situation as the above-mentioned Governments and have not yet elaborated all the bills contemplated by the convention;

2. Utters the wish that the Government of the Netherlands be pleased to communicate to the Governments of Bulgaria, Greece, Montenegro, Peru, Roumania, Servia, Turkey, and Uruguay the following resolution:

"The conference regrets that some Governments have refused or neglected to sign the convention as yet. The conference is of opinion that the abstention of those powers would prove a most serious obstruction to the humane purposes aimed at by the convention. The conference expresses its firm hope that those powers will desist from their negative or dilatory attitude;"

3. Utters the wish that the Government of the Netherlands be pleased to point out to the Helvetic Government its error in deeming its cooperation to be of hardly any value. Contrary to what is said in the Federal Council's letter of October 25, 1912, the conference holds that Switzerland's cooperation would be most serviceable in its effect, whereas her abstention would jeopardize the results of the convention. As to the question raised by the Federal Council concerning the respective powers of the Federal and Canton Legislatures, it is to be noted that similar difficulties were already considered by the first conference, which took them into account in wording the convention;

4. Requests the signatory Governments to instruct their representatives abroad to uphold the above-indicated action of their Netherland colleagues;

III. Utters the wish that in case the signature of all the powers invited by virtue of paragraph 1 of article 23 shall not have been secured by the 31st of December, 1913, the Government of the Netherlands will immediately invite the signatory powers on that date to designate delegates to take up the question whether it is possible to put the International Opium Convention of January 23, 1912, into operation.<sup>10</sup>

In faith whereof the delegates have affixed their signatures to the present protocol.

Done at The Hague, the ninth of July, one thousand nine hundred and thirteen, in one copy that shall remain deposited in the archives of the Government of the Netherlands and certified copies of which shall be delivered through the diplomatic channel to all the powers, whether or not signatory.

For Germany:

F. VON MÜLLER

For the United States of America:

HAMILTON WRIGHT

LYDD BRYCE

GERRIT J. KOLLEN

For the Argentine Republic:

FRANC. DE VEYGA

For Belgium:

BN. ALB. FALLON

For the United States of Brazil:

GRAÇA ARANHA

<sup>10</sup> See final protocol of June 25, 1914, *post*, p. 873.

For Chile:  
JORGE HUNEEUS

For China:  
W. W. YEN  
WU LIEN TEH

For Colombia:  
CHR. HISCHEMÖLLER

For Costa Rica:  
MANUEL M. DE PERALTA

For Denmark:  
W. GREVENKOP CASTENSKJOLD

For the Dominican Republic:  
J. LAMARCHE

For Ecuador:  
JORGE HUNEEUS

For Spain:  
MANUEL G. DE ACILU

For France:  
MARCELLIN PELLET

For Great Britain:  
W. G. MAX MÜLLER  
WILLIAM JOB COLLINS

For Hayti:  
STENIO VINCENT

For Italy:  
BRICHANTEAU

For Japan:  
J. SHINOBU  
(Subject to the eventual approval  
of his Government.)

For Luxemburg:  
BN. ALB. FALLON

For the Mexican United States:  
F. GAMBOA

For the Netherlands:  
J. T. CREMER  
C. TH. VAN DEVENTER  
A. A. DE JONGH  
J. G. SCHEURER

For Portugal:  
ANTONIO MARIA BARTHOLOMEU  
FERREIRA

For Russia:  
A. SWETCHINE

For Siam:  
PHYA SUDHAM MAITRI  
WM. J. ARCHER

#### FINAL PROTOCOL OF THE THIRD INTERNATIONAL OPIUM CONFERENCE, 1914

The Third International Opium Conference, convoked by the Government of the Netherlands in accordance with the third resolution of the Second Conference, met at The Hague, in the Hall of the Knights, on June 15, 1914.

The Governments hereinafter enumerated participated in the Conference, for which they had appointed the following delegates:

##### GERMANY:

His Excellency Mr. Felix von Müller, Privy Counsellor, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

##### UNITED STATES OF AMERICA:

His Excellency Mr. Henry van Dyke, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate;

Mr. Charles Denby, Consul-General at Vienna, delegate.

##### ARGENTINE REPUBLIC:

Dr. François de Veyga, Honorary Professor at the Faculty of Medicine, Buenos Aires, Inspector-General of the Sanitary Service of the Argentine Army (S. R.), delegate.

##### BELGIUM:

His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## UNITED STATES OF BRAZIL:

His Excellency Mr. José Pereira da Graça Aranha, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## CHILE:

His Excellency Mr. Jorge Huneeus, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

## CHINA:

His Excellency Mr. Yen Hui-Ching, Envoy Extraordinary and Minister Plenipotentiary at Berlin, delegate;

His Excellency Mr. T'ang Tsai-Fou, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## DENMARK:

Mr. J. G. de Grevenkop Castenskjold, Minister Resident at Brussels and at The Hague, delegate.

## DOMINICAN REPUBLIC:

His Excellency Dr. José Lamarche, Envoy Extraordinary and Minister Plenipotentiary, delegate.

## ECUADOR:

Mr. Miguel A. Seminario, Chargé d'Affaires at Brussels, delegate.

## SPAIN:

His Excellency D. Fernando Osorio y Elola, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## FRANCE:

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## GREAT BRITAIN:

Mr. William Grenfell Max Müller, C.B., M.V.O., Counsellor of Embassy, Consul-General at Budapest, delegate;

Sir William J. Collins, K.C.V.O., M.D., F.R.C.S., former Chairman of the London County Council, delegate.

## GUATEMALA:

Mr. José Maria Lardizabal, Chargé d'Affaires at Paris and The Hague, delegate.

## HAITI:

Mr. Stenio Vincent, Chargé d'Affaires at The Hague, delegate.

## ITALY:

His Excellency Count Joseph Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.



## JAPAN:

His Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## LUXEMBURG:

His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

## MEXICAN UNITED STATES:

His Excellency Mr. Carlos Pereyra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

## MONTENEGRO:

Mr. H. Mendes da Costa, Consul-General at Amsterdam, delegate.

## THE NETHERLANDS:

Mr. J. T. Cremer, former Minister of the Colonies, former President of the Netherlands Society of Commerce, Member of the First Chamber of the States-General, first delegate;

Dr. C. Th. van Deventer, Member of the Second Chamber of the States-General, delegate;

Mr. A. A. de Jongh, former Inspector-General, head of the Opium Monopoly in the Dutch Indies, Burgomaster of Hoorn, delegate.

## PERSIA:

Mirza Mahmoud Khan, Chargé d'Affaires at The Hague, delegate.

## PORTUGAL:

His Excellency Mr. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate;

Major A. A. Sanches de Miranda, a former Colonial Governor, delegate of the Ministry of the Colonies.

## ROUMANIA:

His Excellency Mr. Charles M. Mitileneu, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## RUSSIA:

His Excellency Mr. A. Swétchine, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

## SIAM:

His Excellency Mr. Phya Sudham Maitri, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate;

Mr. William J. Archer, Counsellor of Legation at London and The Hague, delegate.

## SWEDEN:

His Excellency Mr. C. F. de Klercker, Envoy Extraordinary and Minister Plenipotentiary at Brussels and The Hague, delegate.

## SWITZERLAND:

His Excellency Mr. G. Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate.

## URUGUAY:

His Excellency Mr. Alberto Guani, Envoy Extraordinary and Minister Plenipotentiary at Brussels and The Hague, delegate.

## THE UNITED STATES OF VENEZUELA:

Dr. Esteban Gil Borges, First Secretary of Legation at Paris, delegate.

At a series of meetings held from June 15 to 25, 1914, the Conference, having examined the question submitted to it under the third resolution passed by the Second Conference.

(A) Has placed on record the following opinions:

1. That it is possible to bring into force the International Opium Convention of January 23, 1912, notwithstanding the fact that some of the Powers invited, in pursuance of paragraph 1 of Article 23, have not yet signed the Convention.

2. That the Convention shall come into force between all the signatory Powers as soon as the Powers which have already signed, and those which have expressed their intention to adhere to it, have ratified it. The date of the coming into force of the Convention shall be that fixed by paragraph 1 of Article 24.

3. That, if by a date to be determined by the Conference all the signatory Powers have not yet deposited their ratifications, it shall be permissible for the signatory Powers whose ratifications have been deposited by that date, to bring the Convention into force. The same power shall obtain for the signatory Powers which may successively deposit their ratifications after that date.

4. That the date indicated in 3 shall be December 31, 1914.

5. That the power of acceding to the Convention do remain open to the Powers which have not yet signed.

(B) Has decided:

That a protocol by which the signatory Powers desirous of availing themselves of the power mentioned in 3 shall be able to declare their intention of putting the convention in force shall be opened at The Hague.<sup>11</sup>

His Excellency the Minister for Foreign Affairs of the Netherlands, in accordance with the unanimous wish of the Conference, has consented to draw up this protocol, which will remain open for signature.

(C) Has unanimously carried the following resolution:

The Conference invites His Excellency the Minister for Foreign Affairs of the Netherlands to make, in the name of the Conference, an urgent and re-

<sup>11</sup> *Post*, p. 878.

spectful representation to the signatory Powers which have not yet ratified the Convention nor expressed their intention of doing so, with a view to induce them to declare their readiness shortly to deposit their ratifications, in order that the Convention may come into force as soon as possible.

In witness whereof the delegates have attached their signatures to this protocol.

Done at The Hague, June 25, 1914, in one instrument, which shall be deposited in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be forwarded through diplomatic channels to all the signatory and the non-signatory Powers.

For Germany:

F. VON MÜLLER

(With reference to his votes on  
June 18, 1914.)

For the United States of America:

HENRY VAN DYKE

CHAS. DENBY

For the Argentine Republic:

FRANC. DE VEYGA

For Belgium:

BN. ALB. FALLON

For the United States of Brazil:

GRAÇA ARANHA

For Chile: <sup>12</sup>

For China:

W. W. YEN

Ts. F. T'ANG

For Denmark:

W. GREVENKOP CASTENSKJOLD

For the Dominican Republic: <sup>12</sup>

For Ecuador: <sup>12</sup>

For Spain:

FERNANDO DE OSORIO

For France:

MARCELLIN PELLET

For Great Britain:

W. G. MAX MÜLLER

WILLIAM JOB COLLINS

For Guatemala:

JOSÉ M. LARDIZABAL

For Hayti: <sup>12</sup>

For Italy:

S. DE LA TOUR CALVELLO

For Japan:

AIMARO SATO

For Luxemburg:

BN. ALB. FALLON

For the Mexican United States:

CARLOS PEREYRA

For Montenegro:

H. M. MENDES DA COSTA

For the Netherlands:

J. T. CREMER

C. TH. VAN DEVENTER

A. A. DE JONGH

For Persia:

MIRZA MAHMOUD KHAN

For Portugal:

ANTONIO MARIA BARTHOLOMEU

FERREIRA

A. A. SANCHES DE MIRANDA

For Roumania:

C. M. MITILINEU

For Russia:

A. SWÉTCHEINE

For Siam:

PHYA SUDHAM MAITRI

WM. J. ARCHER

For Sweden:

F. DE KLERCKER

For Switzerland:

CARLIN

For Uruguay: <sup>12</sup>

For the United States of Venezuela:

E. GIL BORGES

<sup>12</sup> Signature not affixed because of interruption of communications as a result of World War I.

# PROTOCOL RESPECTING THE PUTTING INTO FORCE OF THE INTERNATIONAL OPIUM CONVENTION

The undersigned, duly authorised by their respective Governments, in virtue of the power provided under No. 3 of the Final Protocol of the Third International Opium Conference, declare that their Governments, having ratified the International Opium Convention of January 23, 1912, intend to put it into operation.

As regards the Powers which shall sign this Protocol before December 31, 1914, the Convention will come into force on that date; as regards the Powers which shall sign it after December 31, 1914, the Convention will come into force on the date of signature.

For the United States of America: HENRY VAN DYKE    February 11, 1915	For Belgium: ALB. FALLON                      May 14, 1919
For China: T'ANG TSAI-FOU    February 11, 1915	For Luxemburg: ALB. FALLON                      May 14, 1919
For the Netherlands: J. LOUDON                      February 11, 1915	For Sweden: G. DE DARDEL                      January 13, 1921
For Honduras: E. H. CRONE                      April 3, 1915	For Spain: SANTIAGO MENDEZ    February 11, 1921 DE VIGO
For Norway: F. HAGERUP                      September 20, 1915	

[A large number of countries became signatories to the present protocol by virtue of ratification of the Treaty of Versailles of June 28, 1919 (see article 295 of the treaty, *post*, vol. 2).]

## WHANGPOO CONSERVANCY

*Agreement amending the agreement of September 27, 1905,<sup>1</sup> proposed by the Chinese Government, approved by the Diplomatic Body<sup>2</sup> at Peking April 9, 1912*

*Entered into force April 9, 1912*

*Supplementary article (no. 12) pursuant to article 8 adopted October 19, 1915<sup>3</sup>*

*Terminated as between the United States and China May 20, 1943, by treaty of January 11, 1943<sup>4</sup>*

Department of State files; enclosure to letter of October 23, 1915, from U.S. Minister at Peking

1. The Whangpu Conservancy Board of Administration, to be known shortly as the Conservancy Board, shall consist of the Shanghai Taotai, the Shanghai Customs Commissioner, and the Coast Inspector.

2. The authority with which the Conservancy Board is invested is delegated to it by the Chinese Government; and consequently the Board is in no way subordinate to the Provincial Authorities. The several members of the Board, have, as such, equal authority, and the opinion of the majority is to be determinative.

3. The Board shall have entire charge of the finances connected with conservancy matters. In this connection:

- (a) The original annual government grant of Tls. 460,000 shall periodically, on fixed dates, be paid to the Board's accounts, in whatever Bank or banks such accounts may be kept, and the Board will take charge of the existing conservancy loan account and will provide for the payment of the principal and interest as they fall due.
- (b) All conservancy funds, in whosoever's hands, shall, within 30 days of the promulgation of this Agreement, be paid to the Conservancy Board account.

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<sup>1</sup> TS 448, *ante*, p. 446.

<sup>2</sup> The 11 powers whose diplomatic representatives at Peking constituted the Diplomatic Body were: Austria-Hungary, Belgium, France, Germany, Italy, Japan, the Netherlands, Russia, Spain, the United Kingdom, and the United States.

<sup>3</sup> For text, see *post*, p. 897.

<sup>4</sup> TS 984, *post*.

- (c) Any new annual government grant that may be made shall periodically, on fixed dates, be paid in full on the Conservancy Board's account.
- (d) The Conservancy Tax on Imports and Exports referred to in Article 4, shall be collected by the Commissioner of Customs and shall periodically, on fixed dates, be paid to the Conservancy Board's account.
- (e) The Conservancy Board will disburse conservancy funds for the execution of the necessary works and for the maintenance of staff and office at its discretion. Cheques will be cashed on the signature of any two members.

4. The several Chambers of Commerce and Associations representing the Commercial interests of Shanghai, having agreed to the raising of a tax for conservancy purposes, consisting of 3% of the Customs Duties and, in the case of duty-free goods, of 1½ per mille of value, the tax shall be dealt with, as provided in Article 3 (d), as soon as such formalities as are necessary to regularize it have been completed and notified to the Conservancy Board by the Ministers.

NOTE: This tax is based generally on the figures given in Mr. Commissioner Merrill's Memorandum of the 15th April, 1910, in order to provide the Hk. Taels 300,000 which is Mr. Merrill's estimate of the sum necessary for the modest programme set forth therein.

5. For all contracts in connection with the works, and for the purchase of material or machinery, etc., public tenders will be invited, and the tender offering the most advantageous conditions accepted.

6. The Conservancy Board shall appoint, at its discretion, and shall control the staff necessary for the work to be effected, including the Secretary and Engineer-in-Charge.

7. The general jurisdiction of the Conservancy Board extends over the Whangpu from the Yangtse to its tidal limit, that is to say within those limits—between the high water lines—no operation which may possibly affect the regimen of the river shall be undertaken without the Board's consent, nor without such consent shall pontoons or hulks connected to the shore be established.

All applications for the Board's consent for such works, etc., on the Whangpu below the upper harbor limit, shall be made to the Harbor Master and be replied to by him as heretofore.

The control of the River Police, of sanitary arrangements, of aids to navigation and pilotage, remain as heretofore in the hands of the Maritime Customs.

8. Under the Conservancy Agreement of 1905, provision that the Conservancy funds benefit by the sale of crown lands, insofar as such sales were rendered justifiable by the conservancy scheme, was left undefined. During the operation of that Agreement large quantities of crown land with the con-

servancy normal line as a boundary, have been sold by the Shenko Office, by which the Conservancy funds should have, but have not benefited.

This matter needs settlement but is too involved to be dealt with herein. It is therefore decided that, subsequent to the promulgation of this Agreement, this matter be jointly investigated by the Taotai and the Consular Body, as the preliminary to the addition of a supplementary article to this Agreement.

9. The duties of the Conservancy Board are:

1. At an early date to come to a conclusion in consultation with the Engineer-in-Charge concerning:
  - (a) what should be the ultimate aim of conservancy works.
  - (b) what measures are necessary to secure that end.
  - (c) what is the estimated cost of such measures.
2. To maintain existing conservancy works in effective condition including the construction of such new works as are necessary for that purpose.
3. To provide and maintain a channel from the Yangtse to Shanghai having, as far as circumstances and funds permit, a least depth of 20 feet at mean low water of spring tides over a least width of 900 feet.
4. To undertake such additional new works as may from time to time be advisable for the maintenance or improvement of the regimen of the river, when funds are available.
5. To cooperate with the riparian owners in respect to dredging operations to secure improved wharfage facilities. Such cooperation to take the form of dredging at reasonable rates.

10. (1) The Whangpu Conservancy Consultative Board, to be known shortly as the Consultative Board, shall consist of:

(a) Five members appointed as follows: The several Ministers at Peking of the five nations having the largest tonnage entering and clearing at Shanghai, shall each determine at his discretion the means by which one member of his nationality shall be selected, and the Consuls-General at Shanghai concerned shall notify the Conservancy Board of the selection made and of any subsequent changes.

(b) One member appointed by the Chinese Chamber of Commerce.

The Secretary will serve both Boards.

(2) The primary functions of the Consultative Board will be to watch conservancy proceedings on behalf of the commercial interests of Shanghai and to make such representations to the Conservancy Board as it thinks proper. To this end the Consultative Board shall be supplied with full information concerning all projected works, concerning progress of current works and concerning finance. It will also be consulted in regard to the appointment of the Engineer-in-Chief.



(3) In the event of the Consultative Board considering that its representations are insufficiently attended to and that the commercial interests of the port are thereby threatened, it will refer the matter to a Consular Committee consisting of the Consuls-General of the nations referred to in Article 10 (1). If the Consular Committee is unable to arrange matters to their satisfaction with the Conservancy Board, they will refer the question at issue to their respective Ministers for diplomatic settlement.

11. The object of the existence of the two Boards is as follows:

(a) to provide that the Conservancy Board, in view of its executive nature, be small in order to expedite business.

(b) to provide that members of the Conservancy Board be officials of the Chinese Government in view of the extensive jurisdiction, namely to the head of tidal influence, which it is desirable the Conservancy Board should have.

(c) to provide nevertheless that the commercial interests of the port be effectively represented.

It is considered that the representation as provided will be more usefully effective than would be the case were the representatives of commercial interests on the Conservancy Board.

## TELECOMMUNICATION (RADIOTELEGRAPH)

*Convention and final protocol signed at London July 5, 1912*<sup>1</sup>

*Senate advice and consent to ratification, with an understanding, January 22, 1913*<sup>2</sup>

*Ratified by the President of the United States, with an understanding, February 5, 1913*<sup>2</sup>

*Ratification of the United States deposited at London February 21, 1913*  
*Entered into force July 1, 1913*

*Proclaimed by the President of the United States July 8, 1913*

*Replaced by conventions and protocols of November 25, 1927,<sup>3</sup> December 9, 1932,<sup>4</sup> October 2, 1947,<sup>5</sup> December 22, 1952,<sup>6</sup> December 21, 1959,<sup>7</sup> November 12, 1965,<sup>8</sup> as between contracting parties to the later conventions and protocols*

38 Stat. 1672; Treaty Series 581

### [TRANSLATION]

#### INTERNATIONAL RADIOTELEGRAPH CONVENTION

Concluded between Germany and the German Protectorates, the United States of America and the Possessions of the United States of America, the Argentine Republic, Austria, Hungary, Bosnia-Herzegovina, Belgium, the Belgian Congo, Brazil, Bulgaria, Chile, Denmark, Egypt, Spain and the Spanish Colonies, France and Algeria, French West Africa, French Equatorial Africa, Indo-China, Madagascar, Tunis, Great Britain and the various British Colonies and Protectorates, the Union of South Africa, the Australian Federation, Canada, British India, New Zealand, Greece, Italy and the Italian Colonies, Japan and Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Morocco, Monaco, Norway, the Netherlands, the Dutch Indies and the Colony of Curaçao, Persia, Portu-

<sup>1</sup> For text of service regulations, see 38 Stat. 1718 or TS 581, p. 52.

<sup>2</sup> The U.S. understanding reads as follows: ". . . nothing in the Ninth Article of the Regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering in or clearing from her ports."

<sup>3</sup> TS 767, *post*, vol. 2.

<sup>4</sup> TS 867, *post*.

<sup>5</sup> TIAS 1901, *post*.

<sup>6</sup> 6 UST 1213; TIAS 3266.

<sup>7</sup> 12 UST 1761; TIAS 4892.

<sup>8</sup> 18 UST 575; TIAS 6267.

gal and the Portuguese Colonies, Roumania, Russia and the Russian Possessions and Protectorates, the Republic of San Marino, Siam, Sweden, Turkey, and Uruguay.

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at London, have agreed on the following Convention, subject to ratification:

#### ARTICLE 1

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all radio stations (both coastal stations and stations on shipboard) which are established or worked by the Contracting Parties and open to public service between the coast and vessels at sea.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for radiotelegraphy open to public service between the coast and vessels at sea, or to establish or work radio stations, whether open to general public service or not, on board of vessels flying their flag.

#### ARTICLE 2

By "coastal stations" is to be understood every radio station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every radio station established on board any vessel not permanently moored is called a "station on shipboard."

#### ARTICLE 3

The coastal stations and the stations on shipboard shall be bound to exchange radiograms without distinction of the radio system adopted by such stations.

Every station on shipboard shall be bound to exchange radiograms with every other station on shipboard without distinction of the radio system adopted by such stations.

However, in order not to impede scientific progress, the provisions of the present Article shall not prevent the eventual employment of a radio system incapable of communicating with other systems, provided that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

#### ARTICLE 4

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

## ARTICLE 5

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

## ARTICLE 6

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of radiograms, as specified in the Regulations.<sup>9</sup>

## ARTICLE 7

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special radio communication without publishing the details of such devices.

## ARTICLE 8

The working of the radio stations shall be organized as far as possible in such manner as not to disturb the service of other radio stations.

## ARTICLE 9

Radio stations are bound to give absolute priority to calls of distress from whatever source, to similarly answer such calls and to take such action with regard thereto as may be required.

## ARTICLE 10

The charge for a radiogram shall comprise, according to the circumstances:

1. (a) The coastal rate, which shall fall to the coastal station;  
(b) The shipboard rate, which shall fall to the shipboard station.
2. The charge for transmission over the telegraph lines, to be computed according to the ordinary rules.
3. The charges for transit through the intermediate coastal or shipboard stations and the charges for special services requested by the sender.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government of which the ship is dependent.

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<sup>9</sup> See footnote 1, p. 883.

## ARTICLE 11

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries having power to modify the Convention and the Regulations, shall take place from time to time; each conference shall fix the time and place of the next meeting.

## ARTICLE 12

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

The following shall be considered as forming a single country for the application of the present Article:

German East Africa	The Australian Federation
German Southwest Africa	Canada
Kamerun	British India
Togo Land	New Zealand
German Protectorates in the Pacific	Eritrea
Alaska	Italian Somaliland
Hawaii and the other American possessions in Polynesia	Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung
The Philippine Islands	The Dutch Indies
Porto Rico and the American possessions in the Antilles	The Colony of Curaçao
The Panama Canal Zone	Portuguese West Africa
The Belgian Congo	Portuguese East Africa and the Portuguese possessions in Asia
The Spanish Colony of the Gulf of Guinea	Russian Central Asia (littoral of the Caspian Sea)
French East Africa	Bokhara
French Equatorial Africa	Khiva
Indo-China	Western Siberia (littoral of the Arctic Ocean)
Madagascar	Eastern Siberia (littoral of the Pacific Ocean)
Tunis	
The Union of South Africa	

## ARTICLE 13

The International Bureau of the Telegraph Union shall be charged with collecting, coordinating and publishing information of every kind relating

to radiotelegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international radiotelegraphy.

The expense of such institution shall be borne by all the contracting countries.

#### ARTICLE 14

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive radiograms proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a radiogram is received the ordinary rates shall be applicable to it.

Any radiogram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any radiogram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

#### ARTICLE 15

The provisions of Articles 8 and 9 of this Convention are also applicable to radio installations other than those referred to in Article 1.

#### ARTICLE 16

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates, as a whole or each of them, separately, may form the subject of a separate adherence or a separate denunciation within the provisions of the present Article and of Article 22.

## ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the International Telegraph Convention of St. Petersburg of July 10-22, 1875,<sup>19</sup> shall be applicable to international radiotelegraphy.

## ARTICLE 18

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

## ARTICLE 19

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

## ARTICLE 20

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

## ARTICLE 21

The High Contracting Parties shall preserve their entire liberty as regards radio installations other than provided for in Article 1, especially naval and military installations, and stations used for communications between fixed points. All such installations and stations shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations and stations are used for public maritime service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

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<sup>19</sup> For text of these articles, see *ante*, footnote 7, p. 560. For full text of convention of 1875, see 57 LNTS 212.



On the other hand, if coastal stations are used for general public service with ships at sea and also for communication between fixed points, such stations shall not be subject, in the execution of the last named service, to the provisions of the Convention except for the observance of Articles 8 and 9 of this Convention.

Nevertheless, fixed stations used for correspondence between land and land shall not refuse the exchange of radiograms with another fixed station on account of the system adopted by such station; the liberty of each country shall, however, be complete as regards the organization of the service for correspondence between fixed points and the nature of the correspondence to be effected by the stations reserved for such service.

#### ARTICLE 22

The present Convention shall go into effect on the 1st day of July, 1913, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

#### ARTICLE 23

The present Convention shall be ratified and the ratifications exchanged at London with the least possible delay.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the Parties which shall have ratified it.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each Party.

Done at London, July 5, 1912.

For Germany and the German Protectorates:

B. KOEHLER  
O. WACHENFELD  
DR. KARL STRECKER  
SGHRADER  
GOETSCH  
DR. EMIL KRAUSS  
FIELITZ

For the United States of America and the possessions of the United States of America:

JOHN R. EDWARDS  
JNO. Q. WALTON  
WILLIS L. MOORE  
LOUIS W. AUSTIN

GEORGE OWEN SQUIER  
EDGAR RUSSEL  
C. MGK. SALTZMAN  
DAVID WOOSTER TODD  
JOHN HAYS HAMMOND, JR.  
WEBSTER  
W. D. TERRELL  
JOHN I. WATERBURY

For the Argentine Republic:  
VIGENTE J. DOMINGUEZ

For Austria:  
DR. FRITZ RITTER WAGNER VON  
JAUREGG  
DR. RUDOLF RITTER SPEIL V.  
OSTHEIM

- For Hungary:  
CHARLES FOLLERT  
DR. DE HENNYEY
- For Bosnia-Herzegovina:  
H. GOIGINGER, G. M.  
ADOLF DANINGER  
A. CICOLI  
ROMEO VIO
- For Belgium:  
J. BANNEUX  
DELDIME
- For the Belgian Congo:  
ROBERT B. GOLDSCHMIDT
- For Brazil:  
DR. FRANCISCO BHERING
- For Bulgaria:  
IV. STOYANOVITCH
- For Chile:  
C. E. RICKARD
- For Denmark:  
N. MEYER  
J. A. VÖHTZ  
R. N. A. FABER  
T. F. KRARUP
- For Egypt:  
J. S. LIDDELL
- For Spain and the Spanish Colonies:  
JACOBO GARCIA ROURE  
JUAN DE CARRANZA Y GARRIDO  
JACINTO LABRADOR  
ANTONIO NIETO  
TOMÁS FERNANDEZ QUINTANA  
JAIME JANER ROBINSON
- For France and Algeria:  
A. FROUIN
- For French West Africa:  
A. DUCHÊNE
- For French Equatorial Africa:  
A. DUCHÊNE
- For Indo-China:  
A. DUCHÊNE
- For Madagascar:  
A. DUCHÊNE
- For Tunis:  
ET. DE FELCOURT
- For Great Britain and the various British Colonies and Protectorates:  
H. BABINGTON SMITH  
E. W. FARNALL  
E. CHARLTON  
G. M. W. MACDONOGH
- For the Union of South Africa:  
RICHARD SOLOMON
- For the Australian Federation:  
CHARLES BRIGHT
- For Canada:  
G. J. DESBARATS
- For British India:  
H. A. KIRK  
F. E. DEMPSTER
- For New Zealand:  
C. WRAY PALLISER
- For Greece:  
C. DOSIOS
- For Italy and the Italian Colonies:  
PROF. A. BATTELLI
- For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwantung:  
TETSUJIRO SAKANO  
KENJI IDE  
RIUJI NAKAYAMA  
SEIICHI KUROSE
- For Morocco:  
MOHAMMED EL KABADJ  
U. ASENSIO
- For Monaco:  
FR. ROUSSEL
- For Norway:  
HEFTYE  
K. A. KNUDSSÖN
- For the Netherlands:  
G. J. C. A. POP  
J. P. GUÉPIN
- For the Dutch Indies and the Colony of Curaçao:  
PERK  
F. VAN DER GOOT
- For Persia:  
MIRZA ABDUL GHAFFAR KHAN
- For Portugal and the Portuguese Colonies:  
ANTONIO MARIA DA SILVA
- For Roumania:  
C. BOERESCU
- For Russia and the Russian Possessions and Protectorates:  
N. DE ETTER  
P. OSSADTCHY  
A. EULER  
SERGUEIEVITCH  
V. DMITRIEFF  
D. SOKOLTSOW  
A. STCHASTNYI  
BARON A. WYNEKEN

For the Republic of San Marino:

ARTURO SERENA

For Siam:

LUANG SANPAKITCH PREECHA

WM. J. ARCHER

For Sweden:

RYDIN

HAMILTON

For Turkey:

M. EMIN

M. FAHRY

OSMAN SADI

For Uruguay:

FED. R. VIDIELLA

## FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Radiotelegraph Conference of London, the undersigned plenipotentiaries have agreed as follows:

### I

The exact nature of the adherence notified on the part of Bosnia-Herzegovina not yet being determined, it is recognized that one vote shall be assigned to Bosnia-Herzegovina but that a decision will be necessary at a later date as to whether this vote belongs to Bosnia-Herzegovina in virtue of the second paragraph of Article 12 of the Convention, or whether this vote is accorded to it in conformity with the provisions of the third paragraph of that Article.

### II

Note is taken of the following declaration:

The Delegation of the United States declares that its government is under the necessity of abstaining from all action with regard to rates, because the transmission of radiograms as well as of ordinary telegrams in the United States is carried on, wholly or in part, by commercial or private companies.

### III

Note is likewise taken of the following declaration:

The Government of Canada reserves the right to fix separately, for each of its coastal stations, a total maritime rate for radiograms proceeding from North America and destined for any ship whatever, the coastal rate amounting to three-fifths and the shipboard rate to two-fifths of the total rate.

In witness whereof the respective plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each of the Parties.

Done at London, July 5, 1912.

For Germany and the German Protectorates:

B. KOEHLER  
O. WACHENFELD  
DR. KARL STRECKER  
SCHRADER  
GOETSCH  
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For Monaco:	For the Republic of San Marino:
FR. ROUSSEL	ARTURO SERENA
For Norway:	For Siam:
HEFTYE	LUANG SANPAKITCH PREECHA
K. A. KNUDSSÖN	WM. J. ARCHER
For the Netherlands:	For Sweden:
G. J. C. A. POP	RYDIN
J. P. GUÉPIN	HAMILTON
For the Dutch Indies and the Colony of	For Turkey:
Curaçao:	M. EMIN
PERK	M. FAHRY
F. VAN DER GOOT	OSMAN SADI
For Persia:	For Uruguay:
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BARON A. WYNEKEN	

[For text of service regulations, see 38 Stat. 1718 or TS 581, p. 52.]

## ABOLITION OF FOREIGN SETTLEMENTS IN KOREA

*Protocol signed at Seoul April 21, 1913*

*Approved on behalf of the United States, with an understanding, by exchange of notes between the American Ambassador at Tokyo and the Japanese Minister for Foreign Affairs dated October 2, 1913, and March 20, 1914*<sup>1</sup>

*Terminated April 1, 1914*<sup>2</sup>

1914 For. Rel. 435

I. The Foreign Settlements in Chosen, namely: Chemulpo, Chinnampo, Kunsan, Mokpo, Masampo, and Songchin shall be incorporated with the respective newly organized Communes of Chosen to which they appropriately belong.

II. When such incorporation takes place the competent local authorities shall assume all the duties and obligations of local administration hitherto performed and incurred by the Municipal Councils of the said Foreign Settlements, including public works, sanitation, etc.

III. The common funds and property, if any, belonging to the Municipal Councils of the said Foreign Settlements shall be transferred to the local authorities concerned.

IV. The holders of leases in perpetuity of land within the circumscriptions of the said Foreign Settlements shall be allowed the option of converting the said leases in perpetuity to actual ownership. Such ownership shall be on the same basis as that of Japanese subjects in Chosen.

V. When such conversions have been made and registered the owners of the said land shall be accorded national and most favoured nation treatment in all that concerns the use and enjoyment of such land and houses thereon, as well as in the matter of imposts, taxes, and rates leviable on such land and houses. The conversions and registrations aforesaid shall be made without any taxes, fees, or charges whatever.

VI. In case such option is not availed of, the rights created by the said leases in perpetuity, not inconsistent with the arrangements agreed to in the present Protocol, shall continue to be duly respected. In the matter of im-

<sup>1</sup> For text, see 1914 For. Rel. 437. The U.S. note contained the understanding that "in the event of subsequent modifications of the terms . . . American citizens shall not be placed in a less favorable position than the nationals of the other powers concerned."

<sup>2</sup> Date on which the Government General of Chosen put into force its ordinance for carrying into effect the abolition of foreign settlements.

posts, taxes, and rates leviable in respect of the leased land and houses thereon under the second clause of the leases in perpetuity the following adjustment shall be made:

(a) A sufficient sum shall be appropriated out of, and not in excess of, the ground rent payable in respect of the leased land in question to cover national land and house taxes leviable on the said leased land and houses thereon were such land held by an actual owner;

(b) In case the remainder, if any, of the said ground rent equals the local and municipal taxes and rates leviable on the said leased land and houses thereon were such land held by an actual owner the said land and houses shall be exempt from all such local and municipal taxes and rates;

(c) In case the remainder of the said ground rent exceeds the local and municipal taxes and rates leviable on the said leased land and houses thereon were such land held by an actual owner the surplus shall be refunded;

(d) In case the local and municipal taxes and rates leviable on the said leased land and houses thereon were such land held by an actual owner exceed the remainder of the said ground rent the said land and houses shall be liable to taxes and rates to an extent sufficient to make the local and municipal taxes and rates on such land and houses equal to the local and municipal taxes and rates leviable on the leased land and houses thereon were such land held by an actual owner.

VII. The holders of leases in perpetuity aforesaid shall be accorded national and most favoured nation treatment in the matter of imposts, taxes, and rates of whatever kind and nature, whether national, local, or municipal, not otherwise provided for in the present Protocol.

VIII. The competent Registry Offices in Chosen shall undertake due registration of the leases in perpetuity aforesaid as well as subsidiary rights relating thereto. Such registration, consistently with the provisions of law, shall be available against third parties. Legalized copies of the existing Consular registrations relating to the said subsidiary rights shall be transferred to the competent Registry Offices. Registrations so transferred shall continue to have the same force and value as they had in the Consular Offices in which such registrations were effected.

With regard to the leases in perpetuity on which mortgages exist in the Consular Registers concerned at the time of the abolition of the system of Foreign Settlements no registration shall be made in respect of the transfer of such leases in perpetuity to a third party or their conversion to actual ownership, or the cancellation of subsidiary rights relating thereto, except upon the written application of the holders of the said leases in perpetuity or their duly authorized agents certified by their Consular Representatives. This arrangement, however, shall not affect cases where leases in perpetuity are disposed of in default of payment of rent, taxes or rates, or by virtue of legal process.



IX. The existing Public Gardens in the Foreign Settlements shall be maintained in good order and condition by the authorities concerned; and their respective areas shall not be diminished except for public purposes.

X. The existing Foreign Cemeteries in the Foreign Settlements shall be maintained by local foreign residents, in conformity with the laws and ordinances governing cemeteries, crematories, burial, cremation, etc., free of all taxes and rates. The sum of Twenty Thousand Yen (Y. 20,000) or so much thereof as may be necessary shall be appropriated for this purpose out of the property belonging to the Municipal Council of the General Foreign Settlement at Chemulpo.

Done at Seoul (Keijo), Chosen, the 21st day of April, 1913.

GEO. H. SCHMIDMORE, *Consul-General of the United States of America.*

KEUGER, DR., *German Consul-General.*

J. BRIBOSIA, *Consul-General for Belgium.*

J. LUTSCHG, *Consul-General for Russia.*

A. M. CHALMERS, *His Britannic Majesty's Consul-General for Corea.*

R. ANDRÉ, *Acting Consul for France.*

A. M. CHALMERS, *His Britannic Majesty's Consul-General for Corea, In Charge of Italian Interests.*

MIDORI KOMATZU, *Director of the Bureau of Foreign Affairs of the Government General of Chosen.*

## WHANGPOO CONSERVANCY

*Article (no. 12) supplementing agreement of April 9, 1912,<sup>1</sup> proposed by the Chinese Government, approved by the Diplomatic Body<sup>2</sup> at Peking October 19, 1915*

*Entered into force October 19, 1915*

*Terminated as between the United States and China May 20, 1943, by treaty of January 11, 1943<sup>3</sup>*

Department of State files; enclosure to letter of October 23, 1915, from U.S. Minister at Peking

1. Saleable crown or shengko lands on the Whangpoo River subject to this agreement include all foreshore, accreted or reclaimable land—not required for Conservancy or Harbour purposes—situated between the Whangpoo Highwater Lines at Ordinary Spring Tide from the Kiangnan Arsenal to the outer ends of the Conservancy's training works at Woosung. Title deeds to all such saleable crown or shengko lands shall be issued by the Civil Administrator of Shanghai under the following conditions:

2. On application by the owner of a *riparian* lot to acquire foreshore or accretion thereto, the original title-deed being filed in the usual manner, the Joint Measurement Office shall first satisfy itself of the validity of the claim to the foreshore or area to be shengkoed.

3. The Joint Measurement Office will then arrange with the Conservancy Board (to whom a copy of the official plan of the original lot shall be supplied) and the owner and, in the case of foreign owners, with the Consulate concerned, for a joint measurement to be made, at which the river-front boundary of the original lot shall be defined. The Conservancy Engineer will then proceed to survey the area to be shengkoed and draft a plan of the whole lot, on which shall be clearly shown the area to be shengkoed and its position in relation to the Board's triangulation net and existing boundaries. This will be sent to the Joint Measurement Office to be transmitted to the owner

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<sup>1</sup> For text, see *ante*, p. 379.

<sup>2</sup> The 11 powers whose diplomatic representatives at Peking constituted the Diplomatic Body were: Austria-Hungary, Belgium, France, Germany, Italy, Japan, the Netherlands, Russia, Spain, the United Kingdom, and the United States.

<sup>3</sup> TS 984, *post*.

for acceptance. When the owner has accepted the plan, the Conservancy Board will assess the shengko price due.

4. In calculating the shengko-price per mow, the Board, while taking as a basis the price of the *land in the vicinity*, shall consider the total cost of filling in and bunding and all other conditions involved.

5. The shengko amount so assessed shall be communicated by the Board to the owner, *in the case of a foreign owner through his Consul*. The owner shall make payment direct to the Board who will give an official receipt. On presentation of this receipt *the proper Chinese Authority* shall issue the title-deed with the shengkoed area endorsed thereon without further delay. No receipt shall be valid for shengko for lands which are subject to this agreement except that of the Board.

6. Should the owner of the foreshore lot consider the shengko price as assessed by the Board excessive, he has the right of appeal as provided in Article VIII of the Conservancy Agreement of 1905.<sup>4</sup>

7. Owners who have only paid the nominal rate of Taels 250 per mow, recently levied conditionally by the Board, shall make good to the Board the difference between that sum and the shengko amount assessed in the above manner; on the other hand if the shengko rate is assessed at less than Taels 250 per mow, the Board shall refund any excess paid by the owner.

8. In drafting the plans of foreshore lots the Conservancy Board shall proceed as follows:

The Whangpoo River Highwater Line at Ordinary Spring Tides at the time being (12.5 feet above the Woosung Conservancy Datum) being taken as a base, the points at which the lateral boundaries of the original lot intersect this Highwater Line shall be determined. Then two lines drawn from these points to meet the final Normal Line perpendicularly shall be taken as the lateral boundaries of the shengko area while the boundary on the river side shall be the Normal Line for the time being.

When owing to this extension out to the Normal Line land formerly belonging to an old lot which has been eroded by the action of the river, or otherwise, is recovered, the lateral boundaries of such recovered land shall be the boundaries defined in the foregoing paragraph notwithstanding that they may not coincide with the boundaries of the original land eroded.

*The definition of boundaries above prescribed is made subject to the provision that such boundaries shall not conflict with the boundaries of reclaimed land, adjacent to the lot which is being dealt with, for which shengko shall have been paid and title deeds issued previously to the enactment of this regulation.*

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<sup>4</sup> Agreement signed at Peking Sept. 27, 1905 (TS 448), *ante*, p. 446.

9. The calculation of the area upon which shengko price is to be paid to the Conservancy Board shall be made in the following manner:

As a general rule the shengko-area shall be taken as being the area enclosed between the Highwater Line at Ordinary Spring Tides and the Normal Line for the time being, as allotted to each riparian owner according to the procedure prescribed in paragraph 8.

But in cases where erosion has taken place since 1906 *the area on which shengko shall be payable shall be reduced by an amount equal to the high water free area eroded since 1906 and cases where a foreign Consular title deed shows an area extending beyond the present high water line the area otherwise liable to shengko shall be reduced by such title deed area.*

In cases where the river front boundary of the original lot does not extend riverwards as far as the 1906 Highwater Line, the shengko price due on the area between that boundary and the Highwater Line shall be paid to the proper Chinese Authority.

*The English and Chinese texts of this Supplementary Article have been carefully compared, but in the event of there being any difference of meaning between them the sense as expressed in the English text shall be held to be the correct sense.*



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