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

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Philippines

GENERAL RELATIONS

Provisional agreement signed at Manila July 4, 1946
Entered into force July 4, 1946

60 Stat. 1800; Treaties and Other International Acts Series 1539

PROVISIONAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING FRIENDLY RELATIONS AND DIPLOMATIC AND CONSULAR REPRESENTATION

The Government of the United States of America and the Government of the Republic of the Philippines, considering that in accordance with the expressed will of the Congress and people of the United States of America and of the Congress and people of the Philippines, the political ties which have united these two peoples are to be dissolved on July 4, 1946.

Considering also the mutual desire that the friendship and affection which have long existed between the two peoples shall be reaffirmed and continued without interruption for all time, and

Desiring to establish a basis for relations between the Governments of the two countries pending the conclusion, by established constitutional processes, of definitive treaties,

Do now make of record this provisional agreement concerning friendly relations and diplomatic and consular representation.

ARTICLE I

The Government of the United States of America recognizes the Republic of the Philippines as a separate, independent and self-governing nation and acknowledges the authority and control of the Government of the Republic of the Philippines over the territory of the Philippine Islands.

ARTICLE II

The Government of the United States of America will notify the Governments with which it has diplomatic relations of the independence of the Republic of the Philippines and will invite those Governments to recognize the Republic of the Philippines as a member of the family of nations.

ARTICLE III

The diplomatic representatives of each contracting party shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law. The consular representatives of each contracting party, duly provided with exequaturs, shall be permitted to reside in the territories of the other; they shall enjoy the privileges and immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any third country.

ARTICLE IV

The two contracting parties mutually agree that they will forthwith enter into negotiations for the conclusion of treaties and agreements regulating relations between the two countries, including a treaty of friendship, commerce and navigation, an executive agreement relating to trade, a general relations treaty, a consular convention, and other treaties and agreements as may be necessary, and will endeavor to conclude these instruments as soon as may be possible.

ARTICLE V

This provisional agreement shall enter into force upon signature.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this provisional agreement at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:
PAUL V. McNUTT [SEAL]

For the Government of the Republic of the Philippines:
MANUEL ROXAS [SEAL]

GENERAL RELATIONS

Treaty and protocol signed at Manila July 4, 1946
Senate advice and consent to ratification July 31, 1946
Ratified by the President of the United States August 16, 1946
Ratified by the Philippines September 30, 1946
Ratifications exchanged at Manila October 22, 1946
Entered into force October 22, 1946
Proclaimed by the President of the United States October 31, 1946

61 Stat. 1174; Treaties and Other
International Acts Series 1568

Treaty of General Relations Between the United States of America and the Republic of the Philippines

The United States of America and the Republic of the Philippines, being animated by the desire to cement the relations of close and long friendship existing between the two countries, and to provide for the recognition of the independence of the Republic of the Philippines as of July 4, 1946 and the relinquishment of American sovereignty over the Philippine Islands, have agreed upon the following articles:

Article I

The United States of America agrees to withdraw and surrender, and does hereby withdraw and surrender, all right of possession, supervision, jurisdiction, control or sovereignty existing and exercised by the United States of America in and over the territory and the people of the Philippine Islands, except the use of such bases, necessary appurtenances to such bases, and the rights incident thereto, as the United States of America, by agreement with the Republic of the Philippines, may deem necessary to retain for the mutual protection of the United States of America and of the Republic of the Philippines. The United States of America further agrees to recognize, and does hereby recognize, the independence of the Republic of the Philippines as a separate self-governing nation and to acknowledge, and does hereby acknowledge, the authority and control over the same of the Government instituted by the people thereof, under the Constitution of the Republic of the Philippines.

Article II [1]

The diplomatic representatives of each country shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law and usage. The consular representatives of each country, duly provided with exequatur, will be permitted to reside in the territories of the other in the places wherein consular representatives are by local laws permitted to reside; they shall enjoy the honorary privileges and the immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any other foreign country.

Article III [1]

Pending the final establishment of the requisite Philippine Foreign Service establishments abroad, the United States of America and the Republic of the Philippines agree that at the request of the Republic of the Philippines the United States of America will endeavor, in so far as it may be practicable, to represent through its Foreign Service the interests of the Republic of the Philippines in countries where there is no Philippine representation. The two countries further agree that any such arrangements are to be subject to termination when in the judgment of either country such arrangements are no longer necessary.

Article IV

The Republic of the Philippines agrees to assume, and does hereby assume, all the debts and liabilities of the Philippine Islands, its provinces, cities, municipalities and instrumentalities, which shall be valid and subsisting on the date hereof. The Republic of the Philippines will make adequate provision for the necessary funds for the payment of interest on and principal of bonds issued prior to May 1, 1934 under authority of an Act of Congress of the United States of America [2] by the Philippine Islands, or any province, city or municipality therein, and such obligations shall be a first lien on the taxes collected in the Philippines.

Article V

The United States of America and the Republic of the Philippines agree that all cases at law concerning the Government and people of the Philippines which, in accordance with Section 7(6) of the Independence Act of 1934,[3] are pending before the Supreme Court of the United States of America at the date of the granting of the independence of the Republic of the Philippines

[1] See also protocol, p. 6, and exchange of notes, *post*, p. 32.
[2] 48 Stat. 456.
[3] 48 Stat. 462.

shall continue to be subject to the review of the Supreme Court of the United States of America for such period of time after independence as may be necessary to effectuate the disposition of the cases at hand. The contracting parties also agree that following the disposition of such cases the Supreme Court of the United States of America will cease to have the right of review of cases originating in the Philippine Islands.

Article VI

In so far as they are not covered by existing legislation, all claims of the Government of the United States of America or its nationals against the Government of the Republic of the Philippines and all claims of the Government of the Republic of the Philippines and its nationals against the Government of the United States of America shall be promptly adjusted and settled. The property rights of the United States of America and the Republic of the Philippines shall be promptly adjusted and settled by mutual agreement, and all existing property rights of citizens and corporations of the United States of America in the Republic of the Philippines and of citizens and corporations of the Republic of the Philippines in the United States of America shall be acknowledged, respected and safeguarded to the same extent as property rights of citizens and corporations of the Republic of the Philippines and of the United States of America respectively. Both Governments shall designate representatives who may in concert agree on measures best calculated to effect a satisfactory and expeditious disposal of such claims as may not be covered by existing legislation.

Article VII

The Republic of the Philippines agrees to assume all continuing obligations assumed by the United States of America under the Treaty of Peace between the United States of America and Spain concluded at Paris on the 10th day of December, 1898,[4] by which the Philippine Islands were ceded to the United States of America, and under the Treaty between the United States of America and Spain concluded at Washington on the 7th day of November, 1900.[5]

Article VIII

This Treaty shall enter into force on the exchange of instruments of ratification.

This Treaty shall be submitted for ratification in accordance with the constitutional procedures of the United States of America and of the Republic

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[4] TS 343, *post*, p. 615.
[5] TS 345, *post*, p. 623.

of the Philippines; and instruments of ratification shall be exchanged and deposited at Manila.

Signed at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:
PAUL V. MCNUTT [SEAL]

For the Government of the Republic of the Philippines:
MANUEL ROXAS [SEAL]

PROTOCOL TO ACCOMPANY THE TREATY OF GENERAL RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES, SIGNED AT MANILA ON THE FOURTH DAY OF JULY 1946

It is understood and agreed by the High Contracting Parties that this Treaty is for the purpose of recognizing the independence of the Republic of the Philippines and for the maintenance of close and harmonious relations between the two Governments.

It is understood and agreed that this Treaty does not attempt to regulate the details of arrangements between the two Governments for their mutual defense; for the establishment, termination or regulation of the rights and duties of the two countries, each with respect to the other, in the settlement of claims, as to the ownership or control of real or personal property, or as to the carrying out of provisions of law of either country; or for the settlement of rights or claims of citizens or corporations of either country with respect to or against the other.

It is understood and agreed that the conclusion and entrance into force of this Treaty is not exclusive of further treaties and executive agreements providing for the specific regulation of matters broadly covered herein.

It is understood and agreed that pending final ratification of this Treaty, the provisions of Articles II and III shall be observed by executive agreement.

Signed at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:
PAUL V. MCNUTT [SEAL]

For the Government of the Republic of the Philippines:
MANUEL ROXAS [SEAL]

TRADE AND RELATED MATTERS

Agreement, with protocol and annexes, signed at Manila July 4, 1946; exchange of notes at Manila October 22, 1946
Proclaimed by the President of the United States December 17, 1946
Proclaimed by the Philippines January 1, 1947
Entered into force January 2, 1947
Supplementary proclamation by the President of the United States January 8, 1947
Revised January 1, 1956, by agreement of September 6, 1955 [1]

61 Stat. 2611; Treaties and Other International Acts Series 1588

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING TRADE AND RELATED MATTERS DURING A TRANSITIONAL PERIOD FOLLOWING THE INSTITUTION OF PHILIPPINE INDEPENDENCE

The President of the United States of America and the President of the Philippines, recalling the close economic ties between the people of the United States and the people of the Philippines during many years of intimate political relations, mindful of the great physical destruction and social disturbances suffered by the Philippines as a result of their valiant support of the cause of the United Nations in the war against Japan, and desiring to enter into an agreement accepting on the part of each country the provisions of Title II and Title III (except Part 1) of the Philippine Trade Act of 1946 [2] of the United States of America, have agreed to the following articles:

ARTICLE I [3]

1. During the period from the date of the entry into force of this Agreement to July 3, 1954, both dates inclusive, United States articles as defined in Subparagraph (*e*) of Paragraph 1 of the Protocol to this Agreement entered, or withdrawn from warehouse, in the Philippines for consumption,

[1] 6 UST 2981; TIAS 3348.
[2] 60 Stat. 143 and 148.
[3] Free-trade period provided for by art. I extended by agreement of July 7, 1954 (5 UST 1629; TIAS 3039).

and Philippine articles as defined in Subparagraph (*f*) of Paragraph 1 of the Protocol entered, or withdrawn from warehouse, in the United States for consumption, shall be admitted into the Philippines and the United States, respectively, free of ordinary customs duty.

2. The ordinary customs duty to be collected on United States articles as defined in Subparagraph (*e*) of Paragraph 1 of the Protocol, which during the following portions of the period from July 4, 1954, to July 3, 1974, both dates inclusive, are entered, or withdrawn from warehouse, in the Philippines for consumption, and on Philippine articles as defined in Subparagraph (*f*) of Paragraph 1 of the Protocol, other than those specified in Items D to G, both inclusive, of the Schedule to Article II, which during such portions of such period are entered, or withdrawn from warehouse, in the United States for consumption, shall be determined by applying the following percentages of the Philippine duty as defined in Subparagraph (*h*) of Paragraph 1 of the Protocol, and of the United States duty as defined in Subparagraph (*g*) of Paragraph 1 of the Protocol, respectively:

(*a*) During the period from July 4, 1954, to December 31, 1954, both dates inclusive, five *per centum*.

(*b*) During the calendar year 1955, ten *per centum*.

(*c*) During each calendar year after the calendar year 1955 until and including the calendar year 1972, a percentage equal to the percentage for the preceding calendar year increased by five *per centum* of the Philippine duty and the United States duty, respectively, as so defined.

(*d*) During the period from January 1, 1973, to July 3, 1974, both dates inclusive, one hundred *per centum*.

3. Customs duties on United States articles, and on Philippine articles, other than ordinary customs duties, shall be determined without regard to the provisions of Paragraphs 1 and 2 of this Article, but shall be subject to the provisions of Paragraph 4 of this Article.

4. With respect to United States articles imported into the Philippines, and with respect to Philippine articles imported into the United States, no duty on or in connection with importation shall be collected or paid in an amount in excess of the duty imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the duty is not imposed with respect to such like articles. As used in this Paragraph the term "duty" includes taxes, fees, charges, or exactions, imposed on or in connection with importation; but does not include internal taxes or ordinary customs duties.

5. With respect to products of the United States which do not come

within the definition of United States articles, imported into the Philippines, no duty on or in connection with importation shall be collected or paid in an amount in excess of the duty imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the duty is not imposed with respect to such like articles which are the product of any other foreign country. As used in this Paragraph the term "duty" includes taxes, fees, charges, or exactions, imposed on or in connection with importation; but does not include internal taxes.

6. With respect to products of the Philippines, which do not come within the definition of Philippine articles, imported into the United States, no duty on or in connection with importation shall be collected or paid in an amount in excess of the duty imposed with respect to like articles which are the product of any other foreign country (except Cuba), or collected or paid in any amount if the duty is not imposed with respect to such like articles which are the product of any other foreign country (except Cuba). As used in this Paragraph the term "duty" includes taxes, fees, charges, or exactions, imposed on or in connection with importation; but does not include internal taxes.

Article II

1. During the period from January 1, 1946 to December 31, 1973, both dates inclusive, the total amount of the articles falling within one of the classes specified in Items A and A–1, and C to G, both inclusive, of the Schedule to this Article which are Philippine articles as defined in Subparagraph (*f*) of Paragraph 1 of the Protocol, and which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption shall not exceed the amounts specified in such Schedule as to each class of articles. During the period from January 1, 1946, to December 31, 1973, both dates inclusive, the total amount of the articles falling within the class specified in Item B of the Schedule to this Article which are the product of the Philippines, and which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed the amounts specified in such Schedule as to such class of articles. During the period from January 1, 1974, to July 3, 1974, both dates inclusive, the total amounts referred to in the preceding sentences of this Paragraph shall not exceed one-half of the amount specified in such Schedule with respect to each class of articles, respectively.

2. Philippine articles as defined in Subparagraph (*f*) of Paragraph 1 of the Protocol falling within one of the classes specified in Items D and G, both inclusive, of the Schedule to this Article, which during the following portions of the period from January 1, 1946, to December 31, 1973, both dates inclusive, are entered, or withdrawn from warehouse, in the United States for consumption, shall be free of ordinary customs duty, in quantities determined

by applying the following percentages of the amounts specified in such Schedule as to each such class of articles:

(*a*) During each of the calendar years 1946 to 1954, one hundred *per centum*.

(*b*) During the calendar year 1955, ninety-five *per centum*.

(*c*) During each calendar year after the calendar year 1955 until and including the calendar year 1973, a percentage equal to the percentage for the preceding calendar year decreased by five *per centum* of such specified amounts.

Any such Philippine article so entered or withdrawn from warehouse in excess of the duty-free quota provided in this Paragraph shall be subject to one hundred *per centum* of the United States duty as defined in Subparagraph (*g*) of Paragraph 1 of the Protocol.

3. Each of the quotas provided for in Paragraphs 1 and 2 of this Article for articles falling within one of the classes specified in Items A–1 and B, and D to G, each inclusive, of the Schedule to this Article shall be allocated annually by the Philippines to the manufacturers in the Philippines in the calendar year 1940 of products of a class for which such quota is established, and whose products of such class were exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of the amount of the products of such class produced by each such manufacturer (or in the case of such successor in interest, the amount of the products of such class produced by his predecessor in interest) which was exported to the United States during the following period: (*a*) In the case of Items A–1 and D to G, each inclusive, the calendar year 1940, and (*b*) in the case of Item B, the twelve months immediately preceding the inauguration of the Commonwealth of the Philippines. The quota provided for in Paragraph 1 of this Article for unrefined sugar specified in Item A [4] of such Schedule, including that required to manufacture the refined sugar specified in Item A–1 [4] of the Schedule, shall be allotted annually by the Philippines [4] to the sugar-producing mills and plantation owners in the Philippines in the calendar year 1940 whose sugars were exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of their average annual production (or in the case of such a successor in interest, the average annual production of his predecessor in interest) for the calendar years 1931, 1932, and 1933, and the amount of sugars which may be so exported shall be allocated in each year between each mill and the plantation owners on the basis of the proportion of sugars to which each mill and the plantation owners are respectively entitled, in accordance with any milling agreements between them, or any extension, modification, or renewal thereof.

4. The holder of any allotment under law existing on April 29, 1946, including his successor in interest, and the holder of any allotment under any

[4] For corrections, see exchange of notes, p. 29.

of the quotas which are provided for in Paragraphs 1 and 2 of this Article the allocation of which is provided for in Paragraph 3 of this Article, may transfer or assign all or any amount of such allotment on such terms as may be agreeable to the parties in interest. If, after the first nine months of any calendar year, the holder of any allotment, for that year, under any of the quotas referred to in the preceding sentence, is or will be unable for any reason to export to the United States all of his allotment, in time to fulfill the quota for that year, that amount of such allotment which it is established by sufficient evidence cannot be so exported during the remainder of the calendar year may be apportioned by the Philippine Government to other holders of allotments under the same quota, or in such other manner as will insure the fulfillment of the quota for that year: *Provided,* That no transfer or assignment or reallocation under the provisions of this Paragraph shall diminish the allotment to which the holder may be entitled in any subsequent calendar year.

The following Schedule to Article II shall constitute an integral part thereof: [5]

Numerical Item	II Commodity Description	III All Quantities
A	Sugars.	952,000 short tons
A-1	May be refined sugars, meaning "direct-consumption sugar" as defined in Section 101 of the Sugar Act of 1937 of the United States which is set forth in part as Annex I to this Agreement.	Not to exceed 56,000 short tons
B	Cordage, including yarns, twines (including binding twines described in Paragraph 1622 of the Tariff Act of 1930 of the United States, as amended, which is set forth as Annex II to this Agreement), cords, cordage, rope, and cable, tarred or untarred, wholly or in chief value of Manila (abaca) or other hard fiber.	6,000,000 lbs.
C	Rice, including rice meal, flour, polish, and bran.	1,040,000 lbs.
D	Cigars (exclusive of cigarettes, cheroots of all kinds, and paper cigars and cigarettes, including wrappers).	200,000,000 cigars
E	Scrap tobacco, and stemmed and unstemmed filler tobacco described in Paragraph 602 of the Tariff Act of 1930 of the United States, as amended, which is set forth as Annex III to this Agreement.	6,500,000 lbs.
F	Coconut oil.	200,000 long tons
G	Buttoms of pearl or shell.	850,000 gross

Article III

1. With respect to quotas on Philippine articles as defined in Subparagraph (*f*) of Paragraph 1 of the Protocol (other than the quotas provided

[5] For corrections to schedule to art. II, see exchange of notes, p. 29.

for in Paragraphs 1 and 2 of Article II, and other than quotas established in conjunction with quantitative limitations, applicable to products of all foreign countries, on imports of like articles), the United States will not establish any such quota for any period before January 1, 1948, and for any part of the period from January 1, 1948, to July 3, 1974, both dates inclusive, it will establish such a quota only if—

(*a*) The President of the United States, after investigation, finds and proclaims that such Philippine articles are coming, or are likely to come, into substantial competition with like articles the product of the United States; [6]

(*b*) The quota for any Philippine article as so defined for any twelve-month period is not less than the amount determined by the President as the total amount of Philippine articles of such class which (during the twelve months ended on the last day of the month preceding the month in which occurred the date proclaimed by the President as the date of the beginning of the investigation) was entered, or withdrawn from warehouse, in the United States for consumption; or, if the quota is established for any period other than a twelve-month period, is not less than a proportionate amount.

Any quota established pursuant to this Paragraph shall not continue in effect after the President, following investigation, finds and proclaims that the conditions which gave rise to the establishment of such quota no longer exist.

2. If the President of the United States finds that the allocation of any quota established pursuant to Paragraph 1 of this Article is necessary to make the application of the quota just and reasonable between the United States and the Philippines, he shall, in such proclamation or a subsequent proclamation, provide the basis for such allocation, and if he exercises such right, the Philippines will promptly put and keep in effect, on the basis proclaimed by the President of the United States, the allocation of such quota.[6]

Article IV

1. With respect to articles which are products of the United States coming into the Philippines, or with respect to articles manufactured in the Philippines wholly or in part from such articles, no internal tax shall be—

(*a*) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of the Philippines, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles;

(*b*) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles.

[6] For correction, see exchange of notes, p. 29.

Where an internal tax is imposed with respect to an article which is the product of a foreign country to compensate for an internal tax imposed (1) with respect to a like article which is the product of the Philippines, or (2) with respect to materials used in the production of a like article which is the product of the Philippines, if the amount of the internal tax which is collected and paid with respect to the article which is the product of the United States is not in excess of that permitted by Paragraph 1 (*b*) of Article IV such collection and payment shall not be regarded as in violation of the first sentence of this Paragraph.

2. With respect to articles which are products of the Philippines coming into the United States, or with respect to articles manufactured in the United States wholly or in part from such articles, no internal tax shall be—

(*a*) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of the United States, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles;

(*b*) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles.

Where an internal tax is imposed with respect to an article which is the product of a foreign country to compensate for an internal tax imposed (1) with respect to a like article which is the product of the United States, or (2) with respect to materials used in the production of a like article which is the product of the United States, if the amount of the internal tax which is collected and paid with respect to the article which is the product of the Philippines is not in excess of that permitted by Paragraph 2 (*b*) of Article IV such collection and payment shall not be regarded as in violation of the first sentence of this Paragraph. This Paragraph shall not apply to the taxes imposed under Sections [7] 2306, 2327, or 2356 of the Internal Revenue Code of the United States which are set forth in part as Annexes IV, V, and VI to this Agreement.

3. No export tax shall be imposed or collected by the United States on articles exported to the Philippines, or by the Philippines on articles exported to the United States.

4. No processing tax or other internal tax shall be imposed or collected in the United States or in the Philippines with respect to articles coming into such country for the official use of the Government of the Philippines or of the United States, respectively, or any department or agency thereof.

5. No processing tax or other internal tax shall be imposed or collected

[7] For correction, see exchange of notes, p. 30.

in the United States with respect to Manila (abaca) fiber not dressed or manufactured in any manner.

6. The United States will not reduce the preference of two cents per pound provided in Section 2470 of the Internal Revenue Code of the United States (relating to processing taxes on coconut oil, etc.), which is set forth as Annex VII to this Agreement, with respect to articles "wholly the production of the Philippine Islands" or articles "produced wholly from materials the growth or production of the Philippine Islands"; except that it may suspend the provisions of Subsection (*a*)(2) of such Section during any period as to which the President of the United States, after consultation with the President of the Philippines, finds that adequate supplies of neither copra nor coconut oil, the product of the Philippines, are readily available for processing in the United States.

Article V

The value of Philippine currency in relation to the United States dollar shall not be changed, the convertibility of Philippine pesos into the United States dollars [8] shall not be suspended, and no restrictions shall be imposed on the transfer of funds from the Philippines to the United States except by agreement with the President of the United States.

Article VI

1. Any citizen of the United States who actually resided in the Philippines, and any citizen of the Philippines who actually resided in the United States, for a continuous period of three years during the period of forty-two months ending November 30, 1941, if entering the country of such former residence during the period from July 4, 1946, to July 3, 1951, both dates inclusive, for the purpose of resuming residence therein, shall for the purposes of the immigration laws, be considered a non-quota immigrant. After such admission as a non-quota immigrant he shall, for the purposes of the immigration and naturalization laws, be considered as lawfully admitted to such country for permanent residence. The benefits of this Paragraph shall also apply to the wife of any such citizen of the United States, if she is also a citizen thereof, and to his unmarried children under eighteen years of age, and to the wife of any such citizen of the Philippines, if she is also a citizen thereof or is eligible for United States citizenship, and to his unmarried children under eighteen years of age, if such wife or children of such citizen of the United States or of such citizen of the Philippines are accompanying or following to join him during such period. This Paragraph shall not apply to a citizen of the Philippines admitted to the Territory of Hawaii, without an immigration or passport visa, under the provisions of Paragraph (1) of

[8] For correction, see exchange of notes, p. 30.

Section 8 (*a*) of the Act of March 24, 1934, of the United States which is set forth as Annex VIII to this agreement.

2. There shall be permitted to enter the Philippines, without regard to any numerical limitations under the laws of the Philippines, in each of the calendar years 1946 to 1951, both inclusive, 1,200 citizens of the United States, each of whom shall be entitled to remain in the Philippines for 5 years.

Article VII

1. The disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces and sources of potential energy, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprise owned or controlled, directly or indirectly, by United States citizens, except that (for the period prior to the amendment of the Constitution of the Philippines referred to in Paragraph 2 of this Article) the Philippines shall not be required to comply with such part of the foregoing provisions of this sentence as are in conflict with such Constitution.

2. The Government of the Philippines will promptly take such steps as are necessary to secure the amendment of the Constitution of the Philippines so as to permit the taking effect as laws of the Philippines of such part of the provisions of Paragraph 1 of this Article as is in conflict with such Constitution before such amendment.[9]

Article VIII

1. Upon the taking effect of this Agreement the provisions thereof placing obligations on the United States: (*a*) if in effect as laws of the United States at the time this Agreement takes effect, shall continue in effect as laws of the

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[9] By a note of May 16, 1947, the Acting Secretary of Foreign Affairs of the Republic of the Philippines informed the American Chargé d'Affaires ad interim at Manila of the adoption of a constitutional amendment, effective Apr. 9, 1947, which provides:

"Notwithstanding the provisions of section one, Article Thirteen, and section eight, Article Fourteen, of the foregoing Constitution, during the effectivity of the Executive Agreement entered into by the President of the Philippines with the President of the United States on the fourth of July, nineteen hundred and forty-six, pursuant to the provisions of Commonwealth Act Numbered Seven hundred and thirty-three, but in no case to extend beyond the third of July, nineteen hundred and seventy-four, the disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces and sources of potential energy, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprise owned or controlled, directly or indirectly, by citizens of the United States in the same manner as to, and under the same conditions imposed upon, citizens of the Philippines or corporations or associations owned or controlled by citizens of the Philippines."

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United States during the effectiveness of the Agreement; or (*b*) if not so in effect at the time the Agreement takes effect, shall take effect and continue in effect [10] as laws of the United States during the effectiveness of the Agreement. The Philippines will continue in effect as laws of the Philippines, during the effectiveness of this Agreement, the provisions thereof placing obligations on the Philippines, except as is otherwise provided in Paragraph 1 of Article VII.

2. The United States and the Philippines will promptly enact, and shall keep in effect during the effectiveness of this Agreement, such legislation as may be necessary to supplement the laws of the United States and the Philippines, respectively, referred to in Paragraph 1 of this Article, and to implement the provisions of such laws and the provisions of this Agreement placing obligations on the United States and the Philippines, respectively. Moreover, the Philippines will promptly enact, and keep in force and effect during the effectiveness of this Agreement, such legislation as may be necessary to put and keep in effect during the effectiveness of this Agreement, the allocation, reallocation, transfer, and assignment of quotas on the basis provided for in Paragraphs 3 and 4 of Article II; and, if the United States exercises the right to establish quotas pursuant to Paragraph 1 of Article III and to provide for the allocation thereof pursuant to Paragraph 2 of the same Article, the Philippines will promptly enact, and keep in force during the period for which each such quota is established, such legislation as is necessary to put and keep in effect, on the basis provided by the United States, the allocation of such quotas.

3. The Philippines agree to assist the United States in carrying out Title I of the Philippine Rehabilitation Act of 1946 of the United States by providing that the following acts relative to such Title shall be offenses under the laws of the Philippines, and that, upon conviction thereof, the penalties attached to such offenses shall be enforced:

(*a*) Whoever, in the Philippines or elsewhere, makes any statement or representation knowing it to be false, or whoever willfully and fraudulently overvalues loss of or damage to property for the purpose of obtaining for himself or for any claimant any compensation pursuant to such Title, or for the purpose of influencing in any way the action of the Philippine War Damage Commission of the United States with respect to any claim for compensation pursuant to such Title, or for the purpose of obtaining money, property, or anything of value under such Title, shall be punished by a fine of not more than the equivalent, in the currency of the Philippines, of five thousand dollars, United States currency, or by imprisonment for not more than two years, or both, and shall not receive any payments or other benefits under such Title and, if any payment or benefit shall have been made or

[10] For correction, see exchange of notes, p. 30.

granted, such Commission shall take such action as may be necessary to recover the same.

(*b*) Whoever, in the Philippines or elsewhere, pays or offers to pay, or promises to pay, or receives, on account of services rendered or to be rendered in connection with any claim for compensation under such Title, any remuneration in excess of five *per centum* of the compensation paid by the Philippine War Damage Commission of the United States on account of such claim, shall be deemed guilty of a misdemeanor and shall be fined not more than the equivalent, in the currency of the Philippines, of five thousand dollars, United States currency, or imprisonment for not more than twelve months, or both, and, if any such payment or benefit shall have been made or granted, such Commission shall take such action as may be necessary to recover the same, and, in addition thereto, any such claimant shall forfeit all rights under such Title.

ARTICLE IX

The United States and the Philippines agree to consult with each other with respect to any questions as to the interpretation or the application of this Agreement, concerning which either Government may make representations to the other.

ARTICLE X

1. The Philippine Trade Act of 1946 of the United States having authorized the President of the United States to enter into this Agreement, and the Congress of the United States having enacted such legislation as may be necessary to make the provisions thereof placing obligations on the United States take effect as laws of the United States, this Agreement shall not take effect unless and until the Congress of the Philippines accepts it by law and has enacted such legislation as may be necessary to make all provisions hereof placing obligations on the Philippines take effect as laws of the Philippines, except as is otherwise provided in Paragraph 1 of Article VII. This Agreement shall then be proclaimed by the President of the United States and by the President of the Philippines, and shall enter into force on the day following the date of such proclamations, or, if they are issued on different dates, on the day following the later in date.

2. This Agreement shall have no effect after July 3, 1974. It may be terminated by either the United States or the Philippines at any time, upon not less than five years' written notice. If the President of the United States or the President of the Philippines determines and proclaims that the other country has adopted or applied measures or practices which would operate to nullify or impair any right or obligation provided for in this Agreement, then the Agreement may be terminated upon not less than six months' notice.[11]

[11] For correction, see exchange of notes, p. 30.

3. If the President of the United States determines that a reasonable time for the making of the amendment to the Constitution of the Philippines referred to in Paragraph 2 of Article VII has elapsed, but that such amendment has not been made, he shall so proclaim and this Agreement shall have no effect after the date of such proclamation.

4. If the President of the United States determines and proclaims, after consultation with the President of the Philippines, that the Philippines or any of its political subdivisions or the Philippine Government is in any manner discriminating against citizens of the United States or any form of United States business enterprise, then the President of the United States shall have the right to suspend the effectiveness of the whole or any portion of this Agreement. If the President of the United States subsequently determines and proclaims, after consultation with the President of the Philippines, that the discrimination which was the basis for such suspension (*a*) has ceased, such suspension shall end; or (*b*) has not ceased after the lapse of a time determined by the President of the United States to be reasonable, then the President of the United States shall have the right to terminate this Agreement upon not less than six months' written notice.

In witness whereof the President of the Philippines and the Plenipotentiary of the President of the United States have signed this Agreement and have affixed hereunto their seals.

Done in duplicate in the English language at Manila, this 4th day of July, one thousand nine hundred and forty-six.

For the President of the United States of America
PAUL V. MCNUTT [SEAL]

President of the Philippines
MANUEL ROXAS [SEAL]

PROTOCOL TO ACCOMPANY THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING TRADE AND RELATED MATTERS DURING A TRANSITIONAL PERIOD FOLLOWING THE INSTITUTION OF PHILIPPINE INDEPENDENCE

The undersigned duly empowered Plenipotentiaries have agreed to the following Protocol to this Agreement between the United States of America and the Republic of the Philippines concerning trade and related matters during a transitional period following the institution of Philippine Independence, signed this day, which shall constitute an integral part of the Agreement:

1. For the purpose of the Agreement—

(*a*) The term "person" includes partnerships, corporations, and associations.

(*b*) The term "United States" means the United States of America and, when used in a geographical sense, means the States, the District of Columbia, the Territories of Alaska and Hawaii, and Puerto Rico.

(*c*) The term "Philippines" means the Republic of the Philippines and, when used in a geographical sense, means the territories of the Republic of the Philippines, whether a particular act in question took place, or a particular situation in question existed, within such territories before or after the institution of the Republic of the Philippines. As used herein the territories of the Republic of the Philippines comprise all of the territories specified in Section 1 of Article I of the Constitution of the Philippines which is set forth as Annex XI to this Agreement.

(*d*) The term "ordinary customs duty" means a customs duty based on the article as such (whether or not such duty is also based in any manner on the use, value, or method of production of the article, or on the amount of like articles imported, or on any other factor); but does not include—

(1) A customs duty based on an act or omission of any person with respect to the importation of the article, or of the country from which the article is exported, or from which it comes; or

(2) A countervailing duty imposed to offset a subsidy, bounty, or grant; or

(3) An anti-dumping duty imposed to offset the selling of merchandise for exportation at a price less than the prevailing price in the country of export; or

(4) Any tax, fee, charge, or exaction, imposed on or in connection with importation unless the law of the country imposing it designates or imposes it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws; or

(5) The tax imposed by Section 2491 (*c*) of the Internal Revenue Code of the United States, which is set forth as Annex IX to this Agreement, with respect to an article, merchandise, or combination, ten *per centum* or more of the quantity by weight or which consists of,[12] or is derived directly or indirectly from, one or more of the oils, fatty acids, or salts specified in Section 2470 of such Code which is set forth as Annex VII to this Agreement; or the tax imposed by Section 3500 of such Code which is set forth as Annex X to this Agreement.

(*e*) The term "United States article" means an article which is the product of the United States, unless, in the case of an article produced with the use of materials imported into the United States from any foreign country (except the Philippines) the aggregate value of such imported materials at

[12] For correction, see exchange of notes, p. 30.

the time of importation into the United States was more than twenty *per centum* of the value of the article imported into the Philippines, the value of such article to be determined in accordance with, and as of the time provided by, the customs laws of the Philippines in effect at the time of importation of such article. As used in this Subparagraph the term "value", when used in reference to a material imported into the United States, includes the value of the material ascertained under the customs laws of the United States in effect at the time of importation into the United States, and, if not included in such value, the cost of bringing the material to the United States, but does not include the cost of landing it at the port of importation, or customs duties collected in the United States. For the purposes of this Subparagraph any imported material, used in the production of an article in the United States, shall be considered as having been used in the production of an article subsequently produced in the United States, which is the product of a chain of production in the United States in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

(*f*) The term "Philippine article" means an article which is the product of the Philippines, unless, in the case of an article produced with the use of materials imported into the Philippines from any foreign country (except the United States) the aggregate value of such imported materials at the time of importation into the Philippines was more than twenty *per centum* of the value of the article imported into the United States, the value of such article to be determined in accordance with, and as of the time provided by, the customs laws of the United States in effect at the time of importation of such article. As used in this Subparagraph the term "value", when used in reference to a material imported into the Philippines, includes the value of the material ascertained under the customs laws of the Philippines in effect at the time of importation into the Philippines, and, if not included in such value, the cost of bringing the material to the Philippines, but does not include the cost of landing it at the port of importation, or customs duties collected in the Philippines. For the purposes of this Subparagraph any imported material, used in the production of an article in the Philipines, shall be considered as having been used in the production of an article subsequently produced in the Philippines, which is the product of a chain of production in the Philippines in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

(*g*) The term "United States duty" means the rate or rates of ordinary customs duty which (at the time and place of entry, or withdrawal from warehouse, in the United States for consumption, of the Philippine article) would be applicable to a like article if imported from that foreign country

which is entitled to the lowest rate, or the lowest aggregate of rates, of ordinary customs duty with respect to such like article.

(*h*) The term "Philippine duty" means the rate or rates of ordinary customs duty which (at the time and place of entry, or withdrawal from warehouse, in the Philippines for consumption, of the United States article) would be applicable to a like article if imported from that foreign country which is entitled to the lowest rate, or the lowest aggregate of rates, of ordinary customs duty with respect to such like article.

(*i*) The term "internal tax" includes an internal fee, charge, or exaction, and includes—

(1) The tax imposed by Section 2491 (*c*) of the Internal Revenue Code of the United States which is set forth as Annex IX to this Agreement, with respect to an article, merchandise, or combination, ten *per centum* or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the oils, fatty acids, or salts specified in Section 2470 of such Code which is set forth as Annex VII to this Agreement; and the tax imposed by Section 3500 of such Code which is set forth as Annex X to this Agreement; and

(2) Any other tax, fee, charge, or exaction, imposed on or in connection with importation unless the law of the country imposing it designates or imposes it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws.

2. For the purposes of Subparagraphs (*g*) and (*h*) of Paragraph 1 of this Protocol—

(*a*) If an article is entitled to be imported from a foreign country free of ordinary customs duty, that country shall be considered as the country entitled to the lowest rate of ordinary customs duty with respect to such article; and

(*b*) A reduction in ordinary customs duty granted any country, by law, treaty, trade agreement, or otherwise, with respect to any article, shall be converted into the equivalent reduction in the rate of ordinary customs duty otherwise applicable to such article.

3. For the purposes of Paragraphs 1 and 2 of Article IV, any material, used in the production of an article, shall be considered as having been used in the production of an article subsequently produced, which is the product of a chain of production in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

4. The terms "include" and "including" when used in a definition contained in this Agreement shall not be deemed to exclude other things otherwise within the meaning of the term defined.

In witness whereof the President of the Philippines and the Plenipotentiary of the President of the United States have signed this Protocol and have affixed hereunto their seals.

Done in duplicate in the English language at Manila, this 4th day of July, one thousand nine hundred forty-six.

For the President of the United States of America
PAUL V. MCNUTT [SEAL]
President of the Philippines
MANUEL ROXAS [SEAL]

ANNEXES OF STATUTORY PROVISIONS REFERRED TO IN THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING TRADE AND RELATED MATTERS DURING A TRANSITIONAL PERIOD FOLLOWING THE INSTITUTION OF PHILIPPINE INDEPENDENCE

ANNEX I

Sugar Act of 1937 of the United States, as amended to May 1, 1946.

SECTION 101. For the purposes of this Act, except Title IV—

"(*e*) The term 'direct-consumption sugar' means any sugars which are principally of crystalline structure and which are not to be further refined or otherwise improved in quality." (50 Stat.) Pt. 1 (903, Ch. 898)

ANNEX II

Tariff Act of 1930 of the United States, as amended to May 1, 1946.

"PAR. 1622. All binding twine manufactured from New Zealand hemp, henequen, Manila,[13] istle or Tampico fibre, sisalgrass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding seven hundred and fifty feet to the pound". (46 Stat.) Pt. 1 (675, Ch. 497)

ANNEX III

Tariff Act of 1930 of the United States, as amended to May 1, 1946.

"PAR. 602. The term 'wrapper tobacco' as used in this title means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term 'filler tobacco' means all other leaf tobacco . . . ." (46 Stat.) Pt. 1 (631, Ch. 497)

ANNEX IV

Internal Revenue Code of the United States, as amended to May 1, 1946.

[13] For correction, see exchange of notes, p. 30.

"Chapter 16—Oleomargarine, adulterated butter, and process or renovated butter.

"SEC. 2300. Oleomargarine defined.

"For the purpose of this chapter, and of sections 3200 and 3201, certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as 'oleomargarine,' namely: All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat;—if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified or mixed in cream, milk, water or other liquid, and containing moisture in excess of one *per centum* or common salt. This section shall not apply to puff-pastry shortening not churned or emulsified in milk,[13] or cream, and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressings, mayonnaise dressings or mayonnaise products nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds. (53 Stat.) 247 and 248."

ANNEX V

Internal Revenue Code of the United States, as amended to May 1, 1946.

"SEC. 2306. Importation.

"All oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal revenue tax of fifteen cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States . . ."

"SEC. 2320. Definitions.

"(*a*) *Butter.* For the purpose of this chapter and sections 3206 and 3207, the word 'butter' shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter.

"(*b*) *Adulterated butter.* 'Adulterated butter' is defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for

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the purpose with the effect of [14] deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as defined in subsection (*a*), with intent or effect of cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream. 53 Stat. 252 and 253."

"SEC. 2327. Other laws applicable.

"(*a*) *Oleomargarine.* The provisions of sections 2301(*c*)(2), 2305 to 2311, inclusive (except subsections (*a*), (*b*) and (*h*) of section 2308), and section 3791(*a*)(1), shall apply to the manufacturers of adulterated butter to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter. 53 Stat. 255." (53 Stat.) Pt. 1 (247, 250, 252, 253, and 255, Ch. 2)

ANNEX VI

Internal Revenue Code of the United States, as amended to May 1, 1946.

"SEC. 2350. Definitions.

"For the purpose of this chapter and sections 3210 and 3211—

"(*a*) *Cheese.* The word 'cheese' shall be understood to mean the food product known as cheese, and which is made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

"(*b*) *Filled cheese.* Certain substances and compounds shall be known and designated as 'filled cheese,' namely: all substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered 'filled cheese' within the meaning of this chapter. 53 Stat. 256."

"SEC. 2356. Importation.

"All filled cheese as defined in section 2350 (*b*) imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal revenue tax of 8 cents per pound, such tax to be represented by coupon stamps; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States. 53 Stat. 258." (53 Stat.) Pt. 1 (256 and 258, Ch. 2)

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[14] For correction, see exchange of notes, p. 30.

ANNEX VII

Internal Revenue Code of the United States, as amended to May 1, 1946.

"SEC. 2470. Tax.

"(*a*) Rate.

"(1) *In general.* There shall be imposed upon the first domestic processing of coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing (whether or not such oils, fatty acids, or salts have been refined, sulphonated, sulphated, hydrogenated, or otherwise processed), or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids, or salts, a tax of three cents per pound to be paid by the processor.

"(2) *Additional rate on coconut oil.* There shall be imposed (in addition to the tax imposed by the preceding paragraph) a tax of two cents per pound, to be paid by the processor, upon the first domestic processing of coconut oil or of any combination or mixture containing a substantial quantity of coconut oil with respect to which oil there has been no previous first domestic processing, except that the tax imposed by this sentence shall not apply when it is established, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, that such coconut oil (whether or not contained in such a combination or mixture), (A) is wholly the production of the Philippine Islands or any possession of the United States, or (B) was produced wholly from materials the growth or production of the Philippine Islands or any possession of the United States, or (C) was brought into the United States on or before June 9, 1934, or produced from materials brought into the United States on or before June 9, 1934, or (D) was purchased under a bona fide contract entered into prior to April 26, 1934, or produced from materials purchased under a bona fide contract entered into prior to April 26, 1934. The tax imposed by this paragraph shall not apply to any domestic processing after July 3, 1974.

"(*b*) *Exemption.* The tax under subsection (*a*) shall not apply (1) with respect to any fatty acid or salt resulting from a previous first domestic processing taxed under this section or upon which an import tax has been paid under Chapter 22, or (2) with respect to any combination or mixture by reason of its containing an oil, fatty acid, or salt with respect to which there has been a previous first domestic processing or upon which an import tax has been paid under Chapter 22.

"(*c*) *Importation prior to August 21, 1936.* Notwithstanding the provisions of subsections (*a*) and (*b*) of this section, the first domestic processing of sunflower oil or sesame oil (or any combination or mixture containing a substantial quantity of sunflower oil or sesame oil), if such oil or such combination or mixture or such oil contained therein was imported prior to

August 21, 1936, shall be taxed in accordance with the provisions of section 602½ of the Revenue Act of 1934, 48 Stat. 763, in force on June 22, 1936. 53 Stat. 264." (53 Stat.) Pt. 1 (264 and 265, Ch. 2; Pub. Law 371—79th Cong.)

An Act of the United States to suspend in part the processing tax on coconut oil, as amended to May 1, 1946.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2470 (*a*) (2) of the Internal Revenue Code is hereby suspended: *Provided,* That if the President after receipt by him of a request from the Government of the Commonwealth of the Philippine Islands that the suspension of section 2470 (*a*) (2) be terminated, shall find that adequate supplies of copra, coconut oil, or both, the product of the Philippine Islands, are readily available for processing in the United States, he shall so proclaim; and thirty days after such proclamation, the suspension of section 2470 (*a*) (2) of the Internal Revenue Code, shall terminate.

"SEC. 2. This Act shall become effective the day following its enactment, and shall terminate on May 30, 1946." [15] (56 Stat.) Pt. 1 (752 and 753, Ch. 560); (58 Stat.) Pt. 1 (647, Ch. 332)

ANNEX VIII

Act of March 24, 1934 of the United States, as amended to May 1, 1946.

"SEC. 8. (*a*) Effective upon the acceptance of this Act by concurrent resolution of the Philippine Legislature or by a convention called for that purpose, as provided in section 17—

"(1) For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 (*c*)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. This paragraph shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa, but such immigration shall be determined by the Department of the Interior on the basis of the needs of industries in the Territory of Hawaii. 48 Stat. 462." (48 Stat.) Pt. 1 (462, Ch. 84)

ANNEX IX

Internal Revenue Code of the United States, as amended to May 1, 1946.

[15] For correction, see exchange of notes, p. 30.

"SEC. 2490. Imposition of Tax.

"In addition to any other tax or duty imposed by law, there shall be imposed upon the following articles imported into the United States, unless treaty provisions of the United States otherwise provide, a tax at the rates set forth in section 2491, to be paid by the importer. 53 Stat. 267."

"SEC. 2491. Rate of Tax.

"(*c*) Any article, merchandise, or combination (except oils specified in section 2470), 10 *per centum* or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the products specified above in this paragraph or of the oils, fatty acids, or salts specified in section 2470, a tax at the rate or rates per pound equal to that proportion of the rate or rates prescribed in this paragraph or such section 2470 in respect of such product or products which the quantity by weight of the imported article, merchandise, or combination, consisting of or derived from such product or products, bears to the total weight of the imported article, merchandise, or combination; but there shall not be taxable under this subparagraph any article, merchandise, or combination (other than an oil, fat, or grease, and other than products resulting from processing seeds without full commercial extraction of the oil content), by reason of the presence therein of an oil, fat, or grease which is a natural component of such article, merchandise, or combination and has never had a separate existence as an oil, fat, or grease. 53 Stat. 267 and 268." (53 Stat.) Pt. 1 (267 and 268, Ch. 2)

ANNEX X

Internal Revenue Code of the United States, as amended to May 1, 1946.

"CHAPTER 32. Sugar.

"SEC. 3500. Rate of Tax.

"In addition to any other tax or duty imposed by law, there shall be imposed, under such regulations as the Commissioner of Customs shall prescribe, with the approval of the Secretary, a tax upon articles imported or brought into the United States as follows:

"(1) On all manufactured sugar testing by the polariscope ninety-two sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

"(2) On all manufactured sugar testing by the polariscope less than ninety-two sugar degrees 0.5144 cent per pound of the total sugars therein;

"(3) On all articles composed in chief value of manufactured sugar 0.5144 cent per pound of the total sugars therein. 53 Stat. 428."

"SEC. 3507. Definitions.

"(*b*) *Manufactured sugar.* The term 'manufactured sugar' means any sugar derived from sugar beets or sugar cane,[16] which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 *per centum* of the total soluble solids, and except also sirup of cane juice produced from sugar cane grown in continental United States.

"The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar, sirups, molasses, and sugar mixtures.

"(*c*) *Total sugars.* The term 'total sugars' means the total amount of the sucrose (Clerget) and of the reducing or invert sugars. The total sugars contained in any grade or type of manufactured sugar shall be ascertained in the manner prescribed in paragraphs 758, 759, 762, and 763 of the United States Customs Regulations (1931 edition). 53 Stat. 428 and 429." (53 Stat.) Pt. 1 (426, 428, and 429, Ch. 2)

ANNEX XI

Constitution of the Philippines as amended to May 1, 1946.

ARTICLE I. THE NATIONAL TERRITORY

"SECTION 1. The Philippines comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight,[17] the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred,[18] and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty,[19] and all territory over which the present Government of the Philippine Islands exercises jurisdiction."

WHEREAS the Ambassador of the United States of America to the Republic of the Philippines and the Vice-President and Concurrently Secretary of Foreign Affairs of the Republic of the Philippines have exchanged notes making certain clarifying amendments to said agreement, which notes are in words and figures as follows:

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[16] For correction, see exchange of notes, p. 30.
[17] TS 343, *post*, p. 615.
[18] TS 345, *post*, p. 623.
[19] TS 856, *post*, vol. 12, UNITED KINGDOM.

Exchange of Notes

The American Ambassador to the Secretary of Foreign Affairs

Embassy of the
United States of America
October 22, 1946

Excellency:

I have the honor to make the following statement of my Government's understanding of recent conversations held at Manila relative to the correction of certain typographical errors in the Agreement between the United States of America and the Republic of the Philippines concerning Trade and Related Matters during a Transitional Period following the Institution of Philippine Independence, signed at Manila on July 4, 1946, and in the Protocol and the Annexes to that Agreement, and relative to the making of certain clarifying amendments therein.

1. In Article II, Paragraph 3, second sentence, (a) the phrase "unrefined sugar specified in Item A" shall be changed to read "unrefined sugars specified in Item A", (b) the phrase "refined sugar specified in Item A–1" shall be changed to read "refined sugars specified in Item A–1", and (c) the phrase "shall be allotted annually by the Philippines" shall be changed to read "shall be allocated annually by the Philippines".

2. The column headings of the Schedule to Article II and Items A and A–1 of such Schedule shall be changed to read as follows:

"Items	*Classes of Articles*	*Amounts*
A	Sugars	952,000 short tons,
A–1	of which not to exceed . . . . . may be refined sugars, meaning 'direct-consumption sugar' as defined in Section 101 of the Sugar Act of 1937 of the United States which is set forth in part as Annex I to this Agreement."	56,000 short tons

3. In Item B of the Schedule to Article II the phrase "including binding twines described" shall be changed to read "including binding twine described", and the word "Manila" shall be changed to read "manila".

4. In Item G of the Schedule to Article II the word "Buttoms" should be changed to read "Buttons".

5. In Article III, Paragraph 1 the word "and" shall be inserted after the semicolon at the end of indented Subparagraph (*a*).

6. Article III, Paragraph 2 shall be changed to read as follows:

"2. If the President of the United States finds that the allocation of any quota established pursuant to Paragraph 1 of this Article is necessary to make the application of the quota just and reasonable between the United States and the Philippines, the United States shall have the right to provide the basis

for the allocation of such quota, and, if the United States exercises such right, the Philippines will promptly put and keep in effect, on the basis provided by the United States, the allocation of such quota."

7. In the last sentence of Article IV, Paragraph 2 the word "Sections" shall be changed to read "Section".

8. In Article IV, Paragraph 5 the word "Manila" shall be changed to read "manila".

9. In Article V the phrase "into the United States dollars" shall be changed to read "into United States dollars".

10. In clause (*b*) of the first sentence of Article VIII, Paragraph 1 the phrase "and continue in effect" shall be changed to read "and continue in effect".

11. At the end of Article X, Paragraph 2 the phrase "six months' notice." shall be changed to read "six months' written notice."

12. In clause (5) of Subparagraph (*d*) of Paragraph 1 of the Protocol the phrase "weight or which consists of" shall be changed to read "weight of which consists of".

13. In Annex II the word "Manila" shall be changed to read "manila".

14. In the last sentence of Annex IV, Section 2300 delete the comma after the word "milk".

15. In Annex V, Section 2320, Subsection (*b*) the phrase "used for the purpose with the effect of" shall be changed to read "used for the purpose or with the effect of".

16. At the end of Annex VII the date "May 30, 1946." shall be changed to read "June 30, 1946."

17. In Annex X, Section 3507, Subsection (*b*) the phrase "sugar beets or sugar cane" shall be changed to "sugar beets or sugarcane".

Since this note includes the matters covered by the notes exchanged on July 5, 1946 and July 16, 1946 relative to the correction of two typographical errors in said Agreement of July 4, 1946, the present exchange of notes shall supersede such earlier exchange of notes.

If the above provisions are acceptable to the Government of the Republic of the Philippines this note and the reply signifying assent thereto shall, if agreeable to that Government, be regarded as amending the said Agreement of July 4, 1946, and the Protocol and Annexes thereto, and as constituting an integral part thereof.

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

PAUL V. MCNUTT

His Excellency
ELPIDIO QUIRINO
Secretary for Foreign Affairs of the
Republic of the Philippines

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *October 22, 1946*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date recording your Government's understanding of recent conversations held at Manila relative to the correction of certain typographical errors in the Agreement between the United States of America and the Republic of the Philippines concerning trade and related matters during a transitional period following the institution of Philippine Independence, signed at Manila on July 4, 1946, and in the Protocol and the Annexes to that Agreement, and relative to the making of certain clarifying amendments therein.

I have the honor to confirm your Excellency's statement with regard to this matter and to state that my Government is agreeable that your note and this reply signifying assent thereto shall be regarded as amending the said Agreement of July 4, 1946, and the Protocol and the Annexes thereto, and as constituting an integral part thereof.

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

ELPIDIO QUIRINO
Vice-President and concurrently
Secretary of Foreign Affairs

His Excellency
PAUL V. MCNUTT
American Ambassador to the Philippines
Manila

REPRESENTATION OF FOREIGN INTERESTS

Exchange of notes at Manila July 10 and 12, 1946
Entered into force July 12, 1946; operative from July 4, 1946
Terminated October 22, 1946 [1]

61 Stat. 1179; Treaties and Other International Acts Series 1568

The Secretary of Foreign Affairs to the American Ambassador

OFFICE OF THE VICE PRESIDENT
OF THE PHILIPPINES
Malacañan

JULY 10, 1946

EXCELLENCY:

In accordance with the provisions of the Protocol accompanying the Treaty of General Relations between the United States of America and the Republic of the Philippines signed at Manila on the 4th day of July, 1946, I have the honor to inform you that the Republic of the Philippines shall observe the provisions of Articles II and III pending the final ratification of said treaty effective as of July 4, 1946.

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

ELPIDIO QUIRINO
Vice-President and concurrently
Secretary of Foreign Affairs

His Excellency
PAUL V. MCNUTT
American Ambassdor
Manila

The American Ambassdor to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
July 12, 1946

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of July 10, 1946, confirming that, in accordance with the Protocol Accompanying the Treaty

[1] Upon entry into force of treaty and protocol of July 4, 1946 (TIAS 1568, *ante*, p. 3).

of General Relations Between the United States of America and the Republic of the Philippines signed at Manila on July 4, 1946, your Government will observe the provisions of Articles II and III of the Treaty pending final ratification thereof.

In reply I have the honor to confirm to you that my Government intends similarly to observe the provisions of the above mentioned protocol.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

PAUL V. MCNUTT

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs for the
Republic of the Philippines

AMERICAN–PHILIPPINE FINANCIAL COMMISSION

Exchange of notes at Manila September 13 and 17, 1946
Entered into force September 17, 1946

61 Stat. 2840; Treaties and Other International Acts Series 1612

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
September 13, 1946

EXCELLENCY:

I have the honor to state that in further reference to your note of August 6 regarding the creation of a joint American-Philippine Commission to consider the financial and budgetary problems of the Philippines and to make recommendations thereon to our two Governments, I am in receipt of information from the Department of State as follows:

"Because of special needs here, State and Treasury jointly propose that American-Philippine Financial Commission consist of three American and three Filipino members with co-chairmanship and American members to include a representative of State as co-chairman, Treasury, and Federal Reserve Board. Expect American delegation will have additional staff members to advise chairman on specific technical problems. Terms of reference of joint commission as follows:

"To consider the financial and budgetary problems of the Philippine Government and to make recommendations thereon to the two Governments, with reference to tax system and administration, budget, public debt, currency and banking reform, exchange and trade problems, reconstruction and development.

"Please inform Philippine Government that commission cannot be empowered to consider application for Export-Import Bank loan as Export-Import Bank and NAC [National Advisory Council on International Mone-

tary and Financial Problems] cannot delegate this responsibility. However, findings and recommendations will be brought to attention of Export-Import Bank and NAC and will be utmost value in their consideration of specific action.

"Request you consult with Philippine Government with view to obtaining concurrence in above proposals and early formation and activation of commission. You will be advised names of American members when designated and probable date of departure. In view of exchange correspondence between President Truman and President Roxas last month on this question, it is desired here that arrangements go forward with all possible speed. Please advise promptly of all developments."

I shall be very glad to receive and transmit to the Department of State the concurrence of your Government and, thus, to facilitate the establishment of the American-Philippine Financial Commission.

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

PAUL V. MCNUTT

His Excellency
ELPIDIO QUIRINO,
Secretary of Foreign Affairs for the
Republic of the Philippines

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *September 17, 1946*

EXCELLENCY:

I have the honor to refer to your note of September 13 regarding the creation of a joint American-Philippine Commission to consider the financial and budgetary problems of the Philippines and to make recommendations thereon to our two governments.

My Government accepts with pleasure the proposal of your Government that a joint American-Philippine Finance Commission be established. My Government approves the plan to entrust to the proposed Commission the consideration of the financial and budgetary problems of the Philippine Government and the formulation of recommendations to the two governments of measures to meet budgetary deficits of the Philippine Government. My Government also approves the proposal that this Commission consider and make recommendations to the Philippine Government with reference to our taxes and administration, the budget, public debt, currency

and banking reform, exchange and trade problems, reconstruction and development.

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

E. Quirino
Vice-President and concurrently
Secretary of Foreign Affairs

His Excellency
Paul V. McNutt
United States Ambassador
Manila

AIR TRANSPORT SERVICES

Agreement signed at Manila November 16, 1946, with annex
Entered into force November 16, 1946
Section B of annex amended by agreement of August 27, 1948 [1]
Terminated March 3, 1960 [2]

61 Stat. 2479; Treaties and Other International Acts Series 1577

AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES

Having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference in Chicago, for the adoption of a standard form of agreement for air routes and services, and the desirability of mutually stimulating and promoting the further development of air transportation between the United States of America and the Republic of the Philippines, the two Governments parties to this arrangement agree that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

ARTICLE I

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

ARTICLE II

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article I to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article VII hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that any airline

[1] TIAS 1844, *post*, p. 158.
[2] Pursuant to notice of termination given by the Philippines Feb. 26, 1959.

so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this Agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICLE III

Operating rights which the Philippine Government may have heretofore granted to any United States air transport enterprise shall continue in force in accordance with their terms, except for any provisions included in such operating rights which would prevent any airline designated under Article II above from operating under this Agreement.

ARTICLE IV

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

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

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE V

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however.

to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE VI

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

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

ARTICLE VII

Each contracting party reserves the right to withhold or revoke the certificate or permit of any airline of the other party in case it is not satisfied that substantial ownership and effective control of airlines of the first party are vested in nationals of that party, or in case of failure of such airline to comply with the laws of the State over which it operates, as described in Article VI hereof, or otherwise to fulfill the conditions under which the rights are granted in accordance with this Agreement and its Annexes.

ARTICLE VIII

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

ARTICLE IX

This agreement or any of the rights for air transport services granted thereunder may be terminated by either contracting party upon giving one year's written notice to the other contracting party.

ARTICLE X

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will

come into effect after they have been confirmed by an exchange of diplomatic notes.

ARTICLE XI

This Agreement, including the provisions of the Annex thereto, will come into force on the day it is signed.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

Done in duplicate this 16th day of November, 1946 at Manila.

For the Government of the United States of America:
PAUL V. McNUTT [SEAL]

For the Government of the Republic of the Philippines:
ELPIDIO QUIRINO [SEAL]

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

A. Airlines of the United States of America authorized under the present Agreement are accorded the rights of transit and non-traffic stop in Philippine territory, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Manila, on the route or routes indicated below:

From the United States, via intermediate points to Manila and thence to points beyond in both directions.

B. Airlines of the Republic of the Philippines authorized under the present Agreement are accorded the rights of transit and non-traffic stop in United States territory, as well as the right to pick up and discharge international commercial traffic in passengers, cargo, and mail at Honolulu and San Francisco, on the route indicated below:

From the Philippines to San Francisco and thence to points beyond over a reasonably direct route via intermediate points in the Pacific which are United States territory, including Honolulu, in both directions.

C. In the operation of the air services authorized under this Agreement, both contracting parties agree to the following principles and objectives:

1. Fair and equal opportunity for the airlines of each contracting party to operate air services on international routes, and the creation of machinery to obviate unfair competition by unjustifiable increases of frequencies or capacity.

2. The adjustment of fifth freedom traffic with regard to:

(a) Traffic requirements between the country of origin and the countries of destination.

(b) The requirements of through airline operation, and

(c) The traffic requirements of the area through which the airline passes after taking account of local and regional services.

PUBLIC ROADS PROGRAM

Agreement signed at Manila February 14, 1947
Entered into force February 14, 1947
Extended by agreements of December 16 and 21, 1949,[1] *and July 6 and 17, 1951* [1]
Expired June 30, 1952

61 Stat. 2561; Treaties and Other International Acts Series 1584

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING A ROAD, STREET AND BRIDGE PROGRAM

WHEREAS, the Government of the Republic of the Philippines is desirous of improving its public roads, streets, and bridges; and

WHEREAS, the Government of the United States of America has enacted Public Law No. 370, 79th Congress, approved April 30, 1946,[2] providing, among other things, that its Public Roads Administration is authorized to plan, design, restore and build in accordance with its usual contract procedures, in cooperation with the Philippine Government, certain roads, streets, and bridges as may be determined necessary from the standpoint of the national defense and economic rehabilitation of the Republic of the Philippines and to the extent that the President of the United States approves the findings in a report on Philippine Highway Requirements as prepared by the Public Roads Administration; and, in accordance with such regulations as may be adopted by the Commissioner of the said Public Roads Administration, to provide training for not to exceeed ten Filipino engineers from the regularly employed staff of the Philippine Public Works Department, to be designated by the President of the Philippines;

[1] 3 UST 3715; TIAS 2499.
[2] 60 Stat. 128.

The Governments of the United States of America and the Republic of the Philippines have decided to conclude an agreement for those purposes and have agreed as follows:

ARTICLE I

The responsible agent of the Government of the United States for effectuating the provisions of this Agreement shall be the Commissioner of the United States Public Roads Administration who may delegate to a duly authorized representative all or any part of his authority and responsibility for effectuating the provisions of this Agreement. The duties, functions and powers exercised under the terms of this Agreement by the representative of the Commissioner of the United States Public Roads Administration in the Philippines shall be carried out under the general supervision of the Ambassador of the United States accredited to the Government of the Philippines.

ARTICLE II

The Governments of the United States of America and the Republic of the Philippines agree that the road, street and bridge program in the Republic of the Philippines is to be advanced progressively as may be determined by the duly authorized representative of the Philippine Department of Public Works and Communications and the authorized representative of the United States Public Roads Administration subject to such regulations as may be issued by the Commissioner of the United States Public Roads Administration and subject to the availability of such funds as may be allotted by the administrative agency of the Government of the United States of America which is or may be authorized and empowered to administer the provisions of the Act of the Congress of the United States of America approved April 30, 1946, referred to above.

ARTICLE III

The United States Public Roads Administration personnel assigned to this work will aid and assist the Philippine Department of Public Works and Communications in making appropriate studies of highway transportation in order that the latter shall be enabled to submit a comprehensive program of work to be undertaken with funds under the Act for each fiscal year as well as the over-all program. These programs will be supported by Project Statements and Project Agreements which are to be determined and negotiated between the Philippine Department of Public Works and Communications and the United States Public Roads Administration.

ARTICLE IV

The United States Public Roads Administration, subject to the availability of appropriated funds, shall provide training during the period of

this Agreement for not to exceed ten engineers, citizens of the Republic of the Philippines, in the construction, maintenance, and highway traffic engineering and control necessary for the continued maintenance and for the efficient and safe operation of highway transport facilities.

The President of the Republic of the Philippines shall designate trainees selected in accordance with procedures and standards established by the Commissioner of Public Roads of the United States. The Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names of trainees so designated.

ARTICLE V

The United States Public Roads Administration will reimburse the Philippine Department of Public Works and Communications monthly (or as otherwise agreed between these two governmental agencies) in United States dollars for the United States Government's share of the value of the work found to have been satisfactorily performed under any or all active Project Agreements in accordance with the pro rata and other conditions provided in said Project Agreements.

ARTICLE VI

The United States Public Roads Administration personnel will confer with the Philippine Department of Public Works and Communications accounting and audit staff with respect to maintaining appropriate project cost accounts, and adequate basic field records to be kept by contractors or other constructing agency for jobs handled under force account or direct labor construction methods; the sufficiency of these accounts and records being subject at all times to approval of the United States Public Roads Administration. The United States Public Roads Administration shall have the right of access to all such records and accounts for the purpose of conducting detailed audits and cost analyses as may be found requisite to support the disbursements of the funds made available by the United States Government under this Agreement. The United States Public Roads Administration also shall have access to records and all other data and documents of the Philippine Department of Public Works and Communications pertaining to the financial ability and other qualifications of contractors bidding on work embraced in this Agreement.

ARTICLE VII

The Republic of the Philippines agrees to provide all lands, easements, and rights-of-way necessary for the execution of the projects under the programs to which this Agreement relates; and the Public Roads Administration is authorized in the prosecution of these programs to accept and utilize

thereon contributions of labor, materials, equipment, and money from the Government of the Republic of the Philippines and its political subdivisions.

Article VIII

On projects financed jointly by the United States of America and the Republic of the Philippines, agreement will be reached between the representatives of the United States Public Roads Administration and the Philippine Department of Public Works and Communications as to standards of construction. Frequent inspections will be made by representatives of the United States Public Roads Administration to determine whether these standards are being met. The Philippine Department of Public Works and Communications will be advised of the results of such inspections. Payment of funds for work so determined as satisfactory will be made as outlined in Article V hereof. Unsatisfactory work will be corrected before payment is made therefor.

Article IX

The Republic of the Philippines shall maintain and operate to the satisfaction of the United States Public Roads Administration on the projects and facilities provided for in this Agreement during the period of this Agreement. Representatives of the United States Public Roads Administration shall make frequent inspections to determine whether maintenance and operation are satisfactory. The Philippine Department of Public Works and Communications will be advised of the results of such inspections.

Article X

The Government of the Republic of the Philippines will cooperate with the United States Public Roads Administration in providing necessary office space and facilities, and adequate housing accommodations for its personnel and their families at reasonable rental rates.

Article XI

The Government of the Republic of the Philippines will save harmless all officers and employees of the United States Public Roads Administration who are citizens of the United States from damage suits or other civil actions arising out of their performance of their duties under this Agreement.

Article XII

It is agreed that the Philippine Governmental body authorized to receive surplus property from the United States shall transfer or make the use thereof available without charge to the Department of Public Works and Communications such construction and maintenance equipment, shop tools, machinery spare parts and supplies as are necessary to the economic and

efficient fulfillment of the purposes of this Agreement, all such disposals to be in accordance with Title II of the Philippine Rehabilitation Act of 1946.[3]

ARTICLE XIII

Employees and agents of the Government of the United States of America on duty or assigned to duty in the Republic of the Philippines under the provisions of the present Agreement shall be permitted to move freely into and out of the Republic of the Philippines subject to existing Visa and Passport Regulations. Free passage shall also be afforded over all bridges, ferries, roads and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE XIV

Pending the conclusion of negotiations now being considered by the United States and the Republic of the Philippines, no import, excise, consumption, or other tax, duty or impost shall be levied on funds or property in the Republic of the Philippines which is owned by the Public Roads Administration and used for purposes under the present Agreement or on funds, materials, supplies and equipment imported into the Republic of the Philippines for use in connection with such purposes; neither shall any such tax, duty or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of the Public Roads Administration personnel who are United States citizens; nor shall export or other tax be placed on any such property in the event of its removal from the Philippines.

ARTICLE XV

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

ARTICLE XVI

This Memorandum of Agreement shall become effective on the date of its signature and continue in effect until June 30, 1950; however, this Agreement may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the two contracting parties; and further, either party may terminate

[3] 60 Stat. 134.

this Agreement by giving to the other party ninety days notice in writing through diplomatic channels.

IN WITNESS WHEREOF, the Undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this fourteenth day of February, 1947.

For the Government of the United States of America:

PAUL V. MCNUTT
Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines

For the Government of the Republic of the Philippines:

R. NEPOMUCENO
Secretary of Public Works and Communications

308-582—73——5

FISHERY PROGRAMS

Agreement signed at Manila March 14, 1947
Entered into force March 14, 1947
Terminated upon fulfillment of its terms

61 Stat. 2834; Treaties and Other International Acts Series 1611

Agreement Between the United States of America and the Republic of the Philippines Concerning a Fishery Rehabilitation and Development Program and a Fishery Training Program

Whereas, the Government of the United States has enacted Public Law No. 370, 79th Congress, approved April 30, 1946,[1] known as the Philippine Rehabilitation Act of 1946, whereof Section 309, entitled "Philippine Fisheries," provides:

Sec. 309. (a) The Fish and Wildlife Service of the Department of the Interior is authorized to cooperate with the Government of the Philippines, and with other appropriate agencies or organizations, in the rehabilitation and development of the fishing industry, and in the investigation and conservation of the fishery resources of the Philippines and adjacent waters.

(b) To accomplish such purposes the Fish and Wildlife Service shall conduct oceanographic, biological, fish cultural, technological, engineering, statistical, economic, and market development studies and demonstrations and fishery explorations, and in conjunction therewith may establish and maintain a vocational school or schools of fisheries in the Philippines for the purpose of providing practical instruction and training in the fisheries; and may, at any time prior to July 1, 1950, provide one year of training to not more than one hundred and twenty-five Filipinos, to be designated by the President of the Philippines subject to the provisions of section 311(c), in methods of deep-sea fishing and in other techniques necessary to the development of fisheries.

[1] 60 Stat. 128.

(c) The Fish and Wildlife Service is authorized to acquire, construct, maintain, equip, and operate such research and experimental stations, schools, research and exploratory fishing vessels, or any other facilities in the Philippines that may be necessary to carry out the purposes of this section.

(d) The United States Maritime Commission is authorized, upon recommendation of the Fish and Wildlife Service of the Department of the Interior, to make arrangements for the transfer by sale or charter of small vessels, considered by the United States Maritime Commission to be satisfactory for the purpose, to be used in the establishment and continuance of a fishing industry to be operated in or near the Philippines. Such transfers may be made on such terms and conditions, including transfer for a nominal consideration, as the United States Maritime Commission may approve, but only if, in the opinion of the Fish and Wildlife Service, such small vessels so to be used for Philippine Island fishing are not needed by the fishing industry of the United States, its Territories, and possessions; and

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits, facilities and services which are authorized by the above-quoted Section 309 of the said Public Law No. 370, 79th Congress;

THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have agreed mutually as follows:

ARTICLE I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Director of the Fish and Wildlife Service of the United States Department of the Interior, hereinafter called the Director. The Director may delegate to a duly authorized representative all or any part of his authority and responsibility for effectuating the provisions of this Agreement. The duties, functions, and powers exercised in the Republic of the Philippines under the terms of this Agreement by the Director or his duly authorized representative shall be under the general supervision of the Ambassador of the United States of America accredited to the Government of the Republic of the Philippines, or, in the absence of the Ambassador, of the Charge d'Affaires ad interim of the United States of America.

ARTICLE II

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Chief of the Bureau of Fisheries of the Department of Agriculture and Commerce, here-

inafter called the Chief. The Chief may delegate to a duly authorized representative all or any part of his authority and responsibility for effectuating the provisions of this Agreement. The Chief, or his authorized representative, shall cooperate with the Director, or the authorized representative of the Director, in planning the programs of work to be conducted pursuant to this Agreement and in effectuating close cooperation and integration with the programs, functions and responsibilities of the Bureau of Fisheries of the Department of Agriculture and Commerce of the Government of the Philippines. The Director, or his authorized representative, may negotiate and conclude with the Chief, or the authorized representative of the Chief, any working agreement necessary to the carrying out of this Agreement.

Article III

The fishery rehabilitation, improvement and development program to be conducted pursuant to this Agreement shall comprise such of the following items as may be determined from time to time by the Director, or his representative, and the Chief, or his representative: (a) Oceanography of the waters in which fisheries are conducted or may be developed to determine the nature of physical factors such as currents, salinity, temperature, plankton abundance, et cetera, affecting such fisheries, which will be correlated with (b) studies of the kinds, abundance, distribution, seasonal and periodic migration, life history and ecology of the various species that comprise the fishery resources, and their management on a sustained yield basis, which studies are fundamental to (c) exploratory fishing to determine the commercial practicability of conducting operations in various areas; the optimum types of gear suitable for exploitation of the resources in such areas; and modifications or improvements in existing fishing practices in order to provide for better utilization of the resources. As an adjunct to the foregoing there also may be conducted (d) studies of handling, dressing, and storing catches on shipboard and at shore fishery establishments in order to improve the quality of the product, to prevent waste, and to promote efficiency of operations; (e) experiments in the freezing, smoking, salting, canning, and other processing of fishery products to promote efficiency and quality of the product as well as to devise methods that are the most economical and efficient; (f) studies and pilot-plant experiments in the preparation of fishery by-products such as industrial and vitamin oils, fish meal, glue, pearl essence, hides for leather, and other items, so as to utilize species, portions of the catch, and offal, that cannot be utilized for human food; (g) studies of the management of brackish and fresh water fish ponds, with a view toward promoting greater production and efficiency through fertilization, the introduction of sanitary measures and control of parasites and diseases; (h) the collection, analysis, and dissemination of current and annual statistics on fishery production as business indices and as an aid in biological assessment of the condition of

the fishery stocks and fluctuations in abundance; (i) economic studies of employment, production, distribution, and marketing including cost analyses and business consultant services and all segments of the fishing industry to aid in its development and promote its efficiency; (j) studies of distribution and marketing of fishery products in order that supplies may be diverted to deficiency areas, thus avoiding the unprofitable and wasteful accumulation of surpluses in other areas; and (k) efforts to provide such aids as the industry may require in acquiring equipment and facilities.

ARTICLE IV

The Government of the Republic of the Philippines agrees to provide free of cost to the Government of the United States of America such lands, rights-of-way and easements as may be necessary for carrying out the terms of this Agreement. Furthermore, the Government of the Republic of the Philippines shall furnish such equipment, facilities and qualified personnel necessary to carry out the purposes of this Agreement as may be available to the Government of the Republic of the Philippines. The Fish and Wildlife Service of the United States Department of the Interior is authorized to accept and utilize for the performance of the terms of this Agreement contributions of labor, materials, equipment and money from the Government of the Republic of the Philippines and its political subdivisions.

ARTICLE V

The Fish and Wildlife Service of the United States Department of the Interior shall provide training during the period of this Agreement for not to exceed one hundred and twenty-five citizens of the Republic of the Philippines in methods of deep-sea fishing and other techniques necessary to the development of the fisheries. The Fish and Wildlife Service of the United States Department of the Interior shall provide for the payment of all expenses incidental to such training, including, but not necessarily limited to, actual transportation expenses to and from and in the United States of America, allowances for tuition, educational fees and subsistence.

In accordance with the procedure set forth in Section 311 (c) of the said Public Law No. 370, 79th Congress, the President of the Republic shall designate trainees selected in accordance with procedures and standards established by the Director, and the Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names and necessary supporting documents of trainees so designated.

ARTICLE VI

The Fish and Wildlife Service of the United States Department of the

Interior may construct a fishery research laboratory in the Republic of the Philippines at such place and in accordance with such specifications as may be agreed upon pursuant to Article II of this Agreement.

Article VII

Vessels owned by the Government of the United States of America (including small boats) operated by the Fish and Wildlife Service of the United States Department of the Interior as part of the program carried out pursuant to this Agreement shall be permitted to move freely in the territorial waters of the Republic of the Philippines, to enter and sail from the several ports with or without pilots and without the necessity of formal entrance or clearance that may ordinarily be required of commercial and other vessels and to establish or utilize such means of communications between such vessels and shore facilities as may be necessary to the effective administration of the programs contemplated by this Agreement. Quarantine procedures and inspections shall be required only at the first Philippine port of call on original entry.

Vessels of the Government of the United States of America used in the fishery program (including small boats), their equipment, tackle, and appurtenances shall be immune from seizure under Admiralty or other legal process.

Vessels owned by the Government of the United States of America (including small boats) used in the fishery program shall be exempt from all requirements of the Government of the Republic of the Philippines relating to inspection, registry, manning or licensing of vessels or marine personnel.

Where suitable public wharves or facilities for moorage are available, such vessels shall be furnished wharfage or moorage without cost.

Article VIII

The Government of the Republic of the Philippines will cooperate with the Fish and Wildlife Service of the United States Department of the Interior in providing such temporary or permanent office, laboratory, or other space as may be required and shall render all practicable assistance in securing housing accommodations, at reasonable rental rates, for personnel of the Fish and Wildlife Service of the United States Department of the Interior who are engaged in effectuating this program, and their families.

Article IX

The Government of the Republic of the Philippines will save harmless all officers and employees of the Fish and Wildlife Service of the United States Department of the Interior who are citizens of the United States from damage suits or other civil actions arising out of their performance of their duties under this Agreement.

ARTICLE X

Officers, employees and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees, or agents of the Fish and Wildlife Service over all bridges, ferries, roads and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE XI

Pending the conclusion of negotiations now being considered by the United States of America and the Republic of the Philippines, no import, excise, consumption, or other tax, duty or impost shall be levied on funds or property in the Republic of the Philippines which is owned by the Fish and Wildlife Service of the United States Department of the Interior and used for purposes under the present Agreement or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of Fish and Wildlife Service personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE XII

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

ARTICLE XIII

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds by the Government of the United States of America.

ARTICLE XIV

This Agreement shall become effective on the date of its signature, and shall continue in effect until completely executed on both sides, but in no event later than June 30, 1950; provided, however, that this Agreement may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the

two contracting parties; and provided further, that either Government may terminate this Agreement by giving to the other party ninety days notice in writing through diplomatic channels.

IN WITNESS WHEREOF the Undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this fourteenth day of March, 1947.

For the Government of the United States of America:
PAUL V. MCNUTT
Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines

For the Government of the Republic of the Philippines:
MARIANO GARCHITORENA
Secretary of Agriculture and Commerce

MILITARY BASES

Agreement with annexes and exchanges of notes signed at Manila March 14, 1947
Entered into force March 26, 1947
Ratified by the President of the Philippines January 21, 1948 [1]
Implemented by agreements of July 1 and September 12, 1947; October 12, 1947 (as supplemented by agreements of January 2 and 3, 1948, and February 19 and 29, 1948); October 3 and 14, 1947; December 18 and 19, 1947; December 23 and 24, 1947; March 31 and April 1, 1948; [2] *May 14 and 16, 1949;* [3] *December 29, 1952* [4] *(as amended by agreement of January 15 and February 9, 1953* [5]*); May 29 and June 17, 1953;* [6] *and April 7 and 22 and July 7 and 22, 1953* [7]
Amended by agreements of May 14 and 16, 1949; [8] *August 10, 1965;* [9] *and September 16, 1966* [10]

61 Stat. 4019; Treaties and Other International Acts Series 1775

Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases

Whereas, the war in the Pacific has confirmed the mutuality of interest of the United States of America and of the Republic of the Philippines in matters relating to the defense of their respective territories and that mutuality of interest demands that the Governments of the two countries take the necessary measures to promote their mutual security and to defend their territories and areas;

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[1] See footnote 16, p. 68.
[2] 3 UST 457–490; TIAS 2406.
[3] TIAS 1963, *post*, p. 178.
[4] 3 UST 5334; TIAS 2739.
[5] 5 UST 432; TIAS 2936.
[6] 4 UST 1693; TIAS 2835.
[7] 9 UST 401; TIAS 4020.
[8] TIAS 1967, *post*, p. 175.
[9] 16 UST 1090; TIAS 5851.
[10] 17 UST 1212; TIAS 6084.

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WHEREAS, the Governments of the United States of America and of the Republic of the Philippines are desirous of cooperating in the common defense of their two countries through arrangements consonant with the procedures and objectives of the United Nations, and particularly through a grant to the United States of America by the Republic of the Philippines in the exercise of its title and sovereignty, of the use, free of rent, in furtherance of the mutual interest of both countries, of certain lands of the public domain;

WHEREAS, the Government of the Republic of the Philippines has requested United States assistance in providing for the defense of the Philippines and in developing for such defense effective Philippine armed forces;

WHEREAS, pursuant to this request the Government of the United States of America has, in view of its interest in the welfare of the Philippines, indicated its intention of dispatching a military mission to the Philippines and of extending to her appropriate assistance in the development of the Philippine defense forces;

WHEREAS, a Joint Resolution of the Congress of the United States of America of June 29, 1944,[11] authorized the President of the United States of America to acquire bases for the mutual protection of the United States of America and of the Philippines; and

WHEREAS, Joint Resolution No. 4 of the Congress of the Philippines, approved July 28, 1945,[12] authorized the President of the United States of America to negotiate with the President of the Philippines for the establishment of bases provided for in the Joint Resolution of the Congress of the United States of America of June 29, 1944, with a view to insuring the territorial integrity of the Philippines, the mutual protection of the United States of America and the Philippines, and the maintenance of peace in the Pacific;

THEREFORE, the Governments of the Republic of the Philippines and of the United States of America agree upon the following terms for the delimitation, establishment, maintenance and operation of military bases in the Philippines:

ARTICLE I

GRANTS OF BASES

1. The Government of the Republic of the Philippines (hereinafter referred to as the Philippines) grants to the Government of the United States of America (hereinafter referred to as the United States) the right to retain the use of the bases in the Philippines listed in Annex A attached hereto.

2. The Philippines agrees to permit the United States, upon notice to the Philippines, to use such of those bases listed in Annex B as the United States determines to be required by military necessity.

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[11] 58 Stat. 626.

[12] *Philippine Official Gazette,* no. 5, August 1945, p. 349.

3. The Philippines agrees to enter into negotiations with the United States at the latter's request, to permit the United States to expand such bases, to exchange such bases for other bases, to acquire additional bases, or relinquish rights to bases, as any of such exigencies may be required by military necessity.

4. A narrative description of the boundaries of the bases to which this Agreement relates is given in Annex A and Annex B. An exact description of the bases listed in Annex A, with metes and bounds, in conformity with the narrative descriptions, will be agreed upon between the appropriate authorities of the two Governments as soon as possible. With respect to any of the bases listed in Annex B, an exact description with metes and bounds, in conformity with the narrative description of such bases, will be agreed upon if and when such bases are acquired by the United States.

Article II

MUTUAL COOPERATION

1. It is mutually agreed that the armed forces of the Philippines may serve on United States bases and that the armed forces of the United States may serve on Philippine military establishments whenever such conditions appear beneficial as mutually determined by the armed forces of both countries.

2. Joint outlined plans for the development of military bases in the Philippines may be prepared by military authorities of the two Governments.

3. In the interest of international security any bases listed in Annexes A and B may be made available to the Security Council of the United Nations on its call by prior mutual agreement between the United States and the Philippines.

Article III

DESCRIPTION OF RIGHTS

1. It is mutually agreed that the United States shall have the rights, power and authority within the bases which are necessary for the establishment, use, operation and defense thereof or appropriate for the control thereof and all the rights, power and authority within the limits of territorial waters and air space adjacent to, or in the vicinity of, the bases which are necessary to provide access to them, or appropriate for their control.

2. Such rights, power and authority shall include, *inter alia,* the right, power and authority:

(*a*) to construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the bases;

(*b*) to impove and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to the bases;

(*c*) to control (including the right to prohibit) in so far as may be required for the efficient operation and safety of the bases, and within the limits of military necessity, anchorages, moorings, landings, takeoffs, movements and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising or in the vicinity of the bases;

(*d*) the right to acquire, as may be agreed between the two Governments, such rights of way, and to construct thereon, as may be required for military purposes, wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads to bases, and the right, as may be agreed upon between the two Governments to construct the necessary facilities;

(*e*) to construct, install, maintain, and employ on any base any type of facilities, weapons, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices, of any desired power, type of emission and frequency.

3. In the exercise of the above-mentioned rights, power and authority, the United States agrees that the powers granted to it will not be used unreasonably or, unless required by military necessity determined by the two Governments, so as to interfere with the necessary rights of navigation, aviation, communication, or land travel within the territories of the Philippines. In the practical application outside the bases of the rights, power and authority granted in this Article there shall be, as the occasion requires, consultation between the two Governments.

Article IV

SHIPPING AND NAVIGATION

1. It is mutually agreed that United States public vessels operated by or for the War or Navy Departments, the Coast Guard or the Coast and Geodetic Survey, and the military forces of the United States, military and naval aircraft and Government-owned vehicles, including armor, shall be accorded free access to and movement between ports and United States bases throughout the Philippines, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and all toll charges. If, however, a pilot is taken, pilotage shall be paid for at appropriate rates. In connection with entrance into Philippine ports by United States public vessels appropriate notification under normal conditions shall be made to the Philippine authorities.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the bases and territorial waters adjacent thereto or in the

vicinity of such bases shall conform to the system in use in the Philippines. The position, characteristics and any alterations in the lights or other aids shall be communicated in advance to the appropriate authorities of the Philippines.

3. Philippine commercial vessels may use the bases on the same terms and conditions as United States commercial vessels.

4. It is understood that a base is not a part of the territory of the United States for the purpose of coastwise shipping laws so as to exclude Philippine vessels from trade between the United States and the bases.

Article V

EXEMPTION FROM CUSTOMS AND OTHER DUTIES

No import, excise, consumption or other tax, duty or impost shall be charged on material, equipment, supplies or goods, including food stores and clothing, for exclusive use in the construction, maintenance, operation or defense of the bases, consigned to, or destined for, the United States authorities and certified by them to be for such purposes.

Article VI

MANEUVER AND OTHER AREAS

The United States shall, subject to previous agreement with the Philippines, have the right to use land and coastal sea areas of appropriate size and location for periodic maneuvers, for additional staging areas, bombing and gunnery ranges, and for such intermediate airfields as may be required for safe and efficient air operations. Operations in such areas shall be carried on with due regard and safeguards for the public safety.

Article VII

USE OF PUBLIC SERVICES

It is mutually agreed that the United States may employ and use for United States military forces any and all public utilities, other services and facilities, airfields, ports, harbors, roads, highways, railroads, bridges, viaducts, canals, lakes, rivers and streams in the Philippines under conditions no less favorable than those that may be applicable from time to time to the military forces of the Philippines.

Article VIII

HEALTH MEASURES OUTSIDE BASES

It is mutually agreed that the United States may construct, subject to agreement by the appropriate Philippine authorities, wells, water catchment areas or dams to insure an ample supply of water for all base operations and

personnel. The United States shall likewise have the right, in cooperation with the appropriate authorities of the Philippines, to take such steps as may be mutually agreed upon to be necessary to improve health and sanitation in areas contiguous to the bases, including the right, under such conditions as may be mutually agreed upon, to enter and inspect any privately owned property. The United States shall pay just compensation for any injury to persons or damage to property that may result from action taken in connection with this Article.

Article IX

SURVEYS

It is mutually agreed that the United States shall have the right, after appropriate notification has been given to the Philippines, to make topographic, hydrographic, and coast and geodetic surveys and aerial photographs in any part of the Philippines and waters adjacent thereto. Copies with title and triangulation data of any surveys or photomaps made of the Philippines shall be furnished to the Philippines.

Article X

CEMETERIES AND HISTORICAL SITES

1. The United States shall have the right to retain and maintain such United States military cemeteries and such sites of historical significance to the United States as may be agreed upon by the two Governments. All rights, power and authority in relation to bases granted under this Agreement shall be applicable, in so far as appropriate, to the cemeteries and sites mentioned in this Article.

2. Furthermore, it is recognized that there are certain cemeteries and historical sites in the Philippines revered in the memory of the People of the United States and of the Philippines, and it is therefore fitting that the maintenance and improvement of such memorials be the common concern of the two countries.

Article XI

IMMIGRATION

1. It is mutually agreed that the United States shall have the right to bring into the Philippines members of the United States military forces and the United States nationals employed by or under a contract with the United States together with their families, and technical personnel of other nationalities (not being persons excluded by the laws of the Philippines) in connection with the construction, maintenance, or operation of the bases. The United States shall make suitable arrangements so that such persons may be readily identified and their status established when necessary by the Phil-

ippine authorities. Such persons, other than members of the United States armed forces in uniform, shall present their travel documents to the appropriate Philippine authorities for visas, it being understood that no objection will be made to their travel to the Philippines as non-immigrants.

2. If the status of any person within the Philippines and admitted thereto under the foregoing paragraph shall be altered so that he would no longer be entitled to such admission, the United States shall notify the Philippines and shall, if such person be required to leave the Philippines by the latter Government, be responsible for providing him with a passage from the Philippines within a reasonable time, and shall in the meantime prevent his becoming a public responsibility of the Philippines.

Article XII

INTERNAL REVENUE TAX EXEMPTION

1. No member of the United States armed forces, except Filipino citizens, serving in the Philippines in connection with the bases and residing in the Philippines by reason only of such service, or his dependents, shall be liable to pay income tax in the Philippines except in respect of income derived from Philippine sources.

2. No national of the United States serving in or employed in the Philippines in connection with the construction, maintenance, operation, or defense of the bases and residing in the Philippines by reason only of such employment, or his spouse and minor children and dependent parents of either spouse, shall be liable to pay income tax in the Philippines except in respect of income derived from Philippine sources or sources other than the United States sources.

3. No person referred to in paragraphs 1 and 2 of this Article shall be liable to pay to the Government or local authorities of the Philippines any poll or residence tax, or any import or export duty, or any other tax on personal property imported for his own use; provided that privately owned vehicles shall be subject to payment of the following only: when certified as being used for military purposes by appropriate United States authorities, the normal license plate fee; otherwise, the normal license plate and registration fees.

4. No national of the United States, or corporation organized under the laws of the United States, resident in the United States, shall be liable to pay income tax in the Philippines in respect of any profits derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance, operation and defense of the bases, or any tax in the nature of a license in respect of any service or work for the United States in connection with the construction, maintenance, operation and defense of the bases.

Article XIII [13]

JURISDICTION

1. The Philippines consents that the United States shall have the right to exercise jurisdiction over the following offenses:

(*a*) Any offense committed by any person within any base except where the offender and offended parties are both Philippine citizens (not members of the armed forces of the United States on active duty) or the offense is against the security of the Philippines;

(*b*) Any offense committed outside the bases by any member of the armed forces of the United States in which the offended party is also a member of the armed forces of the United States; and

(*c*) Any offense committed outside the bases by any member of the armed forces of the United States against the security of the United States.

2. The Philippines shall have the right to exercise jurisdiction over all other offenses committed outside the bases by any member of the armed forces of the United States.

3. Whenever for special reasons the United States may desire not to exercise the jurisdiction reserved to it in paragraphs 1 and 6 of this Article, the officer holding the offender in custody shall so notify the fiscal (prosecuting attorney) of the city or province in which the offense has been committed within ten days after his arrest, and in such a case the Philippines shall exercise jurisdiction.

4. Whenever for special reasons the Philippines may desire not to exercise the jurisdiction reserved to it in paragraph 2 of this Article, the fiscal (prosecuting attorney) of the city or province where the offense has been committed shall so notify the officer holding the offender in custody within ten days after his arrest, and in such a case the United States shall be free to exercise jurisdiction. If any offense falling under paragraph 2 of this Article is committed by any member of the armed forces of the United States

(*a*) while engaged in the actual performance of a specific military duty, or

(*b*) during a period of national emergency declared by either Government and the fiscal (prosecuting attorney) so finds from the evidence, he shall immediately notify the officer holding the offender in custody that the United States is free to exercise jurisdiction. In the event the fiscal (prosecuting attorney) finds that the offense was not committed in the actual performance of a specific military duty, the offender's commanding officer shall have the right to appeal from such finding to the Secretary of Justice within ten days from the receipt of the decision of the fiscal and the decision of the Secretary of Justice shall be final.

[13] For an amendment of art. XIII, see agreement of Aug. 10, 1965 (16 UST 1090; TIAS 5851).

5. In all cases over which the Philippines exercises jurisdiction the custody of the accused, pending trial and final judgment, shall be entrusted without delay to the commanding officer of the nearest base, who shall acknowledge in writing that such accused has been delivered to him for custody pending trial in a competent court of the Philippines and that he will be held ready to appear and will be produced before said court when required by it. The commanding officer shall be furnished by the fiscal (prosecuting attorney) with a copy of the information against the accused upon the filing of the original in the competent court.

6. Notwithstanding the foregoing provisions, it is mutually agreed that in time of war the United States shall have the right to exercise exclusive jurisdiction over any offenses which may be committed by members of the armed forces of the United States in the Philippines.

7. The United States agrees that it will not grant asylum in any of the bases to any person fleeing from the lawful jurisdiction of the Philippines. Should any such person be found in any base, he will be surrendered on demand to the competent authorities of the Philippines.

8. In every case in which jurisdiction over an offense is exercised by the United States, the offended party may institute a separate civil action against the offender in the proper court of the Philippines to enforce the civil liability which under the laws of the Philippines may arise from the offense.

Article XIV

ARREST AND SERVICE OF PROCESS

1. No arrest shall be made and no process, civil or criminal, shall be served within any base except with the permission of the commanding officer of such base; but should the commanding officer refuse to grant such permission he shall (except in cases of arrest where the United States has jurisdiction under Article XIII) forthwith take the necessary steps to arrest the person charged and surrender him to the appropriate authorities of the Philippines or to serve such process, as the case may be, and to provide the attendance of the server of such process before the appropriate court in the Philippines or procure such server to make the necessary affidavit or declaration to prove such service as the case may require.

2. In cases where the service courts of the United States have jurisdiction under Article XIII, the appropriate authorities of the Philippines will, on request, give reciprocal facilities as regards the service of process and the arrest and surrender of alleged offenders.

Article XV

SECURITY LEGISLATION

The Philippines agrees to take such steps as may from time to time be agreed to be necessary with a view to the enactment of legislation to insure

the adequate security and protection of the United States bases, equipment and other property and the operations of the United States under this Agreement, and the punishment of persons who may contravene such legislation. It is mutually agreed that appropriate authorities of the two Governments will also consult from time to time in order to insure that laws and regulations of the United States and of the Philippines in relation to such matters shall, so far as may be possible, be uniform in character.

Article XVI

POSTAL FACILITIES

It is mutually agreed that the United States shall have the right to establish and maintain United States post offices in the bases for the exclusive use of the United States armed forces, and civilian personnel who are nationals of the United States and employed in connection with the construction, maintenance, and operation of the bases, and the families of such persons, for domestic use between United States post offices in the bases and between such post offices and other United States post offices. The United States shall have the right to regulate and control within the bases all communications within, to and from such bases.

Article XVII

REMOVAL OF IMPROVEMENTS

1. It is mutually agreed that the United States shall have the right to remove or dispose of any or all removable improvements, equipment or facilities located at or on any base and paid for with funds of the United States. No export tax shall be charged on any material or equipment so removed from the Philippines.

2. All buildings and structures which are erected by the United States in the bases shall be the property of the United States and may be removed by it before the expiration of this Agreement or the earlier relinquishment of the base on which the structures are situated. There shall be no obligation on the part of the United States or of the Philippines to rebuild or repair any destruction or damage inflicted from any cause whatsoever on any of the said buildings or structures owned or used by the United States in the bases. The United States is not obligated to turn over the bases to the Philippines at the expiration of this Agreement or the earlier relinquishment of any bases in the condition in which they were at the time of their occupation, nor is the Philippines obliged to make any compensation to the United States for the improvements made in the bases or for the buildings or structures left thereon, all of which shall become the property of the Philippines upon

the termination of the Agreement or the earlier relinquishment by the United States of the bases where the structures have been built.

Article XVIII

SALES AND SERVICES WITHIN THE BASES

1. It is mutually agreed that the United States shall have the right to establish on bases, free of all licenses; fees; sales, excise or other taxes, or imposts; Government agencies, including concessions, such as sales commissaries and post exchanges, messes and social clubs, for the exclusive use of the United States military forces and authorized civilian personnel and their families. The merchandise or services sold or dispensed by such agencies shall be free of all taxes, duties and inspection by the Philippine authorities. Administrative measures shall be taken by the appropriate authorities of the United States to prevent the resale of goods which are sold under the provisions of this Article to persons not entitled to buy goods at such agencies and, generally, to prevent abuse of the privileges granted under this Article. There shall be cooperation between such authorities and the Philippines to this end.

2. Except as may be provided in any other agreements, no person shall habitually render any professional services in a base except to or for the United States or to or for the persons mentioned in the preceding paragraph. No business shall be established in a base, it being understood that the Government agencies mentioned in the preceding paragraph shall not be regarded as businesses for the purposes of this Article.

Article XIX

COMMERCIAL CONCERNS

It is mutually agreed that the United States shall have the right, with the consent of the Philippines, to grant to commercial concerns owned or controlled by the citizens of the United States or of the Philippines such rights to the use of any base or facility retained or acquired by the United States as may be deemed appropriate by both Governments to insure the development and maintenance for defense purposes of such bases and facilities.

Article XX

MILITARY OR NAVAL POLICE

It is mutually agreed that there shall be close cooperation on a reciprocal basis between the military and naval police forces of the United States and the police forces of the Philippines for the purpose of preserving order and discipline among United States military and naval personnel.

Article XXI

TEMPORARY INSTALLATIONS

1. It is mutually agreed that the United States shall retain the right to occupy temporary quarters and installations now existing outside the bases mentioned in Annex A and Annex B, for such reasonable time, not exceeding two years,[14] as may be necessary to develop adequate facilities within the bases for the United States armed forces. If circumstances require an extension of time, such a period will be fixed by mutual agreement of the two Governments; but such extension shall not apply to the existing temporary quarters and installations within the limits of the City of Manila and shall in no case exceed a period of three years.

2. Notwithstanding the provisions of the preceding paragraph, the Port of Manila reservation with boundaries as of 1941 will be available for use to the United States armed forces until such time as other arrangements can be made for supply of the bases by mutual agreement of the two Governments.

3. The terms of this Agreement pertaining to bases shall be applicable to temporary quarters and installations referred to in paragraph 1 of this Article while they are so occupied by the armed forces of the United States; provided, that offenses committed within the temporary quarters and installations located within the present limits of the City of Manila shall not be considered as offenses within the bases but shall be governed by the Provisions of Article XIII, paragraphs 2 and 4, except that the election not to exercise the jurisdiction reserved to the Philippines shall be made by the Secretary of Justice. It is agreed that the United States shall have full use and full control of all these quarters and installations while they are occupied by the armed forces of the United States, including the exercise of such measures as may be necessary to police said quarters for the security of the personnel and property therein.

Article XXII

CONDEMNATION OR EXPROPRIATION

1. Whenever it is necessary to acquire by condemnation or expropriation proceedings real property belonging to any private persons, associations or corporations located in bases named in Annex A and Annex B in order to carry out the purposes of this Agreement, the Philippines will institute and prosecute such condemnation or expropriation proceedings in accordance with the laws of the Philippines. The United States agrees to reimburse the Philippines for all the reasonable expenses, damages and costs thereby incurred, including the value of the property as determined by the Court. In addition, subject to the mutual agreement of the two Governments, the United States will reimburse the Philippines for the reasonable costs of trans-

[14] For a *modus vivendi* extending the right of occupancy for an interim period, see agreement of March 26 and 28, 1949, *post*, p. 171. For subsequent extension of the term of occupancy, see agreement of May 14 and 16, 1949 (TIAS 1967), *post*, p. 175.

portation and removal of any occupants displaced or ejected by reason of the condemnation or expropriation.

2. Prior to the completion of such condemnation or expropriation proceedings, in cases of military necessity the United States shall have the right to take possession of such property required for military purposes as soon as the legal requisites for obtaining possession have been fulfilled.

3. The properties acquired under this Article shall be turned over to the Philippines upon the expiration of this Agreement, or the earlier relinquishment of such properties, under such terms and conditions as may be agreed upon by the two Governments.

Article XXIII

CIVIL LIABILITY

For the purpose of promoting and maintaining friendly relations by the prompt settlement of meritorious claims, the United States shall pay just and reasonable compensation, when accepted by claimants in full satisfaction and in final settlement, for claims, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of private property, both real and personal, or personal injury or death of inhabitants of the Philippines, when such damage, loss, destruction or injury is caused by the armed forces of the United States, or individual members thereof, including military or civilian employees thereof, or otherwise incident to non-combat activities of such forces; provided that no claim shall be considered unless presented within one year after the occurrence of the accident or incident out of which such claim arises.

Article XXIV

MINERAL RESOURCES

All minerals (including oil), and antiquities and all rights relating thereto and to treasure trove, under, upon, or connected with the land and water comprised in the bases or otherwise used or occupied by the United States by virtue of this Agreement, are reserved to the Government and inhabitants of the Philippines; but no rights so reserved shall be transferred to third parties, or exercised within the bases, without the consent of the United States. The United States shall negotiate with the proper Philippine authorities for the quarrying of rock and gravel necessary for construction work on the bases.

Article XXV

GRANT OF BASES TO A THIRD POWER

1. The Philippines agrees that it shall not grant, without prior consent of the United States, any bases or any rights, power, or authority whatsoever, in or relating to bases, to any third power.

2. It is further agreed that the United States shall not, without the

consent of the Philippines, assign, or underlet, or part with the possession of the whole or any part of any base, or of any right, power or authority granted by this Agreement, to any third power.

Article XXVI

DEFINITION OF BASES

For the purposes of this Agreement, bases are those areas named in Annex A and Annex B and such additional areas as may be acquired for military purposes pursuant to the terms of this Agreement.

Article XXVII

VOLUNTARY ENLISTMENT OF PHILIPPINE CITIZENS

It is mutually agreed that the United States shall have the right to recruit citizens of the Philippines for voluntary enlistment into the United States armed forces for a fixed term of years, and to train them and to exercise the same degree of control and discipline over them as is exercised in the case of other members of the United States armed forces. The number of such enlistments to be accepted by the armed forces of the United States may from time to time be limited by agreement between the two Governments.

Article XXVIII

UNITED STATES RESERVE ORGANIZATIONS

It is mutually agreed that the United States shall have the right to enroll and train all eligible United States citizens residing in the Philippines in the Reserve organizations of the armed forces of the United States, which include the Officers Reserve Corps and the Enlisted Reserve Corps, except that prior consent of the Philippines shall be obtained in the case of such persons who are employed by the Philippines or any Municipal or Provincial Government thereof.

Article XXIX [15]

TERM OF AGREEMENT

The present Agreement shall enter into force upon its acceptance [16] by the two Governments and shall remain in force for a period of ninety-nine years subject to extension thereafter as agreed by the two Governments.

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[15] For an amendment of art. XXIX, see agreement of Sept. 16, 1966 (17 UST 1212; TIAS 6084).

[16] In a note of June 16, 1947, the American Chargé d'Affaires ad interim at Manila informed the Acting Secretary of Foreign Affairs of the Republic of the Philippines that "the Government of the United States of America considers that the signature affixed to the Agreement in its behalf constitutes the acceptance of the Agreement by the Government of the United States of America." In a note of Jan. 24, 1948, the Secretary of Foreign Affairs of the Republic of the Philippines informed the American Ambassador at Manila that "the Government of the Republic of the Philippines accepts the Agreement as of March 26, 1947, pursuant to a formal instrument of acceptance and ratification of said Agreement signed by the President of the Philippines on January 21, 1948. . . ."

Signed in Manila, Philippines, in duplicate this fourteenth day of March, nineteen hundred and forty-seven.

On behalf of the Government of the United States of America:

PAUL V. MCNUTT [SEAL]
Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines

On behalf of the Government of the Republic of the Philippines:

MANUEL ROXAS [SEAL]
President of the Philippines

ANNEX A

Clark Field Air Base, Pampanga.
Fort Stotsenberg, Pampanga.
Mariveles Military Reservation, POL Terminal and Training Area, Bataan.
Camp John Hay Leave and Recreation Center, Baguio.
Army Communications System with the deletion of all stations in the Port of Manila Area.
United States Armed Forces Cemetery No. 2, San Francisco del Monte, Rizal.
Angeles General Depot, Pampanga.
Leyte-Samar Naval Base including shore installations and air bases.
Subic Bay, Northwest Shore Naval Base, Zambales Province, and the existing Naval reservation at Olongapo and the existing Baguio Naval Reservation.
Tawi Tawi Naval Anchorage and small adjacent land areas.
Canacao-Sangley Point Navy Base, Cavite Province.
Bagobantay Transmitter Area, Quezon City, and associated radio receiving and control sites, Manila Area.
Tarumpitao Point (Loran Master Transmitter Station), Palawan.
Talampulan Island, Coast Guard #354 (Loran), Palawan.
Naule Point (Loran Station), Zambales.
Castillejos, Coast Guard #356, Zambales.

ANNEX B

Mactan Island Army and Navy Air Base.
Florida Blanca Air Base, Pampanga.
Aircraft Service Warning Net.
Camp Wallace, San Fernando, La Union.
Puerto Princesa Army and Navy Air Base, including Navy Section Base and Air Warning Sites, Palawan.

Tawi Tawi Naval Base, Sulu Archipelago.
Aparri Naval Air Base.

EXCHANGES OF NOTES

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
March 14, 1947

EXCELLENCY:

I have the honor to state, in signing the Agreement of March 14, 1947, Between the United States of America and the Republic of the Philippines Concerning Military Bases, the understanding of my Government that the question of the adjustment of any rights and titles held by the United States pursuant to the provisions of the Act of Congress of March 24, 1934 (48 Stat. 456) as amended, specifically Section 10(b) thereof, the Joint Resolution of the Congress of June 29, 1944, and the Act of Congress of July 3, 1946, and Treaties and Agreements heretofore entered into between the United States and the Philippines, to real property in any of the bases covered by the aforementioned Agreement or any naval reservations or fueling stations not so covered is reserved and will be settled subsequently in accordance with the terms of the Acts and Joint Resolution of the Congress mentioned above.

I should be appreciative if I might be informed of the concurrence of Your Excellency's Government with the understanding above set forth.

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

PAUL V. MCNUTT

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs for the
Republic of the Philippines

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *March 14, 1947*

EXCELLENCY:

With reference to Your Excellency's note of March 14, 1947, the substantive paragraph of which reads:

[For text, see above.]

I have the honor to state that, without conceding the existence of any rights

or titles to the real property therein referred to, my Government concurs with the understanding above set forth.

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

ELPIDIO QUIRINO
Vice-President and concurrently
Secretary of Foreign Affairs

His Excellency
PAUL V. MCNUTT
United States Ambassador
Manila

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
March 14, 1947

EXCELLENCY:

I have the honor to state in signing the Agreement of March 14, 1947 Between the United States of America and the Republic of the Philippines Concerning Military Bases, the understanding of my Government that the garrisoning and development of the said bases shall be the concern of the Government of the United States of America.

I shall be appreciative if I may be informed of the concurrence of Your Excellency's Government with the understanding above set forth.

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

PAUL V. MCNUTT

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs for the
Republic of the Philippines

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *March 14, 1947*

EXCELLENCY:

In reply to your note of even date regarding the garrisoning and development of the bases covered by the Agreement of March 14, 1947, between the

Republic of the Philippines and the United States of America concerning military bases, I have the honor to state that it is the understanding of my Government that the question of garrisoning and development of said bases shall be the concern of the Government of the United States.

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

ELPIDIO QUIRINO
Vice-President and concurrently
Secretary of Foreign Affairs

His Excellency
PAUL V. MCNUTT
American Ambassador to the Philippines
Manila

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *March 12[14], 1947*

EXCELLENCY:

In the signing of the Agreement on March 14, 1947, between the Republic of the Philippines and the United States of America concerning military bases, I have the honor to state that it is the understanding of my Government that the existing national and provincial and other rights of way of the Republic of the Philippines running through the bases covered in Annex A and Annex B of the Agreement, more particularly the national road running through Camp John Hay and the naval reservation at Baguio, shall continue to be used as such by the public and that this understanding shall be administratively brought about in the enforcement of said Agreement.

I will highly appreciate it, therefore, if I can be informed of the concurrence of Your Excellency's Government with the understanding set forth above.

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

ELPIDIO QUIRINO
Vice-President and concurrently
Secretary of Foreign Affairs

His Excellency
PAUL V. MCNUTT
United States Ambassador
Manila

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
March 14, 1947

EXCELLENCY:

With reference to Your Excellency's note of March 14, 1947, the substantive paragraph of which reads:

[For text, see above.]

I have the honor to state that without conceding the existence of any national or provincial or other rights of way of the Republic of the Philippines running through any of the bases covered in Annex A and Annex B of the Agreement and subject to such adjustments in rights of way as may be required by military necessity in accordance with paragraph 3 of Article III, my Government concurs with the understanding above set forth.

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

PAUL V. MCNUTT

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs for the
Republic of the Philippines

CONSULAR RELATIONS

Convention signed at Manila March 14, 1947
Senate advice and consent to ratification April 14, 1948
Ratified by the President of the United States May 25, 1948
Ratified by the Philippines October 19, 1948
Ratifications exchanged at Manila November 18, 1948
Entered into force November 18, 1948
Proclaimed by the President of the United States November 26, 1948

62 Stat. 1593; Treaties and Other International Acts Series 1741

Consular Convention Between the United States of America and the Republic of the Philippines

The President of the United States of America, and the President of the Philippines, being desirous of defining the rights, privileges, exemptions and immunities of consular officers of each country in the territories of the other country, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

The President of the United States of America:

His Excellency Paul V. McNutt, *Ambassador of the United States of America,* and

The President of the Philippines:

His Excellency Elpidio Quirino, *Vice President and concurrently Secretary of Foreign Affairs of the Republic of the Philippines*

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed on the following Articles:

Article I

1. The Government of each High Contracting Party shall, in respect of any consular officer duly commissioned by it to exercise consular functions in the territories of the other High Contracting Party, give written notice to the Government of such other High Contracting Party of the appointment of such consular officer and shall request that recognition be accorded to such consular officer. The Government of each High Contracting Party shall

furnish free of charge the necessary exequatur of any consular officer of the other High Contracting Party who presents a regular commission signed by the Chief Executive of the appointing country and under its great seal, and shall issue to a subordinate or substitute consular officer who is duly appointed by an accepted superior consular officer or by any other competent officer of his Government, such documents as according to the laws of the respective High Contracting Parties shall be requisite for the exercise by the appointee of the consular function; provided in either case that the person applying for an exequatur or other document is found acceptable.

2. Consular officers of each High Contracting Party shall, after entering upon their duties, enjoy reciprocally in the territories of the other High Contracting Party rights, privileges, exemptions and immunities no less favorable in any respect than the rights, privileges, exemptions and immunities which are enjoyed by consular officers of the same grade of any third country and in conformity with modern international usage. As official agents, such officers shall be entitled to the high consideration of all officials, national, state, provincial or municipal, with whom they have official intercourse in the territories of the High Contracting Party which receives them. It is understood that the term "consular officers", as used in the present Convention, includes consuls general, consuls and vice consuls who are not honorary.

3. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, any secretary, chancellor or assistant, whose official character as an employee in the consulate may previously have been made known to the Government of the High Contracting Party in whose territories the consular function was exercised, may temporarily exercise the consular functions of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, privileges, exemptions and immunities that were granted to the consular officer.

4. A consular officer or a diplomatic officer of either High Contracting Party, a national of the country by which he is appointed and duly commissioned or accredited, may, in the territories of the other High Contracting Party, have the rank also of a diplomatic officer or consular officer, as the case may be, it being understood that permission for him to exercise such dual functions shall have been duly granted by the Government of the High Contracting Party in the territories of which he exercises his functions.

Article II

1. Consular officers, nationals of the High Contracting Party by which they are appointed, and not engaged in any private occupations for gain within the territories of the country in which they exercise their functions, shall be exempt from arrest in such territories except when charged with the

commission of an offense designated by local legislation as a crime other than a misdemeanor and subjecting the individual guilty thereof to punishment by imprisonment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever, and the exemptions provided for by this sentence shall apply equally to employees in a consulate who are nationals of the High Contracting Party by which they are employed, and not engaged in any private occupation for gain.

2. In criminal cases the attendance at court by a consular officer as witness may be demanded by the plaintiff, the defense or the court. The demand shall be made with all possible respect for the consular dignity and the duties of the office, and when so made there shall be compliance on the part of the consular officer.

3. In civil cases, consular officers shall be subject to the jurisdiction of the courts in the territories of the High Contracting Party which receives them. When the testimony of a consular officer who is a national of the High Contracting Party which appoints him and who is not engaged in any private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

4. Consular officers and employees in a consulate shall not be required to testify in criminal or civil cases, regarding acts performed by them in their official capacity.

Article III

1. The Government of each High Contracting Party shall have the right to acquire and hold, lease and occupy land and buildings required for diplomatic or consular purposes in the territories of the other High Contracting Party, and shall have the right to erect buildings on land which is held by or on behalf of such Government in the territories of the other High Contracting Party for diplomatic or consular purposes, subject to local building regulations.

2. No tax of any kind, national, state, provincial or municipal, shall be levied in the territories of either High Contracting Party on the Government of the other High Contracting Party, or on any officer or employee of such other High Contracting Party, in respect of land or buildings acquired, leased, or occupied by such other High Contracting Party and used exclusively for the conduct of official business, except assessments levied for services or local public improvements by which the premises are benefited, provided the right of each High Contracting Party to tax the owner of property leased to the other High Contracting Party is not hereby abridged.

Article IV

Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, and not engaged in any private occupation for gain within the territories in which they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal, levied on their persons or property, except taxes levied on account of the possession or ownership of immovable property situated within the territories in which they exercise their functions or taxes levied on account of income derived from property of any kind situated within such territories. Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, shall be exempt from the payment of all taxes, national, state, provincial and municipal, on the salaries, allowances, fees or wages received by them in compensation for consular services.

Article V

1. All furniture, equipment and supplies intended for official use in the consular offices and official consular residences of either High Contracting Party in the territories of the other High Contracting Party shall be permitted entry into such territories free of all duty.

2. Consular officers of either High Contracting Party and members of their families and suites, including employees in a consulate and their families, shall be exempt from the payment of any duty in respect of the entry into the territories of the other High Contracting Party of their baggage and all other personal property, whether preceding or accompanying them to a consular post, either upon first arrival or upon subsequent arrivals, or imported at any time while assigned to or employed at such post.

3. It is understood, however,

(*a*) that the exemptions provided in paragraph 2 of this Article shall not be extended to consular officers and members of their suites, including employees in a consulate, who are not nationals of the High Contracting Party by which they are appointed or employed, or who are engaged in any private occupation for gain within the territories of the other High Contracting Party;

(*b*) that in the case of each consignment of articles imported for the personal use of consular officers or members of their families or suites, including employees in a consulate and their families, at any time during their official residence within the territories in which they exercise their functions, a request for entry free of duty shall be made through diplomatic channels; and

(*c*) that nothing herein shall be construed to permit the entry into the territory of either High Contracting Party of any article the importation of which is specifically prohibited by law.

Article VI

1. Consular officers of either High Contracting Party may place over the outer door of their respective offices the arms of their country with an appropriate inscription designating the nature of the office, and they may place the coat of arms and fly the flag of their country on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their country on their offices, including those situated in the capitals of the respective countries. They may likewise fly such flag over any boat, vessel, or aircraft employed in the exercise of their consular functions.

2. The quarters where consular business is conducted, all consular correspondence in transit under official seal, and all papers, records, and correspondence comprising the consular archives shall at all times be inviolable and under no pretext shall any authorities of any character of the country in which such quarters or archives are located invade such premises or make any examination or seizure of papers or other property in such quarters or of such archives. When the consular officers are engaged in business within the territories in which they exercise their functions, the consular files and documents shall be kept in a place entirely separate from the place where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or to testify as to their contents.

Article VII

1. Consular officers of either High Contracting Party shall have the right, within their respective consular districts, to apply to or address the authorities, national, state, provincial, or municipal, for the purpose of protecting the nationals of the High Contracting Party by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection shall justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital shall have the right to apply directly to the Government of the country.

2. Consular officers of either High Contracting Party shall, within their respective districts, have the right to interview, to communicate with, and to advise nationals of their country; to inquire into any incidents which have occurred affecting the interest of such nationals; and to assist such nationals in proceedings before or relations with authorities in the territories of the other High Contracting Party. Consular officers of either High Contracting Party shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular

districts and they shall, upon notification to the appropriate authorities, be permitted without delay to visit and communicate with any such national.

3. Nationals of either High Contracting Party in the territories of the other High Contracting Party shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of either High Contracting Party who are under detention or arrest or in prison or are awaiting trial in the territories of the other High Contracting Party shall be forwarded without delay to such consular officers by the local authorities.

Article VIII

1. Consular officers in pursuance of the laws of their respective countries shall have the right, within their respective consular districts:

(*a*) To take and attest the oaths, affirmations or depositions of any occupant of a vessel of their country, or of any national of their country, or of any person having permanent residence within the territories of their country;

(*b*) To authenticate signatures;

(*c*) To draw up, attest, certify and authenticate unilateral acts, translations, deeds, testamentary dispositions and contracts of the nationals of the High Contracting Party by which the consular officers are appointed; and

(*d*) To draw up, attest, certify, and authenticate unilateral acts, deeds, contracts, testamentary dispositions and written instruments of any kind, which are intended to have application, execution and legal effect principally in the territories of the High Contracting Party by which the consular officers are appointed.

2. Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of either High Contracting Party as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by or executed before a notary or other public officer duly authorized in the territories of the High Contracting Party by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity with the laws and regulations of the country where they are designed to take effect.

Article IX

1. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the High Contracting Party of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the persons concerned.

308-582—73——7

2. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without will or testament whereby he has appointed a testamentary executor, the consular officer of the High Contracting Party of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of such property. Such consular officer shall have the right to be appointed as administrator within the discretion of a court or other agency controlling the administration of estates, provided the laws governing administration of the estate so permit.

3. Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself in that capacity to the jurisdiction of the court or other agency making the appointment for all necessary purposes to the same extent as if he were a national of the High Contracting Party by which he has been received.

Article X

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may be non-residents of the country and nationals of the High Contracting Party by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by duly authorized representatives.

2. A consular officer of either High Contracting Party shall have the right, on behalf of the non-resident nationals of the High Contracting Party by which he was appointed, to collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of workmen's compensation laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees, provided that the court or other agency making distribution through him may require him to furnish reasonable evidence of the remission of the funds to the distributees, it being understood that his responsibility with respect to remission of such funds shall cease when such evidence has been furnished by him to and accepted by such court or other agency.

Article XI

1. A consular officer of either High Contracting Party shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country and shall alone exercise jurisdiction in situations,

wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrong-doing shall have entered the territorial waters or territories within his consular district. Consular officers shall also have jurisdiction over issues concerning the adjustment of wages of the crews and the execution of contracts relating to their wages or conditions of employment, provided the local laws so permit.

2. When acts committed on board private vessels of the country by which the consular officer has been appointed and within the territories or the territorial waters of the High Contracting Party by which he has been received, constitute crimes according to the laws of the receiving country, subjecting the persons guilty thereof to punishment by a sentence of death or of imprisonment for a period of at least one year, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the laws of the receiving country.

3. A consular officer shall have the right freely to invoke the assistance of the local police authorities in all matters pertaining to the maintenance of internal order on board vessels of his country within the territories or the territorial waters of the country by which he has been received, and upon such request the requisite assistance shall be given promptly.

4. A consular officer shall have the right to appear with the officers and crews of vessels of his country before the judicial authorities of the country by which he has been received for the purpose of observing proceedings or of rendering assistance as an interpreter or agent.

Article XII

1. A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined to and about to clear for the ports of his country, for the sole purpose of observing the sanitary conditions and measures taken on board such vessels, in order that he may be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels.

2. In exercising the right conferred upon them by this Article, consular officers shall act with all possible dispatch and without unnecessary delay.

Article XIII

1. All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other High Contracting Party shall be directed by the consular officer of the country to which the vessel

belongs and within whose district the wreck may have occurred, or by some other person authorized for such purpose by the law of such country and whose identity and authority shall be made known to the local authorities by the consular officer.

2. The local authorities of the country where the wreck has occurred shall immediately inform the consular officer, or such other authorized person, of the occurrence. Pending the arrival of the consular officer or such other authorized person, the local authorities shall take all necessary measures for the protection of persons and the preservation of the wrecked property. The local authorities shall intervene only to maintain order, to protect the interests of the salvors, if the salvors do not belong to the crew of the wrecked vessel, and to ensure the execution of the arrangements which shall be made for the entry and exportation of the salvaged merchandise and equipment. It is understood that such merchandise and equipment shall not be subjected to any customs or customhouse charges unless intended for consumption in the country where the wreck has occurred.

3. When the wreck occurs within a port, there shall be observed also those arrangements which may be ordered by the local authorities with a view to avoiding any damage that might otherwise be caused thereby to the port and to other ships.

4. The intervention of the local authorities shall occasion no expense of any kind to the owners or operators of the wrecked vessels, except such expenses as may be caused by the operations of salvage and the preservation of the merchandise and equipment saved, together with expenses that would be incurred under similar circumstances by vessels of the country.

Article XIV

Honorary consuls or vice consuls of either High Contracting Party, as the case may be, shall enjoy those rights, privileges, exemptions and immunities provided for in Article I, paragraph 1, Article II, paragraph 1, Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XIV of the present Convention, for which they have received authority in conformity with the laws of the High Contracting Party by which they are appointed; and they shall enjoy in any case all the rights, privileges, exemptions and immunities enjoyed by honorary consular officers of the same rank of any third country.

Article XV

A consular officer shall cease to discharge his functions (1) by virtue of an official communication from the Government of the High Contracting Party by which appointed addressed to the Government of the High Contracting Party by which he has been received advising that his functions have ceased, or (2) by virtue of a request from the Government of the High Contracting Party by which appointed that an exequatur be issued to a successor, or (3)

by withdrawal of the exequatur granted him by the Government of the High Contracting Party in whose territory he has been discharging his duties.

ARTICLE XVI

1. The present Convention shall be ratified and the ratification thereof shall be exchanged at Manila. The Convention shall take effect in all its provisions immediately upon the exchange of ratifications and shall continue in force for the term of ten years.

2. If, six months before the expiration of the aforesaid period of ten years, the Government of neither High Contracting Party shall have given notice to the Government of the other High Contracting Party of an intention to terminate the Convention upon the expiration of the aforesaid period of ten years, the Convention shall continue in effect after the aforesaid period and until six months from the date on which the Government of either High Contracting Party shall have notified to the Government of the other High Contracting Party an intention to terminate the Convention.

In faith whereof the above named plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Manila, this fourteenth day of March in the year of our Lord one thousand nine hundred and forty-seven and of the Independence of the Republic of the Philippines the first.

For the Government of the United States of America
PAUL V. MCNUTT [SEAL]

For the Government of the Republic of the Philippines
ELPIDIO QUIRINO [SEAL]

MILITARY ASSISTANCE

Agreement signed at Manila March 21, 1947
Entered into force March 21, 1947; operative from July 4, 1946
Article 5 modified by agreement of September 26 and December 9, 1947, and May 6 and June 7, 1948 [1]
Extended by agreement of February 24 and March 11 and 13, 1950 [2]
Expired July 4, 1953

61 Stat. 3283; Treaties and Other International Acts Series 1662

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES ON MILITARY ASSISTANCE TO THE PHILIPPINES

Considering the desire of the Government of the Republic of the Philippines to obtain assistance in the training and development of its armed forces and the procurement of equipment and supplies therefor during the period immediately following the independence of the Philippines, considering the Agreement between the United States of America and the Republic of the Philippines concerning military bases, signed March 14, 1947,[3] and in view of the mutual interest of the two Governments in matters of common defense, the President of the United States of America has authorized the rendering of military assistance to the Republic of the Philippines towards establishing and maintaining national security and towards forming a basis for participation by that Government in such defensive military operations as the future may require, and to attain these ends the Governments of the United States of America and the Republic of the Philippines have agreed as follows:

TITLE I

PURPOSE AND DURATION

ARTICLE 1—Subject to mutual agreements, the Government of the United States of America will furnish military assistance to the Government of the Republic of the Philippines in the training and development of armed forces

[1] TIAS 1954, *post*, p. 137.
[2] 1 UST 448; TIAS 2080.
[3] TIAS 1775, *ante*, p. 55.

and in the performance of other services essential to the fulfillment of those obligations which may devolve upon the Republic of the Philippines under its international agreements including commitments assumed under the United Nations and to the maintenance of the peace and security of the Philippines, as provided in Title II, Article 6, hereof.

ARTICLE 2—This Agreement shall continue for a period of five years from July 4, 1946 unless previously terminated or extended as hereinafter provided.

ARTICLE 3—If the Government of the Republic of the Philippines should desire that this Agreement be extended beyond the stipulated period, it shall make a written proposal to that effect at least one year before the expiration of this Agreement.

ARTICLE 4—This Agreement may be terminated before the expiration of the period of five years prescribed in Article 2, or before the expiration of an extension authorized in Article 3, by either Government, subject to three months' written notice to the other Government.

ARTICLE 5—It is agreed on the part of the Government of the Republic of the Philippines that title to all arms, vessels, aircraft, equipment and supplies, expendable items excepted, that are furnished under this Agreement on a non-reimbursable basis shall remain in the United States of America.[4]

TITLE II

GENERAL

ARTICLE 6—For the purposes of this Agreement the military assistance authorized in Article 1 hereof is defined as the furnishing of arms, ammunition, equipment and supplies; certain aircraft and naval vessels, and instruction and training assistance by the Army and Navy of the United States and shall include the following:

(*a*) Establishing in the Philippines of a United States Military Advisory Group composed of an Army group, a Navy group and an Air group to assist and advise the Republic of the Philippines on military and naval matters;

(*b*) Furnishing from United States sources equipment and technical supplies for training, operations and certain maintenance of Philippine armed forces of such strength and composition as mutually agreed upon;

(*c*) Facilitating the procurement by the Government of the Republic of the Philippines of a military reserve of United States equipment and supplies, in such amounts as may be subsequently agreed upon;

(*d*) Making available selected facilities of United States Army and Navy training establishments to provide training for key personnel of the Philippine armed forces, under the conditions hereinafter described.

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[4] For a modification of art. 5, see agreement of Sept. 26 and Dec. 9, 1947, and May 6 and June 7, 1948 (TIAS 1954), *post*, p. 137.

Title III

MILITARY ADVISORY GROUP

Article 7—The Military Advisory Group shall consist of such number of United States military personnel as may be agreed upon by the Governments of the United States of America and the Republic of the Philippines.

Article 8—The functions of the Military Advisory Group shall be to provide such advice and assistance to the Republic of the Philippines as has been authorized by the Congress of the United States of America and as is necessary to accomplish the purposes set forth in Article 1 of this Agreement.

Article 9—Each member of the Military Advisory Group shall continue as a member of the branch of the armed forces of the United States to which he belongs and serve with that group in the rank, grade or rating he holds in the armed forces of the United States and shall wear the uniform thereof, as provided in current regulations. Officers and enlisted men so detailed are authorized to accept from the Government of the Republic of the Philippines offices and such pay and emoluments thereunto appertaining as may be offered by that Government and approved by the appropriate authorities of the United States, such compensation to be accepted by the United States Government for remittance to the individual if in the opinion of the appropriate authorities of the United States such course appears desirable.

Article 10—Members of the Military Advisory Group shall serve under the direction of the authorities of the United States of America.

Article 11—All members of the Group shall be on active duty and shall be paid regularly authorized pay and allowances by the Government of the United States of America, plus a special allowance to compensate for increased costs of living. This special allowance shall be based upon a scale agreed upon by the Governments of the United States of America and the Republic of the Philippines and shall be revised periodically. The Government of the Republic of the Philippines shall reimburse the Government of the United States of America for the special allowances provided for in this Article. The special allowance shall be applicable for the entire period each member of the group resides in the Philippines on duty with the Group, except as specified elsewhere in this Agreement.

Article 12—The Government of the Republic of the Philippines agrees to extend to the Military Advisory Group the same exemptions and privileges granted by Articles V, XII and XVIII of the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases, signed March 14, 1947.

Article 13—Except as may be otherwise subsequently agreed by the two Governments, the expense of the cost of transportation of each member of the Military Advisory Group, his dependents, household effects, and belongings to and from the Philippines shall be borne by the Government of the United States of America to the extent authorized by law. Members of the Group

shall be entitled to compensation for expenses incurred in travel in the Republic of the Philippines on official business of the Group and such expenses shall be reimbursed to the Government of the United States of America by the Government of the Republic of the Philippines except for expenses of travel by the transportation facilities of the Group.

ARTICLE 14—The Government of the Republic of the Philippines shall provide, and defray the cost of, suitable living quarters for personnel of the Military Advisory Group and their families and suitable buildings and office space for use in the conduct of the official business of the Military Advisory Group. All living and office quarters shall conform to the standards prescribed by the United States military services for similar quarters. Official supplies and equipment of American manufacture required by the Group shall be furnished by the Government of the United States of America which shall be reimbursed for the cost thereof by the Government of the Republic of the Philippines. Official supplies and equipment of other than American manufacture shall be provided without cost by the Government of the Republic of the Philippines. The cost of all services required by the Group, including compensation of locally employed interpreters, clerks, laborers, and other personnel, except personal servants, shall be borne by the Government of the Republic of the Philippines.

ARTICLE 15—All communications between the Military Advisory Group and the Republic of the Philippines involving matters of policy shall be through the Ambassador of the United States of America to the Philippines or the Chargé d'Affaires.

ARTICLE 16 (*a*)—The provisions of Articles XIII and XXI of the Agreement of March 14, 1947 between the United States of America and the Republic of the Philippines Concerning Military Bases are applicable to the Military Advisory Group, it being agreed that the Headquarters of the Military Advisory Group will be considered a temporary installation under the provisions of Article XXI of the Agreement aforementioned.

(*b*) The Chief of the Military Advisory Group, and not to exceed six (6) other senior members of the group to be designated by him, will be accorded diplomatic immunity.

TITLE IV

LOGISTICAL ASSISTANCE

ARTICLE 17—The decision as to what supplies, services, facilities, equipment and naval vessels are necessary for military assistance shall be made by agreement between the appropriate authorities of the United States and the Republic of the Philippines.

ARTICLE 18—Certain initial equipment, supplies and maintenance items shall be furnished gratuitously by the United States in accordance with detailed arrangements to be mutually agreed upon. Additional equipment

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and supplies other than those surplus to the needs of the United States required in the furtherance of military assistance shall be furnished by the United States subject to reimbursement by the Republic of the Philippines on terms to be mutually agreed upon. All items of arms, munitions, equipment and supplies originating from sources other than those surplus to the needs of the United States shall be furnished only when the requisite funds have been specifically appropriated by the Congress of the United States.

Article 19—The Government of the Republic of the Philippines agrees that it will not relinquish physical possession or pass the title to any and all arms, munitions, equipment, supplies, naval vessels and aircraft furnished under this Agreement without the specific consent of the Government of the United States.

Article 20—Military equipment, supplies and naval vessels necessary in connection with the carrying out of the full program of military assistance to the Republic of the Philippines shall be provided from United States and Philippine sources in so far as practicable and the Government of the Republic of the Philippines shall procure arms, ammunition, military equipment and naval vessels from governments or agencies other than the United States of America only on the basis of mutual agreement between the Government of the United States of America and the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall procure United States military equipment, supplies and naval vessels only as mutually agreed upon.

Title V

TRAINING ASSISTANCE

Article 21—As part of the program of military assistance the Government of the Republic of the Philippines shall be permitted to send selected students to designated technical and service schools of the ground, naval and air services of the United States. Such students shall be subject to the same regulations as are United States students and may be returned to the Philippines, without substitution, for violation of such regulations. Numbers of students and detailed arrangements shall be mutually agreed upon and shall be kept at a minimum for essential requirements. All Philippine requests for military training of Filipino personnel shall be made to the Government of the United States through the Military Advisory Group.

Title VI

SECURITY

Article 22—Disclosures and exchanges of classified military equipment and information of any security classification to or between the Government of the United States of America and the Government of the Republic of the Philippines will be with the mutual understanding that the equipment and

information will be safeguarded in accordance with the requirements of the military security classification established thereon by the originating Government and that no redisclosure by the recipient Government of such equipment and information to third governments or unauthorized personnel will be made without specific approval of the originating Government.

ARTICLE 23—So long as this Agreement, or any extension thereof, is in effect the Government of the Republic of the Philippines shall not engage or accept the services of any personnel of any Government other than the United States of America for duties of any nature connected with the Philippine armed forces, except by mutual agreement between the Government of the United States of America and the Government of the Republic of the Philippines.

TITLE VII

IN WITNESS WHEREOF, the Undersigned, duly authorized thereto, have signed this Agreement in duplicate, in the City of Manila, this twenty-first day of March, 1947.

For the Government of the United States of America:

PAUL V. MCNUTT [SEAL]

Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines

For the Government of the Republic of the Philippines:

MANUEL ROXAS [SEAL]

President of the Philippines

COAST AND GEODETIC PROGRAM

Agreement signed at Manila May 12, 1947
Entered into force May 12, 1947
Terminated upon fulfillment of its terms

61 Stat. 2852; Treaties and Other International Acts Series 1616

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING COAST AND GEODETIC SURVEY WORK AND TRAINING PROGRAM

WHEREAS, the Government of the United States of America has enacted Public Law 370—79th Congress, approved April 30, 1946,[1] known as the Philippine Rehabilitation Act of 1946, whereof Section 310, entitled "Coast and Geodetic Surveys," provides:

"The Coast and Geodetic Survey of the Department of Commerce is authorized to continue, until June 30, 1950, the survey work which was being conducted by it in the Philippines prior to December 7, 1941. The Director of the Coast and Geodetic Survey is authorized to train not exceeding twenty Filipinos each year prior to July 1, 1950, to be designated by the President of the Philippines subject to the provisions of section 311 (c), in order that they may become qualified to take over and continue such survey work on and after July 1, 1950, and to pay all expenses incident to their temporary employment and training." and

WHEREAS, The Government of the Republic of the Philippines is desirous of availing itself of the benefits, facilities and services which are authorized by the above-quoted Section 310 of the said Public Law 370—79th Congress;

THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have mutually agreed as follows:

ARTICLE I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Director of the

[1] 60 Stat. 128.

United States Coast and Geodetic Survey of the Department of Commerce, hereinafter referred to as the United States Director. The United States Director may delegate to a duly authorized representative all or any part of his authority for effectuating the provisions of this Agreement. The duties, functions and powers exercised in the Republic of the Philippines under the terms of this Agreement by the United States Director, or his duly authorized representative, shall be under the general supervision of the United States Ambassador accredited to the Government of the Republic of the Philippines or, in the absence of the Ambassador, of the Charge d'Affaires ad interim of the United States of America. The United States Director, or his duly authorized representative, may negotiate and conclude any working agreements necessary for carrying out the provisions of this Agreement.

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Director of the Bureau of Coast and Geodetic Survey of the Department of National Defense, hereinafter referred to as the Philippine Director. The Philippine Director may delegate to an officer or employee of the Bureau of Coast and Geodetic Survey of the Department of National Defense all or any part of his authority for effectuating the provisions of this Agreement. The Philippine Director, or his authorized representative, shall be the representative of the Government of the Republic of the Philippines in the negotiation and conclusion of all working agreements necessary for carrying out the provisions of this Agreement.

The United States Director and the Philippine Director shall cooperate in every way possible to carry out the spirit and purpose of this Agreement.

Article II

The United States Director shall assign one commissioned officer of the United States Coast and Geodetic Survey of the Department of Commerce who shall perform the duties of Director of Coast Surveys, Manila Field Station, United States Coast and Geodetic Survey.

The Director of Coast Surveys, Manila Field Station, shall act as adviser on Coast and Geodetic Surveys to the President of the Republic of the Philippines and shall also direct the office and field operations of all personnel paid with United States Government funds. Other Coast and Geodetic Survey commissioned officers and Civil Service personnel may, pursuant to the purposes of this Agreement, be assigned to duty in the Republic of the Philippines and shall serve under the Director of Coast Surveys, Manila Field Station. The organization of the Philippine Bureau of Coast and Geodetic Survey is to be determined entirely by the Republic of the Philippines.

The United States Coast and Geodetic Survey of the Department of Commerce shall assume financial responsibility for manning, repairing and operating one survey vessel, the "TULIP."

The United States Coast and Geodetic Survey shall conduct surveying operations in the Republic of the Philippines and instruct Philippine personnel in the Republic of the Philippines in United States Coast and Geodetic Survey techniques of surveying, mapping and charting.

Original hydrographic, topographic, triangulation and leveling records and accompanying surveys and reports made by the United States Coast and Geodetic Survey under the terms of this Agreement will become the property of the Government of the Republic of the Philippines, and the United States Coast and Geodetic Survey will retain, or be provided with, three photolithographic copies of all triangulation, air photo, topographic, tidal, magnetic, photogrammetric, leveling, hydrographic and other surveys and one copy of each descriptive report.

The United States Coast and Geodetic Survey will print charts of the Republic of the Philippines for the Philippine Bureau of the Coast and Geodetic Survey until the latter is in position to assume responsibiilty for the operation.

ARTICLE III

The United States Director shall provide for the temporary employment and training during the period of this Agreement of not to exceed twenty (20) citizens of the Republic of the Philippines each year in surveying, mapping, charting and related activities. The United States Director shall provide for the payment of all expenses incidental to such temporary employment and training, including, but not necessarily limited to, actual transportation expenses to and from and in the United States of America, allowances for tuition, educational fees and subsistence.

Subject to the provisions of Section 311 (c) of the said Public Law 370—79th Congress, the trainees referred to in the preceding paragraph of this Article shall be designated by the President of the Philippines in accordance with procedures and standards established by the United States Director. The Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names and necessary supporting documents of the trainees so designated.

ARTICLE IV

Vessels owned by the Government of the United States of America (including small boats) operated by the Coast and Geodetic Survey of the United States Department of Commerce as part of the program carried out pursuant to this Agreement shall be permitted to move freely in the territorial waters of the Republic of the Philippines, to enter and sail from the several ports with or without pilots and without the necessity of formal entrance or clearance that may ordinarily be required of commercial and other vessels and to establish or utilize such means of communications between such vessels and shore facilities as may be necessary to the effective adminis-

tration of the programs contemplated by this Agreement. Quarantine procedures and inspections shall be required only at the first Philippine port of call on original entry.

Vessels of the Government of the United States of America used in the Coast and Geodetic Survey program (including small boats), their equipment, tackle, and appurtenances shall be immune from seizure under Admiralty or other legal process.

Vessels owned by the Government of the United States of America (including small boats) used in the Coast and Geodetic Survey program shall be exempt from all requirements of the Government of the Republic of the Philippines relating to inspection, registry, manning or licensing of vessels or marine personnel.

Where suitable public wharves or facilities for moorage are available, such vessels shall be furnished wharfage or moorage without cost.

Article V

The Government of the Republic of the Philippines agrees to provide free of cost to the Government of the United States of America such lands, rights-of-way and easements as may be necessary for carrying out the terms of this Agreement. The United States Director is authorized to accept and utilize for the performance of the terms of this Agreement contributions of labor, materials, equipment and money from the Government of the Republic of the Philippines and its political subdivisions.

Article VI

The Government of the Republic of the Philippines agrees to provide such equipment and facilities, including such satisfactory ships and small boats for survey work as may be necessary to carry out the purposes of this Agreement and as may be available to the Government of the Republic of the Philippines.

The Government of the Republic of the Philippines shall provide and pay qualified personnel (except officers and employees referred to in Articles II and III of this Agreement) necessary to conduct surveying, mapping and charting operations in the Republic of the Philippines, and shall defray all expenses necessary for the operation of the Philippine Bureau of the Coast and Geodetic Survey except as specifically provided for elsewhere in this Agreement.

Article VII

The Government of the Republic of the Philippines will cooperate with the United States Director, or his duly authorized representative, in providing such temporary or permanent office and other space and facilities as may be required and shall render all practicable assistance in securing adequate hous-

ing accommodations, at reasonable rental rates, for personnel of the United States Coast and Geodetic Survey who are engaged in effectuating this program, and their families.

ARTICLE VIII

The Government of the Republic of the Philippines will save harmless all officers and employees of the United States Coast and Geodetic Survey of the Department of Commerce who are citizens of the United States of America from damage suits or other civil actions arising out of their performance of their duties under this Agreement.

ARTICLE IX

Officers, employees and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees, or agents of the United States Coast and Geodetic Survey over all bridges, ferries, roads and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE X

Pending the conclusion of negotiations now being considered by the United States of America and the Republic of the Philippines, no import, excise, consumption, or other tax, duty, or impost shall be levied on funds or property in the Republic of the Philippines which is owned by the United States Coast and Geodetic Survey of the Department of Commerce and used for purposes under the present Agreement or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of United States Coast and Geodetic Survey personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE XI

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

ARTICLE XII

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds by the Government of the United States of America.

ARTICLE XIII

This Agreement shall become effective on the date of its signature and shall continue in effect until completely executed on both sides, but in no event later than June 30, 1950; provided, however, that this Agreement may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the two contracting parties; and provided further that either Government may terminate this Agreement by giving to the other party ninety days notice in writing through diplomatic channels.

IN WITNESS WHEREOF the Undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this twelfth day of May, 1947.

For the Government of the United States of America:
NATHANIEL P. DAVIS
Chargé d'Affaires ad interim
of the United States of America at Manila

For the Government of the Republic of the Philippines:
RUPERTO K. KANGLEON
Secretary of National Defense

METEOROLOGICAL PROGRAM

Agreement signed at Manila May 12, 1947
Entered into force May 12, 1947
Terminated upon fulfillment of its terms

61 Stat. 2858; Treaties and Other International Acts Series 1617

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING METEOROLOGICAL FACILITIES AND TRAINING PROGRAM

WHEREAS, the Government of the United States of America has enacted Public Law 370–79th Congress, approved April 30, 1946,[1] known as the Philippine Rehabilitation Act of 1946, whereof Section 308, entitled "Weather Information", provides:

"(a) The Chief of the Weather Bureau of the Department of Commerce is authorized to establish meteorological facilities in the Philippines as may be required to provide weather information, warnings, and forecasts for general agricultural and commercial activities, including meteorological service for the air routes on which air-navigation facilities are operated by the Civil Aeronautics Administration, and to maintain such meteorological offices until the Philippine Weather Bureau is reestablished and in position to assume responsibility for the service.

"(b) The Chief of the Weather Bureau of the Department of Commerce is authorized, under such regulations as he may adopt, to train not to exceed fifty Filipinos in the first year and not to exceed twenty-five Filipinos in each succeeding year prior to July 1, 1950, the trainees to be designated by the President of the Philippines subject to the provisions of Section 311(c), and the training to include meteorological observations, analyses, forecasting, briefing of pilots, and such other meteorological duties as are deemed necessary in maintenance of general weather service, including weather information required for air navigation and the safe operation of air traffic. The training of these employees shall be in addition to and not in lieu of Weather Bureau employees to be trained under current Weather Bureau appropriations." and

[1] 60 Stat. 128.

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits, facilities and services which are authorized by the above-quoted Section 308 of the said Public Law 370–79th Congress;

THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have agreed mutually as follows:

ARTICLE I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Chief of the United States Weather Bureau of the Department of Commerce, hereinafter referred to as the Chief. The Chief may delegate to a duly authorized representative all or part of his authority for effectuating the provisions of this Agreement. The duties, functions, and powers exercised in the Republic of the Philippines under the terms of this Agreement by the Chief, or his duly authorized representative, shall be under the general supervision of the United States Ambassador accredited to the Government of the Republic of the Philippines, or, in the absence of the Ambassador, of the Charge d'Affaires ad interim of the United States of America. The Chief, or his duly authorized representative, may negotiate and conclude working agreements and contracts necessary for carrying out the provisions of this Agreement.

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Director of the Weather Bureau of the Department of Agriculture and Commerce, hereinafter referred to as the Director. The Director may delegate to an officer or employee of the Weather Bureau of the Philippine Department of Agriculture and Commerce all or part of his authority for effectuating the provisions of this Agreement. The Director, or his duly authorized representative, shall be the representative of the Government of the Republic of the Philippines in the negotiation and conclusion of all working agreements and contracts necessary for carrying out the provisions of this Agreement.

The Chief and the Director shall cooperate in every way possible to carry out the spirit and purpose of this Agreement.

ARTICLE II

The Chief, or his authorized representative, shall, with the consent of and in cooperation with the Government of the Republic of the Philippines, establish, maintain, and operate such meteorological facilities in the Republic of the Philippines as may be required to provide weather information, warnings, and forecasts for general agricultural and commercial activities, including meteorological service for the air routes on which air-navigation facilities are operated, all such meteorological facilities to be operated insofar as possible

in conformance with recognized international standards for meteorological observations and procedures.

The Chief shall assign to the Republic of the Philippines for the purpose of carrying out the provisions of this Agreement a representative and assistants, including instructors and administrative personnel, the salaries and expenses of all such personnel to be paid directly by the United States Weather Bureau of the Department of Commerce.

The Chief, or his duly authorized representative, shall analyze the plans submitted by the Government of the Republic of the Philippines within the terms of this Agreement involving the expenditure of funds by the Government of the United States of America and after consultation with the Director shall approve, disapprove, or modify such plans. The Chief, or his authorized representative, upon his approval of operational plans and programs shall enter into contracts with the Government of the Republic of the Philippines when necessary for the carrying out of such programs.

ARTICLE III

The Chief shall provide for the training during the period of this Agreement of not to exceed fifty (50) citizens of the Republic of the Philippines in the first year and not to exceed twenty-five (25) citizens of the Republic of the Philippines in each succeeding year. This training will include meteorological observations, analyses, forecasting, briefing of pilots, and such other duties as are deemed necessary in the maintenance of a general weather service, including weather information required for air navigation and the safe operation of air traffic. The Chief shall provide for the payment of all expenses incidental to such training, including, but not necessarily limited to, transportation to and from and in the United States of America, allowances for tuition, educational fees, and subsistence.

Subject to the provisions of Section 311 (c) of the said Public Law 370–79th Congress, the trainees referred to in the preceding paragraph of this Article shall be designated by the President of the Philippines in accordance with procedures and standards established by the Chief. The Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names and necessary supporting documents of the trainees so designated.

ARTICLE IV

The Government of the Republic of the Philippines agrees to provide free of cost to the Government of the United States of America such lands, rights-of-way and easements necessary for carrying out the terms of this Agreement. Furthermore, the Government of the Republic of the Philippines shall furnish such equipment, facilities, and qualified personnel, including tech-

nicians, administrative personnel, and such other trained persons necessary to carry out the purposes of this Agreement, as may be available to the Government of the Republic of the Philippines. The Chief is authorized to accept and utilize for the performance of the terms of this Agreement contributions of labor, materials, equipment, and money from the Government of the Republic of the Philippines and its political subdivisions.

ARTICLE V

The responsible agent of the Government of the Republic of the Philippines shall submit to the Chief, or his duly authorized representative, plans for:

(1) The establishment and maintenance of a suitable network of basic weather observing and reporting stations including a suitable number of stations at which upper air observations will be made;

(2) The prompt collection of weather observations at one or more central forecasting offices and the development of weather analysis and forecasting procedures designed to furnish general weather service as well as meeting the economic requirements of domestic and international aviation and maritime commerce;

(3) The establishment of international exchanges of weather information in accordance with recognized international standards;

(4) The compilation and publication of weather records and reports including the results of meteorological investigations;

(5) The training of technical and professional personnel required to maintain a modern weather service;

(6) Fiscal requirements for the inauguration, maintenance, and operation of the foregoing programs.

ARTICLE VI

The Government of the Republic of the Philippines will cooperate with the Chief, or his duly authorized representative, in providing such temporary or permanent office and other space and facilities as may be required and shall render all practicable assistance in securing adequate housing accommodations, at reasonable rental rates, for personnel of the United States Weather Bureau of the Department of Commerce engaged in effectuating this program, and their families.

ARTICLE VII

The Government of the Republic of the Philippines will save harmless all offices and employees of the United States Weather Bureau of the Department of Commerce who are citizens of the United States of America from damage suits or other civil actions arising out of their performance of their official duties under this Agreement.

Article VIII

Officers, employees and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees, or agents of the United States Weather Bureau of the Department of Commerce over all bridges, ferries, roads, and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

Article IX

Pending the conclusion of negotiations now being considered by the Government of the United States of America and the Government of the Republic of the Philippines, no import, excise, consumption, or other tax, duty, or impost shall be levied on funds or property in the Republic of the Philippines which are owned by the United States Weather Bureau of the Department of Commerce and used for purposes under the present Agreement or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty, or impost be levied on the personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use of or consumption of the United States Weather Bureau personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

Article X

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

Article XI

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds by the Government of the United States of America.

Article XII

This Agreement shall become effective on the date of its signature and shall continue in effect until completely executed on both sides, but in no event later than June 30, 1950; provided, however, that this Agreement

may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the two contracting parties; and provided further that either Government may terminate this Agreement by giving to the other party ninety days notice in writing through diplomatic channels.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this 12th day of May, 1947.

For the Government of the United States of America:
NATHANIEL P. DAVIS
Chargé d'Affaires ad interim of the United States of America at Manila

For the Government of the Republic of the Philippines:
MARIANO GARCHITORENA
Secretary of Agriculture and Commerce

AIR NAVIGATION PROGRAM

Agreement signed at Manila May 12, 1947
Entered into force May 12, 1947
Terminated upon fulfillment of its terms

61 Stat. 2864; Treaties and Other International Acts Series 1618

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING AIR NAVIGATION FACILITIES AND TRAINING PROGRAM

WHEREAS, the Government of the United States of America has enacted Public Law 370–79th Congress, approved April 30, 1946,[1] known as the Philippine Rehabilitation Act of 1946, whereof Section 307, entitled "Inter-Island Air Navigation," provides:

"(a) The Administrator of Civil Aeronautics of the Department of Commerce is authorized to acquire, establish, operate, and to maintain a system of air-navigation facilities and associated airways communications services in the Philippines for inter-island airways operation and to connect the Philippine airways with international and interoceanic routes.

"(b) The Administrator of Civil Aeronautics is authorized, under such regulations as he may adopt, to train not exceeding fifty Filipinos each year prior to July 1, 1950, to be designated by the President of the Philippines subject to the provisions of Section 311 (c), in air-traffic control, aircraft communications, maintenance of air-navigation facilities, and such other airman functions as are deemed necessary for the maintenance and operation of aids to air navigation and other services essential to the orderly and safe operation of air traffic." and

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits, facilities and services which are authorized by the above-quoted Section 307 of the said Public Law 370–79th Congress;

THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have agreed mutually as follows:

[1] 60 Stat. 128.

Article I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Administrator of Civil Aeronautics of the Department of Commerce, hereinafter referred to as the Administrator. The Administrator may delegate to a duly authorized representative of the Civil Aeronautics Administration all or any part of his authority for effectuating the provisions of this Agreement. The duties, functions, and powers exercised in the Republic of the Philippines under the terms of this Agreement by the Administrator or his duly authorized representative shall be under the general supervision of the United States Ambassador accredited to the Government of the Republic of the Philippines or, in the absence of the Ambassador, of the Charge d'Affaires ad interim of the United States of America. The Administrator, or his duly authorized representative, may negotiate and conclude any working agreements necessary for carrying out the provisions of this Agreement.

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Director of Aeronautics of the Bureau of Aeronautics of the Department of National Defense, hereinafter referred to as the Director of Aeronautics. The Director of Aeronautics may delegate to an officer or employee of the Bureau of Aeronautics of the Department of National Defense all or part of his authority for effectuating the provisions of this Agreement. The Director of Aeronautics, or his duly authorized representative, shall be the representative of the Government of the Republic of the Philippines in the negotiation and conclusion of all working agreements necessary for carrying out the provisions of this Agreement.

The Administrator and the Director of Aeronautics shall cooperate in every way possible to carry out the spirit and purposes of this Agreement.

Article II

The Administrator shall acquire and establish, and shall maintain and operate during the period required for the training of citizens of the Republic of the Philippines for such operation, a system of air navigation facilities and associated airway communications services in the Philippines for interisland airways operation and to connect the Philippines airways with international and interoceanic routes.

The Administrator, or his duly authorized representative, shall analyze the plans submitted by the Government of the Republic of the Philippines within the terms of this Agreement involving the expenditure of funds by the Government of the United States of America and after consultation with the Director of Aeronautics shall approve, disapprove, or modify such plans.

ARTICLE III

The Administrator shall provide for the training during the period of this Agreement of not to exceed fifty citizens of the Republic of the Philippines each year in the duties of air traffic control, aircraft communication, maintenance of air navigation facilities, and such other airman functions as he deems necessary for the maintenance and operation of aids to air navigation and other services essential to the orderly and safe operation of air traffic. The Administrator shall provide for the payment of all expenses incidental to such training, including, but not necessarily limited to, actual transportation expenses to and from and in the United States of America, allowances for tuition, educational fees, and subsistence.

Subject to the provisions of Section 311 (c) of the said Public Law 370–79th Congress, the trainees referred to in the preceding paragraph of this Article shall be designated by the President of the Philippines in accordance with procedures and standards established by the Administrator. The Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names and necessary supporting documents of the trainees so designated.

ARTICLE IV

The Government of the Republic of the Philippines agrees to provide free of cost to the Government of the United States of America such lands, rights-of-way and easements necessary for carrying out the terms of this Agreement. The Administrator is authorized to accept and utilize for the performance of the terms of this Agreement contributions of labor, materials, equipment and money from the Government of the Republic of the Philippines and its political subdivisions.

ARTICLE V

The Director of Aeronautics shall assist the representative of the Administrator in carrying out the objectives of this Agreement by providing:

(1) recommendations relative to locations for the establishment of air navigation facilities and the type of facilities and services required for each location;

(2) advice as to the specific radio frequency assignments which may be used and as to materials and equipment owned by the Government of the Republic of the Philippines which can be made available for use in carrying out this Agreement; and

(3) suggestions for the accomplishment of all phases of the Agreement, including suggestions for the accomplishment of the physical work involved and for the maintenance and operation of completed facilities.

The Government of the Republic of the Philippines shall furnish such equipment, facilities, and qualified personnel, including technicians, admin-

istrative personnel, and other personnel, as may be necessary and as may be available to the Government of the Republic of the Philippines to carry out the purpose and intent of this Agreement.

ARTICLE VI

The Government of the Republic of the Philippines will cooperate with the Administrator, or his duly authorized representative, in providing such temporary or permanent office and other space and facilities as may be required, and shall render all practicable assistance in securing adequate housing accommodations, at reasonable rental rates, for personnel of the Civil Aeronautics Administration engaged in effectuating this program, and their families.

ARTICLE VII

The Government of the Republic of the Philippines will save harmless all officers and employees of the Civil Aeronautics Administration of the Department of Commerce who are citizens of the United States from damage suits or other civil actions arising out of their performance of their duties under this Agreement.

ARTICLE VIII

Officers, employees, and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees or agents of the Civil Aeronautics Administration of the Department of Commerce over all bridges, ferries, roads and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE IX

Pending the conclusion of negotiations now being considered by the Government of the United States of America and the Government of the Republic of the Philippines, no import, excise, consumption, or other tax, duty or impost shall be levied on funds or property in the Republic of the Philippines which are owned by the Civil Aeronautics Administration and used for purposes under the present Agreement or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty, or impost be levied on the personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of Civil Aeronautics Administration personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including

United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE X

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

ARTICLE XI

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds made by the Government of the United States of America.

ARTICLE XII

This Agreement shall become effective on the date of its signature, and shall continue in effect until completely executed on both sides but in no event later than June 30, 1950; provided, however, that this Agreement may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the two contracting parties; and provided further that either Government may terminate this Agreement by giving to the other party ninety days' notice in writing through diplomatic channels.

IN WITNESS WHEREOF the Undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this 12th day of May, 1947.

For the Government of the United States of America:
NATHANIEL P. DAVIS
Chargé d'Affaires ad interim of the United States of America at Manila

For the Government of the Republic of the Philippines:
RUPERTO K. KANGLEON
Secretary of National Defense

RECRUITMENT OF LABORERS AND EMPLOYEES BY UNITED STATES ARMY

Exchange of notes at Manila May 13 and 16, 1947
Entered into force May 16, 1947
Terminated by agreement of December 28, 1968 [1]

[For text, see 7 UST 2539; TIAS 3646.]

TRANSFER OF LEYTE-SAMAR NAVAL BASE FROM ANNEX A TO ANNEX B OF MILITARY BASES AGREEMENT

Exchange of notes at Manila July 1 and September 12, 1947, implementing agreement of March 14, 1947 [2]
Entered into force September 12, 1947; operative January 1, 1948

[For text, see 3 UST 457; TIAS 2406.]

[1] 19 UST 7560; TIAS 6598.
[2] TIAS 1775, *ante*, p. 55.

RADIOBROADCASTING

Agreement and protocol signed at Manila September 4, 1947
Entered into force September 4, 1947
Superseded by agreement of May 6, 1963 [1]

Department of State files

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES REGARDING RADIO BROADCASTING FACILITIES

The Government of the United States of America and the Government of the Republic of the Philippines,

Being desirous of insuring the continuation of radio broadcasting in the Republic of the Philippines, of affording a medium for the transmission of radio programs by each Government, and of providing a means for the training of Philippine radio technicians; and

Wishing to provide for the use by the two Governments of certain broadcasting facilities now existing or to be constructed in the Republic of the Philippines; and

Being convinced that these purposes should be fulfilled in a spirit of good neighborliness between the Government of the United States of America and the Government of the Republic of the Philippines, and that details of their practical application should be arranged by friendly cooperation;

Have decided to conclude an agreement for those purposes and have agreed as follows:

ARTICLE I

The Government of the United States of America and the Government of the Republic of the Philippines will cooperate, in accordance with the provisions of the present Agreement, in the use of the radio facilities referred to herein which have been or may be constructed in the Republic of the Philippines by the Government of the United States of America.

ARTICLE II

The Government of the Republic of the Philippines shall have the exclusive right to program time from 2200 to 1000 Greenwich Civil Time for domestic broadcasting on the medium wave broadcast transmitter installed at Malolos,

[1] 14 UST 741; TIAS 5353.

Bulacan Province, by the Government of the United States of America. Programs and other material broadcast over that transmitter by the Government of the Republic of the Philippines shall be identified by proper announcement as Philippine programs, and sole responsibility for their transmission shall rest upon the Government of the Republic of the Philippines.

ARTICLE III

The Government of the United States of America shall have the right, as provided in the present Agreement, to operate radio facilities in the Republic of the Philippines for transmission of broadcasts to any or all parts of the world in any language or languages. The operating rights granted by this Article shall apply to the two fifty kilowatt broadcast transmitters and related equipment now exising and to any other radio facilities which may be constructed or installed hereafter in the Republic of the Philippines by the Government of the United States of America under this Agreement.

Programs and other material broadcast by the Government of the United States of America over facilities located in the Republic of the Philippines shall be identified by proper announcement as United States programs, and sole responsibility for their transmission shall rest upon the Government of the United States of America.

ARTICLE IV

In order to facilitate the operation of radio transmission in the Republic of the Philippines the Government of the United States of America shall be permitted

1. To lease or purchase real property upon which radio transmission and receiving facilities have been erected or installed or upon which, in agreement with the Government of the Republic of the Philippines, such facilities may be erected or installed in the future;
2. To lease or purchase necessary public utility services on terms no less favorable than are enjoyed by citizens of the Republic of the Philippines, such as power and telephone services of various kinds, including the leasing of lines and rental of equipment;
3. To construct and install radio transmitters and receivers, including antenna structures, with due regard to restrictions imposed by generally applicable laws relating to air navigation safety;
4. To own and operate motor vehicles necessary to or relating to the operation of radio transmission;
5. To operate distillation equipment for the production of distilled water for use in the operation of radio transmitting equipment;
6. To transmit programs and materials originating in the Republic of the Philippines and to receive radio transmission originating outside the Republic of the Philippines for rebroadcast on a live or delayed (recorded) basis;

7. To utilize for radio transmission on terms mutually agreeable to the Government of the United States of America and the Government of the Republic of the Philippines the frequencies, types of emission, and frequency band widths, which are or may become available for medium or short wave radio transmission in accordance with the Madrid Telecommunications Convention, 1932,[2] including its appended regulations, or any treaty and regulations concerning short wave radio transmission, taking their place in the future. The terms agreed to shall be no less favorable to the Government of the United States of America than to nationals of the Republic of the Philippines.

ARTICLE V

Officers and employees of the Government of the United States of America who are citizens of the United States of America and who are on duty or assigned to duty in the Republic of the Philippines in connection with the transmission of radio broadcasts under the provisions of the present Agreement shall be permitted to move freely into and out of the Republic of the Philippines subject to existing passport and visa regulations and shall not be restricted by the Government of the Republic of the Philippines in their movement to and between their residences and the various locations at which the radio transmission or their other official business is carried on, and shall have free access to any other locations which it may be necessary for them to visit in line with their duties.

ARTICLE VI

Compensation for injury to persons of Philippine nationality or for damage to property belonging to Philippine nationals resulting from the operation in the Republic of the Philippines of radio transmission facilities under the present Agreement by the Government of the United States of America shall be paid by the Government of the United States of America subject to the applicable laws of the Republic of the Philippines. The amounts payable for such injury or damage shall be determined by agreement between the Government of the United States of America and the Government of the Republic of the Philippines.

ARTICLE VII

The Government of the United States of America and the Government of the Republic of the Philippines shall select each year by mutual agreement two graduates of a Philippine technical school to serve for a one year training period as technical assistants in the operation in the Republic of the Philippines of radio transmission facilities owned and operated by the Government of the United States of America. Salaries of such trainees shall be paid by the Government of the United States of America.

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[2] TS 867, *ante*, vol. 3, p. 65.

ARTICLE VIII

Pending its ratification by the Senate of the Philippines in accordance with constitutional procedure, the present Agreement shall enter into force on the date of its signature as a *modus vivendi* between the United States of America and the Republic of the Philippines.

Subject to the provisions of the preceding paragraph and of the third paragraph of this Article, the present Agreement shall remain in force for a period of ten years and thereafter for additional five year periods, unless at least one year before the beginning of one of such five year periods one of the contracting Governments shall give notice to the other Government of an intention to terminate the Agreement, whereupon the Agreement shall cease to be in force at the expiration of the period during which such notice was given.

The Government of the United States of America shall have the right to terminate the present Agreement at any time on six months' notice in the event that circumstances make it impracticable for the Government of the United States of America or any official agency thereof to maintain and operate for purposes of the Government of the United States of America the radio facilities to which the present Agreement applies.

Upon the termination of the present Agreement all right, title and interest of the Government of the United States of America, or of any official agency thereof referred to above, in radio transmitting equipment, power plants, and other related facilities in the Philippines to which the present Agreement applies shall become the property of the Government of the Republic of the Philippines without cost, provided that for a period of five years after such transmitting equipment, power plants, and other related facilities become the property of the Government of the Republic of the Philippines that Government will use these facilities solely for purposes of the Government of the Republic of the Philippines and that at no time during such five-year period will these facilities be rented, leased or sold; nor will these facilities be used for commercial broadcasting except to the extent that will yield income sufficient for proper maintenance and efficient operation thereof.

IN WITNESS WHEREOF, the Undersigned, being duly authorized thereto, have signed the present Agreement in duplicate at Manila this fourth day of September, 1947.

For the Government of the United States of America:
NATHANIEL P. DAVIS
Chargé d'Affaires ad interim of the United States of America at Manila

For the Government of the Republic of the Philippines:
ELPIDIO QUIRINO
Vice President of the Philippines and concurrently Secretary of Foreign Affairs

308-582—73——9

PROTOCOL TO AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES REGARDING RADIO BROADCASTING FACILITIES SIGNED AT MANILA SEPTEMBER 4, 1947.

It is understood and agreed that the real property referred to in Article IV paragraph 1 on which radio transmission facilities have been erected or installed by the Government of the United States of America, comprises, as of the date of signature of this Agreement, the following:

1. A parcel of land with buildings thereon, situated in the Barrio of Mojon, Municipality of Malolos, Province of Bulacan, known as the Bulacan Trade School; more exactly described as follows:

A parcel of first class residential land, Lot No. 2701, located at Barrio Mojon, Municipality of Malolos, Province of Bulacan, Philippines, bounded on the Northwest by property of F. C. Santos and H. Tantoco; on the Northeast by property of F. C. Santos; on the East by the road to Malolos-Quingua, E. Cruz, etc.; on the South by property of P. del Rosario; and on the Southwest by property of the Manila Railroad Company. It contains an area of 221,393 square meters, more or less, of which the United States is using approximately 28,500 square meters. On this parcel of land, the United States has constructed or rehabilitated, or will construct or rehabilitate, a transmitter building with a floor space of approximately 5,824 square feet, formerly known as the Bulacan Trade School Building, a one-story concrete building with concrete floors and sides, and a galvanized iron roof; one reinforced concrete building, housing its power plant, with a floor area of approximately 3,000 square feet; one prefabricated garage and workshop, approximately 4,000 square feet; one prefabricated warehouse, approximately 4,000 square feet; one toilet and shower building, concrete construction, approximately 360 square feet. Lessor: Provincial Government of Bulacan.

It is agreed between the two Governments that in exchange for the right to occupy and use the above described property in the Municipality of Malolos for the purposes of the Agreement to which this Protocol refers the Government of the United States of America will, as soon as possible after the coming into force thereof, erect two quonset huts on a site to be selected by the Government of the Republic of the Philippines and transfer title thereto to the Malolos School Board for its exclusive use. These buildings will measure forty by one hundred feet, more or less, and will be completed for occupancy, including concrete floors. It is agreed by the two Governments that the provision of the aforementioned buildings and of the radio transmission and studio equipment transferred to the Government of the Republic of the Philippines in connection with station KZFM shall be in lieu of rent for the property known as the Bulacan Trade School for so long as the Agreement to which this Protocol refers remains in force beyond the date of termination of the

present lease; it being understood that said lease shall be terminated, in accordance with its terms, on thirty days notice, to be given by the Government of the United States of America when the two buildings to be erected, as described in this paragraph, are declared ready for occupancy.

2. Eight parcels of land situated in the Municipality of Malolos, Province of Bulacan, on which the United States of America has erected antenna towers; more exactly described as follows:

Lot No. 3154 of the Cadastral Survey of Malolos, Bulacan, situated in Barrio, Bulihan, Malolos, Bulacan, bounded on the Northeast by Lot No. 2695, on the Southeast by Lot No. 3153, on the Southwest by Lot No. 2695, and on the Northwest by Lots 3155 and 2695. Area is 9,164 square meters, more or less, of which the United States is using 800 square meters, more or less. Lessor: Eliseo C. Cruz.

Lot No. 3153 of Malolos Cadastre, situated in Barrio Bulihan, Malolos, Bulacan, bounded on the North by the property of Alejandro de Leon, on the East by the property of Estero Malangan, on the South by the property of Estefania del Rosario, and on the West by the Calumpit Road. Area is 8,921 square meters of which the United States is using 1,600 square meters more or less. Lessor: Encarnacion Gatmaitan.

Lot No. 3152 of Malolos Cadastre, situated in Bulihan, Malolos, Bulacan, bounded on the North by the property of Victorino Gatmaitan, on the East by the property of Antonio Bautista, on the South by the property of Antonio Bautista, and on the West by the property of Estero Malangan. Area is 9,621 square meters, of which the United States is using 3,600 square meters. Lessor: Felicidad Jacinto de Dinglasan.

Lot No. 2696, situated in Barrio Mojon, Malolos, Bulacan, bounded on all sides by Lot No. 2695. Area is 14,665 square meters. Lessor: Urbano Enriquez.

Lot No. 2699 of Malolos Cadastre, situated in Barrio Mojon, Malolos, Bulacan, bounded on the North, East and South by Lot No. 2695, property of Antonio Bautista, and on the West by Lot No. 2697, property of Luis Santos. Area is 12,287 square meters. Lessor: Ladislao Caparas.

Lot No. 2698 of Malolos Cadastre, situated in Barrio Catmon, Malolos, Bulacan, bounded on the North by Lots 2695 and 2697, on the East by Lot No. 2695, on the South by Lot No. 2695, all properties of Antonio Bautista, on the West by National Highway No. 3. Area is 6,436 square meters. Lessor: Ananias Crisostomo.

Lot No. 2697 of Malolos Cadastre, situated in Barrio Guinhawa, Malolos, Bulacan, bounded on the North by property of Antonio Bautista, on the East by properties of Antonio Bautista and Alejandro Tiongson, on the South by property of Ceferino Aldaba (now Ananias Crisostomo), and on the West by property of Antonio Bautista. Area is 77,211 square meters. Lessor: Luis Santos.

Lot No. 2695 of Malolos Cadastre, situated in Barrio Mojon, Guinhawa, Pinagbacalan, Bulihan, Sumapa, Malolos, Bulacan, bounded on the Northeast by properties of Silvino Torralba and others, on the East by properties of Alejandro Tiongson and others, on the Southeast by properties of Provincial Government and others, on the Southwest by properties of Manila Railroad and others, on the Northwest by the property of Bartolome Fuentes and others. Area is 1,270,289 square meters, more or less, of which the United States is using 638,620 square meters, more or less. Lessor: Antonio Bautista (deceased).

3. Space for studios and offices in the building at the corner of Soler and Calero Streets in the City of Manila, known as the Roces Building.

IN WITNESS WHEREOF, the Undersigned, being duly authorized thereto, have signed this Protocol in duplicate at Manila this fourth day of September, 1947.

For the Government of the United States of America:
NATHANIEL P. DAVIS
Chargé d'Affaires ad interim of the United States of America at Manila

For the Government of the Republic of the Philippines:
ELPIDIO QUIRINO
Vice President of the Philippines and concurrently Secretary of Foreign Affairs

POSTAL CONVENTION

Signed at Manila September 17 and at Washington September 30, 1947
Operative October 1, 1947
Approved and ratified by the President of the United States February 10, 1948
Ratified by the Philippines December 31, 1948
Superseded by agreement of September 21 and November 12, 1964 [1]

61 Stat. 4161; Treaties and Other International Acts Series 1913

Postal Convention between the United States of America and the Republic of the Philippines

For the purpose of making postal arrangements between the United States of America and the Republic of the Philippines, the undersigned, Robert E. Hannegan, Postmaster General of the United States of America and R. Nepomuceno, Secretary of Public Works and Communications of the Republic of the Philippines, by virtue of authority vested in them by law, have agreed upon the following articles:

Article 1

(a) The provisions of this Convention will apply to letters, single and reply-paid post cards, prints of all kinds including printed matter for the blind and second-class matter, commercial papers, samples without value, and small packets, ordinary and registered, and to parcel-post packages, ordinary only. These articles will be subject to such regulations in the country of destination as that country may deem necessary to protect its customs revenue.

(b) The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not on that account assume any responsibility towards the customs or police authorities or the sender.

If parcels wrongly admitted to the mails are neither returned to origin

[1] 16 UST 1680; TIAS 5893.

nor delivered to the addressee, the Administration of origin must be informed in a precise manner of the treatment accorded the parcel.

(c) The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted.

Except in the case of returned or redirected parcels, pre-payment of the postage and such of the fees mentioned in the preceding paragraph as are applicable, is compulsory.

(d) The weight limit for parcel-post packages shall be 44 pounds for parcels addressed for delivery in the United States and the whole of its possessions; the cities of Manila, Baguio, Iloilo, Cebu, Zamboanga and Davao, and the municipality of Tacloban in the province of Leyte, Philippines, and 11 pounds for parcels addressed for delivery in other points of the Philippines. Parcel post packages containing legal, educational, medical and scientific books up to 22 pounds (10 kilograms) in weight for provincial capitals and other cities in the Philippines may also be accepted for mailing in the United States. The dimensions shall be: Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

The weight limits and dimensions for the other articles mentioned above under (a) as well as the postage rates and registration fees for such articles will be the same as are generally applicable from the United States of America to the countries of the Americo-Spanish Postal Union. In no case may the rates, fees, weight limits and dimensions or other provisions be less favorable, for the public, than those provided for by the Universal Postal Convention then in force.

(e) Except as required by the regulations of the country of destination for the collection of its customs duties, all admissible matter mailed in one country for the other, or received in one country from the other, shall be free from any detention or inspection whatever, and shall be forwarded by the most speedy means to its destination and be promptly delivered to the respective persons to whom it is addressed, being subject in its transmission to the laws and regulations of such country respectively.

Article 2

(a) Each Administration shall retain to its own use the whole of the postage and registration, or special delivery fees it collects on postal articles exchanged with the other, including deficient postage, but it is agreed that on packages sent at parcel post rates, the country of origin shall allow to the country of destination on the total excess number of parcel post packages dis-

patched over the number of such packages received, 30 cents for each parcel not over 11 pounds in weight and 60 cents for each parcel over 11 pounds in weight, settlement to be made quarterly in a general postal account between the two countries on the basis of the parcel bills.

The charges specified above may be reduced or increased on three months previous notice given by one country to the other. These reductions or increases shall hold good for at least one year.

(b) The charges to be paid for the transit of parcel post and air mail of one country by the services of the other country shall be fixed by the country whose services are utilized.

(c) The charges to be paid for the transit to a third country of articles in the regular mails of one country by the services of the other country shall be the transit charges, based on transit statistics, provided by the Universal Postal Convention then in force.

(d) In case of the total loss of a registered article originating in either country and addressed to the other, the maximum indemnity shall be the amount provided by the Universal Postal Union Convention in force from time to time.

(e) The special delivery fee to be levied and collected upon first class mail matter originating in either country and addressed to the other shall be twenty cents.

(f) Articles of every kind not prepaid or insufficiently prepaid, originating in either country and addressed to the other, shall be dealt with in accordance with the regulations prescribed by the Universal Postal Union Convention in force for unprepaid and insufficiently prepaid articles.

Article 3

In case a parcel post package is redirected from one address to another in the country of destination, it shall be subject to an additional charge for postage. The country of destination may, at its option, levy and collect from the addressee of a parcel post package for interior service and delivery, a charge, the amount of which is to be fixed according to its own regulations, but which shall in no case exceed five cents for each parcel regardless of weight. A customs clearance charge may also be collected on each parcel post package which may in no case exceed ten cents for each parcel.

Article 4

(a) Exchanges of mails under this Convention shall be effected through the post offices of both countries designated as exchange post offices under such regulations relative to the details of the exchanges as may be mutually determined to be essential to the security and expedition of the mails and the protection of the customs revenues.

(b) Each country shall provide for and bear the expense of the conveyance of its mails to the other.

ARTICLE 5

(a) Any packet of mailable correspondence, with the exception of parcels prepaid at parcel post rates, may be registered upon payment of the rate of postage and the registration fee applicable thereto in the country of origin.

(b) An acknowledgment of the delivery of a registered article shall be returned to the sender when requested; but either country may require of the sender prepayment of a fee therefor not exceeding ten cents.

ARTICLE 6

Ordinary and registered exchanges shall be effected in properly closed sacks, under such regulations relative to the details of the exchanges as may be mutually determined to be essential.

If a registered article advised shall not be found in the mails by the receiving office, its absence shall be immediately reported by the receiving to the sending office.

ARTICLE 7

(a) All parcel post packages must be fully prepaid before dispatch. Parcels which are not delivered for any cause, shall be reciprocally returned without charge, through the appropriate exchange offices of the two countries, after the expiration of the period for their detention prescribed by the laws or regulations of the country of destination. Such parcels shall be liable on return to senders to a charge equal to the amount required to fully prepay the postage thereon when originally mailed. Insufficiently prepaid articles in the regular mails shall be liable on return to senders to the charge for deficient postage that would have been collected from the addressees if said articles had been delivered.

ARTICLE 8

(a) Parcel-post packages shall be dispatched in separate sacks from other articles.

(b) Parcel bills shall be prepared in duplicate for such parcels dispatched. The duplicate is sent in the regular mails, while the original is inserted in one of the sacks. The sack containing the parcel bill is to be designated by the letter "F" on the label.

(c) The parcels included in each dispatch are to be entered on the bills to show the total number of parcels according to the following divisions of weight:

(1) not over 11 pounds
(2) over 11 pounds

(d) Parcels sent "a decouvert" must be entered separately on the bills.

Returned or redirected parcels must be entered individually on the bills and be followed by the word "Returned" or "Redirected".

(e) The total number of sacks comprising each dispatch must also be shown on the bills.

(f) Each dispatching exchange office numbers the bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

(g) The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other, together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Convention, shall be settled by mutual consent through correspondence between the two Administrations.

ARTICLE 9

(a) On receipt of a dispatch of parcel post packages, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If any error or irregularity which could give rise to liability for compensation is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for examination of requests for indemnity, must be kept.

(b) The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

(c) If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the office sending such telegram.

(d) In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

(e) The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must redispatch such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at . . . .", and the signature of the agents who have effected such repacking.

ARTICLE 10

All matters connected with the exchange of mails between the two countries, which are not herein provided for, shall be governed by the provisions of the Universal Postal Convention and Regulations then in force, so far as the provisions of such Universal Postal Convention and Regulations shall be obligatory upon both of the contracting parties, except as hereafter modified or changed.

ARTICLE 11

The Postmaster General of the United States of America and the Secretary of Public Works and Communications of the Republic of the Philippines shall have authority to jointly make such further regulations of order and detail and to provide for such changes and modifications as may be found necessary to carry out the present Convention from time to time.

ARTICLE 12

This Convention shall be ratified by the contracting countries in accordance with their respective laws, and its ratifications shall be exchanged as early as possible. It shall take effect on a date to be mutually decided on and shall continue in force until terminated by mutual agreement, or annulled at the instance of the Post Office Department of either country, upon six months previous notice given to the other.

Done in duplicate and signed at Manila, Philippines, the 17th day of September, 1947, and at Washington the 30th day of September, 1947.

R. NEPOMUCENO
Secretary of Public Works and Communications
of the Republic of the Philippines

[SEAL] ROBERT E. HANNEGAN
Postmaster General of the United States of America

TRANSFER OF CORREGIDOR ISLAND AND PETTIT BARRACKS

Exchange of notes at Manila October 12, 1947, implementing agreement of March 14, 1947 [1]
Entered into force October 12, 1947
Supplemented by agreements of January 2 and 3, 1948,[2] *and February 19 and 29, 1948* [3]

[For text, see 3 UST 458; TIAS 2406.]

ESTABLISHMENT OF BANK AT CLARK FIELD

Exchange of notes at Manila October 3 and 14, 1947, implementing agreement of March 14, 1947 [1]
Entered into force October 14, 1947

[For text, see 3 UST 466; TIAS 2406.]

TRANSFER OF MARIVELES QUARANTINE RESERVATION

Exchange of notes at Manila December 18 and 19, 1947, implementing agreement of March 14, 1947 [1]
Entered into force December 19, 1947

[For text, see 3 UST 468; TIAS 2406.]

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[1] TIAS 1775, *ante*, p. 55.
[2] 3 UST 480; TIAS 2406.
[3] 3 UST 482; TIAS 2406.

TRANSFER OF CERTAIN PARCELS OF LAND AT NICHOLS FIELD

Exchange of notes at Manila December 23 and 24, 1947, implementing agreement of March 14, 1947 [1]
Entered into force December 24, 1947

[For text, see 3 UST 476; TIAS 2406.]

TRANSFER OF CORREGIDOR ISLAND AND PETTIT BARRACKS

Exchange of notes at Manila January 2 and 3, 1948, supplementing agreement of October 12, 1947 [2]
Entered into force January 3, 1948

[For text, see 3 UST 480; TIAS 2406.]

TRANSFER OF CORREGIDOR ISLAND AND PETTIT BARRACKS

Exchange of notes at Manila February 19 and 29, 1948, supplementing agreement of October 12, 1947 [2]
Entered into force February 29, 1948

[For text, see 3 UST 482; TIAS 2406.]

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[1] TIAS 1775, *ante*, p. 55.
[2] 3 UST 458; TIAS 2406.

FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

Agreement signed at Manila March 23, 1948
Entered into force March 23, 1948
Article 11 amended by agreement of April 2 and 8, 1948; [1] *article 5 amended by agreement of December 8 and 20, 1948* [2]
Amended and extended by agreement of September 18 and October 3, 1958 [3]
Superseded by agreement of March 23, 1963 [4]

62 Stat. 1878; Treaties and Other International Acts Series 1730

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR THE SALE OF CERTAIN SURPLUS WAR PROPERTY, SIGNED SEPTEMBER 11, 1946

The Government of the United States of America and the Government of the Republic of the Philippines;

Desiring to promote further mutual understanding between the peoples of the United States of America and the Republic of the Philippines by a wider exchange of knowledge and professional talents through educational contacts;

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended (Public Law No. 584, 79th Congress; 60 Stat. 754), provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals for certain educational activities; and

Considering that under the provisions of Article 5 C (2) of the Agreement between the Government of the United States of America and the Govern-

[1] TIAS 1745, *post*, p. 131.
[2] TIAS 1910, *post*, p. 168.
[3] 9 UST 1444; TIAS 4138.
[4] 14 UST 352; TIAS 5321.

ment of the Republic of the Philippines for the sale of certain Surplus War Property signed at Manila on September 11, 1946 [5] (hereinafter designated the "Sales Agreement") it is provided that the Government of the Republic of the Philippines shall make available to the Government of the United States of America the equivalent of Two Million Dollars ($2,000,000—United States currency) and any unexpended portion of the sum set forth in Article 5 C (1) of the Sales Agreement, to be available for the implementation of agreements to be entered into between the Government of the United States of America and the Government of the Republic of the Philippines for cultural research, instruction, and other educational activities,

Have agreed as follows:

ARTICLE 1 [6]

There shall be established in the Philippines a foundation to be known as the United States Educational Foundation in the Philippines (hereinafter designated the "Foundation"), which shall be recognized by the Government of the United States of America and the Government of the Republic of the Philippines as an organization created and established to facilitate the administration of the educational program to be financed by funds made available by the Government of the Republic of the Philippines under the terms of the present agreement.[6]

Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America and the Republic of the Philippines as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement.

The funds made available by the Government of the Republic of the Philippines shall be used by the Foundation for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in the Philippines or of the citizens of the Philippines in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or

(2) furnishing transportation for citizens of the Philippines who desire to attend United States schools and institutions of higher learning in the

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[5] 43 UNTS 231.

[6] For an amendment of the first paragraph of art. 1, see agreement of Sept. 18 and Oct. 3, 1958, (9 UST 1444; TIAS 4138).

continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

ARTICLE 2

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purpose of the present agreement including the following:

(1) Receive funds.

(2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State of the United States of America.

(3) Disburse funds and make grants and advances of funds for the authorized purposes of the Foundation.

(4) Acquire, hold, and dispose of such property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable, provided however, that the acquisition of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.

(5) Plan, adopt, and carry out programs, in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of this agreement.

(6) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in the Philippines and institutions of the Philippines qualified to participate in the programs in accordance with the aforesaid Act.

(7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Foundation.

(8) Provide for periodic audits of the accounts of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.

(9) Engage administrative and clerical staff and fix the salaries and wages thereof.

ARTICLE 3

All expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

ARTICLE 4

The Foundation shall not enter into any commitment or create any obligation which shall bind the Foundation in excess of the funds actually on hand nor acquire, hold, or dispose of property except for the purposes authorized in the present agreement.

ARTICLE 5 [7]

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of nine Directors, (hereinafter designated the "Board").

The principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the "Chief of Mission") shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in the Philippines, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, one representative of American business interests in the Philippines and one representative of American educational interests in the Philippines; and (d) four citizens of the Philippines, at least two of whom shall be prominent in the field of education.

The six members specified in (c) and (d) of the last preceding paragraph shall be resident in the Philippines and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Philippine members by the Chief of Mission from a list of names submitted by the Government of the Republic of the Philippines. Vacancies by reason of resignations, transfers of residence outside of the Philippines, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board.

ARTICLE 6

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

ARTICLE 7

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secre-

[7] For an amendment of art. 5, see agreement of Dec. 8 and 20, 1948 (TIAS 1910), *post*, p. 168.

tary of State of the United States of America and to the Government of the Republic of the Philippines.

ARTICLE 8

The principal office of the Foundation shall be in the capital city of the Philippines but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Foundation's officers or staff may be carried on at such places as may be approved by the Board.

ARTICLE 9

The Board may appoint an Executive Officer and determine his salary and term of service, provided however, that in the event it is found to be impracticable for the Board to secure an appointee acceptable to the Chairman, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives. In his absence or disability, the Board may appoint a substitute for such time as it deems necessary or desirable.

ARTICLE 10

The decisions of the Board in all matters may, in the discretion of the Secretary of State of the United States of America, be subject to his review.

ARTICLE 11 [8]

The Government of the Republic of the Philippines shall within thirty (30) days of the date of the signature of the present agreement, deposit with the Treasurer of the United States of America, an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000—United States currency). On January 1, 1948, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000—United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000—United States currency) shall have been so deposited. The aggregate amount of Two Million Dollars shall be increased by any unexpended portion of the sum set forth in Article 5 C (1) of the Sales Agreement which may become available for cultural, research, instruction, and other educational activities. The rate of ex-

[8] For amendments to art. 11, see agreements of Apr. 2 and 8, 1948 (TIAS 1745), *post*, p. 131, and Sept. 18 and Oct. 3, 1958 (9 UST 1444; TIAS 4138).

change to be used in determining the amount of currency of the Government of the Republic of the Philippines which shall be considered equivalent to Two Hundred Thousand Dollars ($200,000—United States currency) shall be the rate agreed upon from time to time by the Government of the United States of America and the Government of the Republic of the Philippines for transactions pursuant to Article 5 C of the Sales Agreement.

The Secretary of State of the United States of America will make available to the Foundation currency of the Government of the Republic of the Philippines in such amounts as may be required by the Foundation, but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

ARTICLE 12

Furniture, equipment, supplies, and any other articles intended for the official use of the Foundation shall be exempt in the territory of the Republic of the Philippines from customs duties, excises, and surtaxes, and every other form of taxation.

All funds and other property used for the purposes of the Foundation, and all official acts of the Foundation within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of the Republic of the Philippines.

ARTICLE 13

The Government of the Republic of the Philippines shall extend to citizens of the United States of America residing in the Philippines and engaged in educational activities under the auspices of the Foundation such privileges with respect to exemption from taxation, and other burdens affecting the entry, travel, and residence of such persons as are extended to Filipino citizens residing in the United States of America engaged in similar activities.

ARTICLE 14

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secreary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

ARTICLE 15

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of the Republic of the Philippines.

ARTICLE 16

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Manila this 23 day of March 1948.

For the Government of the United States of America:

EMMET O'NEAL
Ambassador Extraordinary and Plenipotentiary
of the United States of America to the
Republic of the Philippines

For the Government of the Republic of the Philippines:

ELPIDIO QUIRINO
Vice President of the Philippines
and concurrently
Secretary of Foreign Affairs

MILITARY CEMETERIES

Exchange of notes at Manila March 31 and April 1, 1948, implementing agreement of March 14, 1947 [1]
Entered into force April 1, 1948

[For text, see 3 UST 485; TIAS 2406.]

[1] TIAS 1775, *ante*, p. 55.

FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

Exchange of notes at Manila April 2 and 8, 1948, amending agreement of March 23, 1948
Entered into force April 8, 1948
Superseded by agreement of March 23, 1963 [1]

62 Stat. 1895; Treaties and Other International Acts Series 1745

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
April 2, 1948

No. 1177

EXCELLENCY:

I have the honor to refer to the first two sentences of Article 11 of the Fulbright Agreement [2] between the Government of the United States of America and the Government of the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the Republic of the Philippines and the Government of the United States of America for the sale of surplus war property, which are worded as follows:

"The Government of the Republic of the Philippines shall within thirty (30) days of the date of the signature of the present agreement, deposit with the Treasurer of the United States of America, an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000—United States currency). On January 1, 1948, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000—United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000—United States currency) shall have been so deposited."

[1] 14 UST 352; TIAS 5321.
[2] Agreement signed at Manila Mar. 23, 1948 (TIAS 1730, *ante*, p. 123).

In view of the fact that it is the intent of this agreement to use the equivalent of $200,000 (United States currency) in Philippine currency each year for a period of ten years for the support of cultural and educational activities under the Fulbright Act and that the deposit of this sum of money by the Government of the Republic of the Philippines with the Treasurer of the United States within thirty days of the signature of the agreement will meet the expenses of the program for the year 1948, it is suggested that the second sentence quoted above be amended to read as follows:

"On January 1, 1949, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000—United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000—United States currency) shall have been so deposited."

Upon the receipt of a note from Your Excellency stating that the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended.

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

EMMET O'NEAL

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs of the Republic of the Philippines

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The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *April 8, 1948*

EXCELLENCY:

I have the honor to refer to Your Excellency's note No. 1177 dated April 2, 1948, which reads as follows:

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

In reply, I wish to state that the suggestion contained in your above-quoted note is acceptable to the Government of the Republic of the Philippines and my Government will consider that the second sentence of Article 11

of the Fulbright Agreement between our two Governments has been so amended.

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

BERNABE AFRICA

His Excellency
EMMET O'NEAL
American Ambassador
United States Embassy
Manila

EXCHANGE OF PUBLICATIONS

Exchange of notes at Manila April 12 and June 7, 1948
Entered into force June 7, 1948
Amended by agreement of December 2 and 20, 1965 [1]

62 Stat. 2024; Treaties and Other International Acts Series 1767

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
April 12, 1948

No. 1226

EXCELLENCY:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of the Republic of the Philippines in regard to the exchange of official publications, and to inform Your Excellency that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the Smithsonian Institution. The official exchange office for the transmission of publications of the Government of the Republic of the Philippines shall be the Bureau of Public Libraries.

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[1] 16 UST 1909; TIAS 5921.

3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Republic of the Philippines by the Bureau of Public Libraries.

4. The present agreement does not obligate either of the two governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

EMMET O'NEAL

His Excellency
ELPIDIO QUIRINO,
Secretary of Foreign Affairs of the
Republic of the Philippines

The Secretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *June 7, 1948*

SIR:

With reference to the Ambassador's note of April 12, 1948, and to the conversations between representatives of the Government of the Republic of the Philippines and representatives of the Government of the United States of America in regard to the exchange of official publications, I have the honor to inform you that the Government of the Republic of the Philippines agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

[For text of provisions, see numbered paragraphs above.]

The Government of the Republic of the Philippines considers that your note and this reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

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

BERNABE AFRICA
Undersecretary

The Honorable
THOMAS H. LOCKETT
United States Chargé d'Affaires a.i.
Manila

NAVAL CHARTER FOR LEASE OF VESSELS

Exchange of notes at Manila September 26 and December 9, 1947, and May 6 and June 7, 1948, modifying agreement of March 21, 1947
Entered into force June 7, 1948

62 Stat. 3870; Treaties and Other International Acts Series 1954

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
September 26, 1947

No. 0039

EXCELLENCY:

I have the honor to refer to the Agreement Between the Government of the United States of America and the Government of the Philippines on Military Assistance to the Philippines signed at Manila on March 21, 1947 [1] and to enclose a form of Naval Charter for the lease of vessels made available by the United States Navy to the Government of the Philippines under the terms of that Agreement. The Embassy believes that Your Excellency's Government will find the terms of the proposed Charter, which was prepared under the direction of the Chief of Naval Operations of the United States, satisfactory and will be prepared to designate the person who shall sign the agreement in behalf of the Government of the Philippines. The Commander, U.S. Naval Forces Philippines has been designated as the person to sign the Charter in behalf of the United States.

Your Excellency will observe that Article I of the Charter proposes that the Charter shall remain in effect until terminated by mutual agreement, but in no event beyond the termination date of Public Law No. 454 of the 79th Congress of the United States, Second Session,[2] or any extension thereof. This is in accordance with Article 5 of the aforementioned Military Assistance Agreement which specifies that title to vessels furnished under the terms of the Agreement on a nonreimbursable basis shall remain in the United States. Your Excellency will also observe that Article IX of the proposed Charter provides that notwithstanding the provisions of Article 5 of the Military Assistance Agreement, the owners and the charterers, that is to say the Government of the United States and the Government of the Philippines, may agree as to any or all of the vessels covered by the Charter that title be transferred to the charterers under the provisions of the above-cited Public Law No. 454.

[1] TIAS 1662, *ante*, p. 84.
[2] 60 Stat. 315.

Should Your Excellency's Government desire to enter into such an agreement for the transfer of the title to any or all of the vessels as an exception to and notwithstanding the provisions of Article 5 of the Military Assistance Agreement, I am authorized by my Government to make and confirm such an agreement by an exchange of notes on the understanding that such action applies only to naval vessels covered by the proposed Charter and does not establish a precedent for future transfers that may be made of other vessels or of other equipment, which transfers in the absence of special agreements such as that proposed herein, would be guided by Article 5 of the Military Assistance Agreement.

As soon as the competent authorities of Your Excellency's Government have had an opportunity to study the terms of the proposed Charter, which, it is hoped and believed, will be found acceptable in its present form, I shall be happy to receive your comments together with the decision of the Government of the Republic of the Philippines as to whether it desires to take title to the vessels in question. In the event that the decision of Your Excellency's Government is in the affirmative, it is suggested that this note and such affirmative reply be accepted as constituting an agreement to modify the provisions of Article 5 of the Military Assistance Agreement with respect to this particular transaction.

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

EMMET O'NEAL

Enclosure:
Draft of proposed Charter

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs for the
Republic of the Philippines

NAVAL CHARTER FOR LEASE OF VESSELS UNDER UNITED STATES PUBLIC LAW 454 79TH CONGRESS [3]

In consideration of the mutual interest in matters of common defense, THE GOVERNMENT OF THE UNITED STATES (hereinafter referred to as "the Owners") represented by the ———— acting pursuant to (1) the authority of and in compliance with United States Public Law 454, 79th Congress, 2nd Session, approved June 26, 1946, and of the directions of the President of the United States, (2) the agreement between the Government of the Republic of the Philippines and the Government of the United States of America on military assistance, dated March 21, 1947, and the related agreement as to military bases,[4] and (3) the concurrence of the Secretary of State of the

[3] The charter was completed and signed at Manila July 2, 1948.
[4] Agreement signed at Manila Mar. 14, 1947 (TIAS 1775, *ante*, p. 55).

United States, hereby leases and the Government of the Republic of the Philippines (hereinafter referred to as "the Charterers") acting by and through ————————, hereby accepts for the period and upon the terms and conditions stated herein, the vessels (including ships, boats, barges, and floating drydocks) identified on lists annexed hereto, or which in the future may be annexed hereto, upon agreement of the Owners and the Charterers.

Article I

This charter shall operate with respect to each vessel covered thereby, from the date of the delivery of such vessel to the Charterers and shall continue until terminated by mutual agreement between the Owners and the Charterers, but in no event beyond the termination date of United States Public Law 454, 79th Congress, 2nd Section or any extension thereof.

Article II

Each vessel, together with its available on board spares and allowances including consumable stores and fuel, shall be or has heretofore been delivered to the Charterers on an "as is, where is" basis, at a time mutually agreed or to be agreed upon; delivery in either event to be evidenced by a delivery certificate in the form prescribed by the Secretary of the Navy. The Charterers shall have the use of all outfitting, equipment, appliances, fuel, consumable stores and spare and replacement parts belonging to the Owners on board each such vessel at the time of its delivery. The fuel and consumable stores on board the vessel at the time of redelivery shall become the property of the owners.

Article III

Each vessel is a Naval vessel of the Government of the United States which has been administratively determined to be excess to requirements; and the Government of the United States therefore makes no representation or warranty as to the condition of said vessels, and the said vessels shall be accepted by the Charterers "as is, where is", at the time of delivery thereof; and the Owners shall not be liable to the Charterers by reason of anything arising out of the physical condition of any such vessels.

Article IV

The Charterers shall on delivery place each vessel under their own flag, but the title to the vessel shall not thereby be affected.

Article V

The Charterers may, for military purposes and at their own expense, remove or alter any of the fittings or arrangements on board any of the vessels and may erect any new things which may be required by the Charterers.

Article VI

All vessels during the currency of this charter shall be at the absolute disposal and under the complete control of the Charterers; the Charterers shall hold harmless and indemnify the Owners against any and all costs, expenses, losses, damages, and claims (including those arising by reason of the transfer or use of Bofors 40 mm guns or guns of similar types made or produced under or pursuant to an agreement dated June 21, 1941 between the Government of the United States of America and Aktisbolaget Bofors), regardless of the nature thereof, arising out of or connected with the transfer, use, and operation of the vessel, and whether or not said liability arises out of contract or tort; and nothing contained herein shall be construed to give rise to or to permit or to confer or recognize the existence of any lien of any character against any of such vessels, but the Charterers shall indemnify and hold harmless the Owners by reason of any lien liabilities that may be chargeable to or asserted against any such vessel.

Article VII

Upon the expiration of this charter, or upon prior redelivery of any vessels, each vessel, unless lost, shall be redelivered at a port of the United States of America or other location as may be designated by the Owners in such condition as the vessel is in at the termination of its operational service. Should any vessel during the currency of this charter sustain any damage from any cause whatsoever, as in the opinion of the Charterers render it expedient to treat her as a total loss, the Charterers shall, where practicable, consult with the Owners before declaring her to be a total loss.

Article VIII

It is understood and agreed that, in the event of a total loss of any vessel subject to this Charter, all right, title and interest of the Owners in and to such vessel shall vest in the Charterers as of the date of the loss thereof.

Article IX

Notwithstanding the provisions of Article V [5] of the agreement between the Government of the Republic of the Philippines and the Government of the United States of America on military assistance dated March 21, 1947 and this Charter, the Owners and the Charterers may agree, as to any or all of the vessels covered by this Charter, that title be transferred to the Charterers under the provisions of United States Public Law 454, 79th Congress, 2nd Session. In the event that it is agreed that title to any or all of the vessels covered by this Charter be transferred to the Charterers, such vessels shall be stricken from the list of vessels covered by this Charter

and transfer of title shall be evidenced by a delivery certificate or document in a form to be prescribed by the Secretary of the Navy, and shall be made upon the express condition that the Government of the Republic of the Philippines will hold harmless and indemnify the Government of the United States, its officers, agents, servants and employees against any and all claims, demands, losses, damages, expenses and costs regardless of the nature thereof, arising out of or connected with the transfer of title to such vessel or vessels or the use and operation thereof by the Government of the Republic of the Philippines, whether or not said liability arises out of contract or tort; and without limiting the generality of the foregoing, will hold harmless and indemnify the Government of the United States, its officers, agents, servants and employees against any and all claims, demands, expenses, damages and costs arising or growing out of transfer to the Government of the Republic of the Philippines of Bofors 40 mm guns or guns of similar type made or produced under or pursuant to an agreement dated June 21, 1941 between the Government of the United States of America and Aktiebolaget Bofors.

ARTICLE X

THE Charterers shall not, without the consent of the Owners, sell or transfer or assign this charter or any interest therein or make any arrangement whereby the maintenance, management or operation of any of the vessels is to be performed by anyone not an officer, employee, or agent of the Charterers.

ARTICLE XI

THE Charterers shall not, as to any vessels covered by this Charter or as to any vessels title to which is transferred pursuant to Article IX hereof, relinquish physical possession of or transfer title to any of the vessels, equipment, outfitting, appliances or spare and replacement parts on board, without the specific consent of the President of the United States and shall not (1) permit use of any of the vessels or property so transferred, (2) disclose any plan, specification or other information pertaining thereto, or (3) disclose any technical information furnished, by or to anyone not an officer, employee, or agent of the Government of the Republic of the Philippines; and security classifications covering such equipment will be safeguarded in accordance with the requirements imposed thereon by the Secretary of the Navy.

ARTICLE XII

As long as this Charter shall remain in effect the Government of the Republic of the Philippines shall not engage or accept the services of any personnel

of any Government other than the United States of America for duties of any nature connected with the use and operation of the vessels transferred pursuant to this Charter, except by mutual agreement between the Government of the Republic of the Philippines and the Government of the United States of America.

Done at _____ this _____ day of _____ 1947.

For and on behalf of the Government of the United States of America:

_____

Done at _____ this _____ day of _____ 1947.

For and on behalf of the Government of the Republic of the Philippines:

_____

DELIVERY CERTIFICATE

In accordance with the Charter between the Government of the United States of America and the Government of the Republic of the Philippines dated _____ covering the transfer of Naval vessels and equipment pursuant to Public Law 454–79th Congress, the undersigned, as authorized representative of the Navy of the Republic of the Philippines, accepts the below described craft, together with its on board equipment, stores and fuel from _____ authorized representative of the United States Navy.

U.S. NAVAL TYPE	DESIGNATION	NAME	PHILIPPINE NAME

_____

For the Philippine Navy

Instructions: Delivery Certificate to be executed in quadruplicate. Original to be forwarded to BuShips, copy to BuSandA (Foreign Accounts Division); CNO (Op–414); Copy to Philippine Representative.

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *December 9, 1947*

EXCELLENCY:

I have the honor to refer to your note of September 26, 1947, enclosing a copy of the proposed "Naval Charter for Lease of Vessels" between the Republic of the Philippines and the United States of America for consideration of the appropriate authorities of my Government.

After a study of the proposed agreement, I am happy to inform you that the draft is satisfactory to the Philippine Government with the exception of the following observations:

(a) That the lists of vessels referred to in the first paragraph of the note which will be annexed to the agreement shall include only such vessels as may be selected by the Republic of the Philippines acting through the Chief of Staff of the Armed Forces of the Philippines.

(b) That the vessels so selected by the Republic of the Philippines through its Chief of Staff of the Armed Forces shall be accepted by the charterers in A–1 operational condition complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances.

With the above understanding, I shall be ready to sign the agreement in behalf of my Government.

My Government appreciates the opportunity accorded to the Republic of the Philippines to own the vessels covered by the agreement in accordance with the provisions of Article IX of the draft. I shall convey to the Embassy in due course the decision of the Philippine Government as to the acquisition of title to the vessels in question.

I have also been recently informed that the present training unit of the United States Navy consisting of eight officers and twenty-eight enlisted men who are assisting the present Off-Shore Patrol Training Center at Cavite in the training of the personnel of the Philippine Off-Shore Patrol will be disbanded on or before January 1, 1948 due to lack of statutory funds for their maintenance. The United States Naval Training Unit has been rendering invaluable services to the Off-Shore Patrol Training Staff and its withdrawal will seriously interrupt the training program of the Off-Shore Patrol which is just starting and growing.

I wish to recall in this connection that Article 6 (d) of the Military Assistance Agreement provides for making available selected facilities of United States Army and Navy Training establishments to provide training for key personnel of the Philippine armed forces and in order to comply with the spirit and purpose of the said agreement between our two Governments, I have the honor to suggest that the present United States Naval Training Unit be either retained or absorbed by the United States Military Advisory Group.

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

ELPIDIO QUIRINO

His Excellency EMMET O'NEAL
American Ambassador
United States Embassy
Manila

308-582—73——11

The American Chargé d'Affaires ad interim to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
May 6, 1948

No. 1335

EXCELLENCY:

I have the honor to advert to Your Excellency's note of December 9, 1947 referring to the Ambassador's note No. 0039, September 26, 1947 in regard to a proposed agreement by exchange of notes which would cover the transfer of title, notwithstanding the provisions of Article V of the Military Assistance Agreement of March 21, 1947, to certain naval vessels which would be made available under charter to the Philippine Government by the United States Navy in accordance with the terms of the latter Agreement.

The second paragraph of Your Excellency's note states, referring to the form of "Naval Charter for Lease of Vessels under United States Public Law 454, 79th Congress" as an "Agreement":

"After a study of the proposed agreement, I am happy to inform you that the draft is satisfactory to the Philippine Government with the exception of the following observations:

"(a) That the lists of vessels referred to in the first paragraph of the note which will be annexed to the agreement shall include only such vessels as may be selected by the Republic of the Philippines acting through the Chief of Staff of the Armed Forces of the Philippines.

"(b) That the vessels so selected by the Republic of the Philippines through its Chief of Staff of the Armed Forces shall be accepted by the charterers in A–1 operational condition complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances.

"With the above understanding, I shall be ready to sign the agreement in behalf of my Government."

A copy of Your Excellency's note having been sent to the Commander, United States Naval Forces, Philippines, the latter commented to his superiors at Washington as follows:

"(a) The provision that only such vessels as may be selected by the Republic of the Philippines will be transferred under the charter, is agreeable to this command.

"(b) The provision that such vessels as are selected by the Republic of the Philippines shall be in A–1 condition, complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances, is not in accordance with

present directives. Neither the basic agreement under which the vessels are being transferred nor the proposed procedure for the charter require the U. S. Government to furnish fuel or consumable stores on a non-reimbursable basis. Items of equipment, appliances and spare parts are furnished on a basis of whether or not they are in the area and excess to the needs of the Navy.

"(c) This command is necessarily guided in the entire vessel transfer program by directives from higher authority. Such directives, to date, specify that every attempt shall be made to make vessels scheduled for transfer operable in so far as possible. No funds are available for a greater amount of work nor for the supplying of stores or spares which would have to be procured elsewhere than from Navy excess stocks."

The Chief of Naval Operations on April 15, 1948 expressed concurrence with the foregoing comments by COMNAVPHIL upon the Philippine reservations, as copied above, and, in turn, I have been authorized by the Secretary of State of my Government to convey those views to Your Excellency as representing the decision of that highest professional United States Navy authority.

Assuming the continuance of the interest of the Department of National Defense in acquiring the vessels in question, it would seem only fair to report to Your Excellency that information has informally come to the Embassy that, because of impending appropriation expirations, it would be desirable to arrange to take deliveries before June 30, 1948.

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

THOMAS H. LOCKETT
Chargé d'Affaires a.i.

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs of the Republic of the Philippines

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The Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *June 7, 1948*

SIR:

I wish to refer to His Excellency the United States Ambassador's note (1335) of May 6, 1948, in connection with our note of December 9, 1947 replying to the Ambassador's note of September 26, 1947, regarding a proposed agreement by exchange of notes which would cover the transfer

of title, notwithstanding the provisions of Article V of the Military Assistance Agreement of March 21, 1947, to certain naval vessels which would be made available under charter to the Philippine Government by the United States Navy in accordance with the terms of the latter Agreement.

The third and fourth paragraphs of the Ambassador's note of May 6, 1948, in considering the Philippine reservations expressed in the second paragraph of our note of December 9, 1947, state:

"A copy of Your Excellency's note having been sent to the Commander, United States Naval Forces, Philippines, the latter commented to his superiors at Washington as follows:

'(a) The provision that only such vessels as are selected by the Republic of the Philippines will be transferred under the charter, is agreeable to this command.

'(b) The provision that such vessels as are selected by the Republic of the Philippines shall be in A–1 condition, complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances, is not in accordance with present directives. Neither the basic agreement under which the vessels are being transferred nor the proposed procedure for the charter require the U.S. Government to furnish fuel or consumable stores on a non-reimbursable basis. Items of equipment, appliances and spare parts are furnished on a basis of whether or not they are in the area and excess to the needs of the Navy.

'(c) This command is necessarily guided in the entire vessel transfer program by directives from higher authority. Such directives, to date, specify that every attempt shall be made to make vessels scheduled for transfer operable in so far as possible. No funds are available for a greater amount of work nor for the supplying of stores or spares which would have to be procured elsewhere than from Navy excess stocks.'

"The Chief of Naval Operations on April 15, 1948 expressed concurrence with the foregoing comments by COMNAVPHIL upon the Philippine reservations, as copied above, and, in turn, I have been authorized by the Secretary of State of my Government to convey those views to your Excellency as representing the decision of that highest professional United States Navy authority."

I am glad to inform you that, after proper consideration by the appropriate Philippine authority, tthe Government of the Republic of the Philippines hereby accepts the conditions of transfer as hereinabove set forth by the Commander, United States Naval Forces, Philippines, and concurred in by the Chief of Naval Operations of the United States, in so far as they affect the provisions of the proposed "Naval Charter for Lease of Vessels under United States Public Law No. 454, 79th Congress".

My Government also hereby expresses its desire to take title to the vessels in question and to enter into such an agreement for the transfer of title to any or all of the vessels as an exception and notwithstanding the provisions of Article V of the Military Assistance Agreement, on the understanding that such action applies only to naval vessels covered by the proposed Charter and does not establish a precedent for future transfers that may be made of other vessels or of other equipment, which transfers in the absence of special agreements such as that provided for herein, would be guided by Article V of the Military Assistance Agreement. My Government considers the Ambassador's notes of September 26, 1947 and May 6, 1948 and our note of December 9, 1947 as constituting an agreement to modify the provisions of Article V of the Military Assistance Agreement with respect to this particular transaction.

It will therefore be highly appreciated if appropriate steps may be taken by the Embassy for an expeditious transfer of title of these vessels to the Republic of the Philippines in accordance with Article IX of the proposed charter so that we may have full authority to use these vessels in any way deemed expedient. The Honorable, the Secretary of National Defense, an official of this Government, will be designated to sign the agreement in behalf of the Government of the Republic of the Philippines.

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

BERNABE AFRICA
Undersecretary

THOMAS H. LOCKETT, Esquire
Chargé d'Affaires, a. i.
American Embassy
Manila

FINANCE

Arrangement signed at Quezon City June 30, 1948
Entered into force June 30, 1948
Modified by arrangement of July 11, 1949,[1] *and agreements of November 6, 1950,*[2] *and March 27, 1961* [3]

[For text, see 1 UST 767; TIAS 2151.]

[1] 1 UST 769; TIAS 2151.
[2] 1 UST 765; TIAS 2151.
[3] 12 UST 297; TIAS 4715.

RIGHTS OF PRIORITY IN PATENT APPLICATIONS

Exchange of notes at Washington February 12 and August 4 and 23, 1948
Entered into force August 23, 1948

62 Stat. 3461; Treaties and Other International Acts Series 1861

The Secretary of State to the Philippine Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of the Philippines and has the honor to refer to the problem of the application to United States citizens of certain rights of priority in the filing of patent applications under the Philippine Patent Law.

The United States Patent Law, R.S. 4887 (title 15, [35], USC Sec. 32) contains a clause similar to one found in Section 15 of the Philippine Patent Law, Republic Act 165. In both cases the law provides that the right of priority is accorded to ". . . a foreign country which, by treaty, convention, or law, affords similar privileges . . ." It is felt that the presence of similar provisions in the patent laws of the United States and the Philippines satisfies the requirement of reciprocity. A statement by the appropriate Philippine officials to the effect that Section 15 of the Philippine Patent Law applies to United States citizens will be considered sufficient for the United States to recognize that Section 32 of the United States Patent Law is applicable to citizens of the Philippines.

Assuming that the procedure outlined above is satisfactory, the question of the war-caused delay in the use of the right of priority arises. Section 76 of the Philippine Patent Law extends the right of priority for the filing of patents which accrued during the war period on a reciprocal basis with countries according substantially the same privileges to citizens of the Philippines. The Boykin Act (United States Public Law 690, 79th Congress) contains substantially the same provisions and, upon a statement by the appropriate Philippine officials indicating that Section 76 of the Philippine Patent Law is applicable to citizens of the United States, the United States Patent Office could apply Section 1 of the Boykin Act to citizens of the Philippines. It should be noted, however, that the present expiration date of the extension of the right of priority under the Boykin Act is February 29,

1948. Unless a further extension of time is provided for by Congressional action, benefits of the Act will apply only to cases filed before February 29, 1948.

DEPARTMENT OF STATE
Washington, February 12, 1948

R.V.

The Secretary of State to the Philippine Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of the Philippines and has the honor to refer to the Department's note of February 12, 1948 concerning the application to United States citizens of certain rights of priority in the filing of patent applications under the Philippine Patent Law.

This problem has again been brought to the attention of the Department of State by nationals of the United States seeking to obtain patents in the Philippines based upon original filings in the United States. In attempting to secure a filing date for the Philippine application equivalent to the United States filing date, these United States nationals have been informed that the right of priority in filing patent applications can be extended to them only when proof of reciprocity in the United States for Philippine nationals has been communicated to the Philippine Government.

As stated in the Department's note of February 12, the United States Patent Law, R. S. 4887 (title 15 [35], USC Sec. 32), contains a clause similar to one embodied in Section 15 of the Philippine Patent Law, Republic Act 165. In each instance the respective laws provide that the right of priority is accorded to ". . . a foreign country which, by treaty, convention, or law, affords similar privileges . . ." It is the view of this Government that the presence of similar provisions in the patent laws of the United States and the Philippines satisfies the requirement of reciprocity. A statement by the appropriate officer of the Philippines to the effect that Section 15 of the Philippine Patent Law applies to United States citizens will be considered sufficient to enable the United States to recognize that Section 32 of the United States Patent Law is applicable to citizens of the Philippines.

This Government is of the further view that the course of action suggested above will work to the mutual advantage of both nations by eliminating the burdensome requirement of proof of reciprocity in the case of each individual patent application. Accordingly, this Government trusts that the course of action suggested will meet with the approval of the Government of the Philippines.

DEPARTMENT OF STATE
Washington, August 4, 1948

R.P.T.

The Philippine Ambassador to the Secretary of State

WASHINGTON
August 23, 1948

EXCELLENCY:

I have the honor to refer to the notes of the Department of State dated February 12 and August 4, 1948 concerning the application to United States citizens of certain rights of priority in the filing of patent applications under the Philippine Patent Law.

It is stated in the Department's note of February 12, 1948 and reiterated in its note of August 4, 1948, that the United States Patent Law, R.S. 4887 (title 15 [35], USC Sec. 32) contains a clause similar to one found in Section 15 of the Philippine Patent Law, Republic Act 165, that in both cases the law provides that the right of priority is accorded to "x x x a foreign country which, by treaty, convention, or law affords similar privileges x x x," and that it is felt that the presence of similar provisions in the patent laws of the United States and the Philippines satisfies the requirement of reciprocity.

It is further stated in the notes under reference that it is the view of the United States Government that a statement by the appropriate Philippine officials to the effect that Section 15 of the Philippine Patent Law applies to United States citizens would be considered sufficient for the United States to recognize that Section 32 of the United States Patent Law is applicable to the citizens of the Philippines.

I am pleased to inform Your Excellency that my Government has instructed me to convey to your Government that the following text of the 3rd indorsement of the Director of the Philippines Patent Office dated May 26, 1948 and concurred in by the Department of Commerce and Industry of my Government, represents the official position of the Philippine Government on the matter:

Respectfully returned, thru the Honorable, the Secretary of Commerce and Industry, to the Honorable, the Secretary of Foreign Affairs, Manila.

In view of the statement of the Honorable, the Secretary of State of the United States that, under the U.S. Patent Law, R. S. 4887 (Title 15, USC Sec. 32), the Government of the United States accords to citizens of the Philippines the same privileges as those which Section 15 of the Philippine Patent Law (Rep. Act No. 165, approved June 20, 1947) accords to foreigners, the Philippines Patent Office will consider the said Section 15 of the Philippine Patent Law applicable to citizens of the United States effective as of June 20, 1947.

In view of the statement of the Honorable, the Secretary of State of the United States that the U.S. Patent Office could consider the United States Boykin Act (which grants to foreigners substantially the same patent prior rights as those which Section 76 of the Philippine Patent Law accords to

foreigners) applicable to citizens of the Philippines up to February 29, 1948, the Philippines Patent Office will likewise regard Section 76 of the Philippine Patent Law (Rep. Act No. 165) applicable to citizens of the United States whose patent applications were received at the Philippines Patent Office between June 20, 1947 and February 29, 1948, both dates inclusive.

It is the understanding of my Government that the aforesaid note of February 12, 1948 of the Department of State, as reiterated by its note of August 4, 1948, and this note signifying my Government's assent thereto shall constitute an agreement between the Republic of the Philippines and the United States on patents.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

J. M. Elizalde

His Excellency
George C. Marshall
Secretary of State

PAYMENT OF PUBLIC AND PRIVATE CLAIMS

Agreement signed at Manila August 27, 1948
Entered into force August 27, 1948
Expired June 30, 1950, and April 30, 1951 [1]

62 Stat. 2819; Treaties and Other International Acts Series 1814

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING THE PAYMENT OF PUBLIC AND PRIVATE CLAIMS

WHEREAS, the Government of the United States of America has enacted Public Law 370, 79th Congress, approved April 30, 1946,[2] known as the Philippine Rehabilitation Act of 1946, as amended, hereinafter called the "Act", which Act created the Philippine War Damage Commission, and

WHEREAS, Title I of said Act provides for the payment of private claims for war damage in the Philippines under the terms and conditions of said Title I, and

WHEREAS, Section 304 of said Act provides that

"The Philippine War Damage Commission, within the limits of the appropriations allocated to it for carrying out the provisions of this section, is authorized to compensate the Commonwealth of the Philippines (or the Republic of the Philippines), the provincial governments, chartered cities, municipalities, and corporations wholly owned by the Commonwealth of the Philippines (or the Republic of the Philippines), in the Philippines, for physical loss of or damage to public property in the Philippines occurring after December 7, 1941 (Philippine time), and before October 1, 1945, as a result of the perils listed in section 102(a) hereof, in any case in which compensation for such losses or the rebuilding, repair, or replacement of the lost or damaged property is not provided for by the transfer of surplus property under section 201 hereof, or provided for under the provisions of this title other than this section or otherwise provided for by the United States Government or any department or agency thereof. To the fullest extent practicable, the Commis-

[1] In accordance with terms of art. XIII.
[2] 60 Stat. 128.

sion shall require that any lost or damaged property for which it decides to award compensation under this section shall be rebuilt, replaced, or repaired before payments of money are actually made to claimants under this section. The Commission in its discretion may request the Federal Works Agency or the Corps of Engineers of the United States Army to undertake, after consultation with the Philippine Government, the rebuilding, repair, or replacement of property for which the Commission awards compensation under this section, and, from the funds available for carrying out the provisions of this section, may transfer to such Agency or Corps of Engineers the funds necessary to pay for the work requested. The Federal Works Agency and the Corps of Engineers are authorized to rebuild, repair, or replace property in accordance with any such request of the Commission and to expend the funds so transferred to them for such purpose. The Commission shall have full power to select, and fix the priority of, cases in which compensation will be awarded or property rebuilt, repaired, or replaced under this section, and to determine the amount of such compensation and the extent to which such property will be rebuilt, repaired, or replaced, taking into account the relative importance of various projects to the reconstruction and rehabilitation of the economy of the Philippines and such other factors as the Commission deems relevant"; and

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits and facilities which are authorized by Title I and Section 304 of said Act;

NOW, THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have agreed mutually as follows:

ARTICLE I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Philippine War Damage Commission, hereinafter called the "Commission", which may delegate to any duly authorized representative or representatives all or any part of its authority and responsibility for effectuating the provisions of this Agreement.

ARTICLE II

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Secretary of Public Works and Communications, hereinafter called the "Secretary", who may delegate to any duly authorized representative or representatives all or any part of his authority and responsibility for effectuating the provisions of this Agreement.

ARTICLE III

In carrying out Section 304 of the Act, the Commission shall select, and fix the priority of, public claim for which compensation will be awarded or property rebuilt, repaired, or replaced from the list of approved public claims submitted by the Secretary. In all cases where the Commission authorizes funds for rebuilding, repairing, or replacing public property the funds shall be paid into the Treasury of the Republic of the Philippines to be kept separate and apart from all other public funds and used solely for each approved public claim. The rebuilding, repairing, or replacing of all public property for which funds have been made available by the Commission shall be the responsibility of the Secretary.

ARTICLE IV

Before undertaking the rebuilding, repairing, or replacing of any public building, the Secretary shall submit all plans and specifications thereof to the Commission for its approval. The Commission shall have the right to require reports or other data necessary for its purposes, including the right to inspect the work and all books or records maintained in connection therewith. Where the work is performed by contract, the Commission shall have the right to disapprove any unsatisfactory bid or contractor. In accordance with existing policies of the Republic of the Philippines, contractors who are citizens of the United States of America shall have equal rights with contractors who are citizens of the Republic of the Philippines on all rehabilitation projects financed by the Commission and no authorized funds shall be used to pay convict or other forced labor.

ARTICLE V

Before undertaking any work for which funds have been authorized by the Commission, the Secretary shall assure himself that all the conditions of Section 304 of the Act have been met and that funds authorized by the Commission are sufficient to complete the work for which funds are authorized, or a useful unit thereof. After a project is initiated, if such funds are found to be in excess of the requirements, such excess shall be returned to the Commission, and if the funds are found to be insufficient the Government of the Republic of the Philippines shall complete the work, or a useful unit thereof, from its own funds. The Commission shall not be obligated to advance funds except as the work progresses and the Commission is satisfied that all the terms of this Agreement are being met.

ARTICLE VI

The Government of the Republic of the Philippines shall provide all lands, easements, and rights-of-way necessary for the execution of the public projects under the program set forth in Section 304 of the Act. No funds shall be

used for the purchase of materials, equipment, or supplies which have been made available or shall be made available from surplus property provided for by Title II of the Act.

ARTICLE VII

The United States of America or the Commission shall have the right to undertake legal action in the Philippines to recover funds which the Commission is obligated to recover under the provisions set forth in Sections 107 and 108 of the Act, or other claims where the Commission is entitled to recover funds from private individuals or legal entities in the Philippines and no court costs or other charges shall be made in connection with such action.

ARTICLE VIII

The Government of the Republic of the Philippines shall cooperate with the Commission in providing necessary office space and facilities, and adequate housing accommodations for its United States citizen personnel and their families at reasonable rates.

ARTICLE IX

The Government of the Republic of the Philippines shall save harmless all officers and employees of the Commission from damage suits or other civil actions arising out of the performance of their duties under this Agreement.

ARTICLE X

Officers, employees, and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees or agents of the Commission over all bridges, ferries, roads, and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE XI

Pending the conclusion of negotiations now being considered by the United States of America and the Republic of the Philippines, no import, excise, consumption, or other tax, duty, or impost shall be levied on funds or property in the Republic of the Philippines owned by the Commission and used for the purposes of the present Agreement; or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty, or impost be levied on personal funds or property, not intended for resale, imported into the

Republic of the Philippines for the use or consumption of Commission personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE XII

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds made by the Government of the United States of America.

ARTICLE XIII

This Agreement shall become effective on the date of its signature and continue in effect until June 30, 1950, for the purposes enumerated in Section 304 of the Act and until April 30, 1951, for the purposes of Title I of the Act. This Agreement may be extended, revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes. Either party may terminate this Agreement by giving to the other party ninety days' notice in writing through diplomatic channels.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement in duplicate at Manila, this 27th day of August, 1948.

For the Government of the United States of America:

THOMAS H. LOCKETT
Chargé d'Affaires ad interim of the United States of America at Manila

For the Government of the Republic of the Philippines:

RICARDO NEPOMUCENO
Secretary of Public Works and Communications

AIR TRANSPORT SERVICES

Exchange of notes at Manila August 27, 1948, amending agreement of November 16, 1946
Entered into force August 27, 1948
Terminated March 3, 1960 [1]

62 Stat. 3023; Treaties and Other International Acts Series 1844

The American Chargé d'Affaires ad interim to the Acting Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Manila, August 27, 1948

No. 1880

EXCELLENCY:

I have the honor to refer to the exchange of correspondence concerning the desire of your Government to have Guam designated as a traffic stop on the route served by the Philippine Air Lines and to confirm the understanding of the Government of the United States of America that it has been mutually agreed between the Government of the Republic of the Philippines and the Government of the United States of America that section "B" of the annex to the Air Transport Agreement between the two Governments signed on November 16, 1946,[2] shall be amended to read as follows:

"B. Airlines of the Republic of the Philippines authorized under the present Agreement are accorded the rights of transit and nontraffic stop in United States territory, as well as the right to pick up and discharge international commercial traffic in passengers, cargo and mail at Guam, Honolulu and San Francisco on the route indicated below:

"From the Philippines to San Francisco and thence to points beyond over a reasonably direct route via intermediate points in the Pacific which are United States territory, including Guam and Honolulu, in both directions."

Upon receipt of a note from Your Excellency indicating that your Govern-

[1] Pursuant to notice of termination given by the Philippines Feb. 26, 1959.
[2] TIAS 1577, *ante*, p. 37.

ment agrees to the amendment of the Air Transport Agreement between the Republic of the Philippines and the United States of America signed on November 16, 1946, as set forth herein, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments to this amendment, the agreement to enter into force on the date of Your Excellency's note.

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

THOMAS H. LOCKETT
Chargé d'Affaires a.i.

His Excellency
BERNABE AFRICA
Acting Secretary of Foreign Affairs
Republic of the Philippines

The Acting Secretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *August 27, 1948*

SIR:

I have the honor to acknowledge receipt of the note of the American Embassy of August 27, 1948, the substantive portion of which reads as follows:

[For text, see above.]

In reply, I am pleased to state that my Government agrees to the above-quoted amendment and to its entering into force on the date of this note.

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

BERNABE AFRICA
Acting Secretary

The Honorable
THOMAS H. LOCKETT
Chargé d'Affaires a.i.
United States Embassy
Manila

COPYRIGHTS

Exchange of notes at Washington October 21, 1948, with texts of proclamations
Entered into force October 21, 1948

62 Stat. 2996; Treaties and Other International Acts Series 1840

The Philippine Ambassador to the Acting Secretary of State

EMBASSY OF THE PHILIPPINES
WASHINGTON
October 21, 1948

EXCELLENCY:

In accordance with instructions from my Government, I have the honor to invite your attention to section 10(b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

Since section 10(b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress, approved July 30, 1947 (61 Stat. 652), it is the desire of my Government to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

With a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines has issued a proclamation, a copy of which is enclosed herewith, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided

by section 1(e) of the above-mentioned Title 17 of the United States Code. This proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1(e) thereof, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

The Government of the Republic of the Philippines is prepared, if this proposal is acceptable to the Government of the United States of America, to regard the present note and Your Excellency's reply to the same effect as establishing reciprocal copyright relations between the two Governments on this day.

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

J. M. Elizalde

Enclosure:
Copy of Proclamation

His Excellency
Robert A. Lovett
Acting Secretary of State

BY THE PRESIDENT OF THE PHILIPPINES

Proclamation No. 99

EXTENDING COPYRIGHT PRIVILEGES AND PROTECTION TO CITIZENS OF THE UNITED STATES

Whereas, it is provided by an Act of the Philippine Legislature, Act No. 3134, entitled "An Act to Protect Intellectual Property", otherwise known as the Copyright Law of the Philippines, approved March 6, 1924, as amended by Republic Act No. 76, approved October 21, 1946, that the copyright secured by the Act shall extend to the work of a proprietor, who is not a citizen of the Philippines, only upon certain conditions set forth in Section 10 of the Act, to wit:

"(a) When an alien proprietor shall be domiciled within the Philippine Islands at the time he makes application for copyright; or

"(b) When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of (the United States or of) the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this Act; or

"(c) When such foreign state or nation is a party to an international

agreement which provides for reciprocity in the granting of copyright and that (the United States or) the Philippine Islands may become a party thereto."

WHEREAS, the Act of Congress, approved July 30, 1947, (61 Stat. 652) entitled "An Act to Codify and Enact into Positive Law Title 17 of the United States Code, 'Copyright' ", provides that the copyright secured by the said Act and the benefits under Section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in Section 9 of the Act, to wit:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."

WHEREAS, satisfactory official assurances have been received that, on and after October 21, 1948, pursuant to the aforementioned Act of Congress, approved July 30, 1947, (61 Stat. 652), citizens of the Philippines are entitled to obtain copyright protection for their works in the United States which is substantially equal to the protection afforded by the copyright laws of the Philippines and which is afforded on substantially the same basis as to the citizens of the United States;

NOW, THEREFORE, I, ELPIDIO QUIRINO, President of the Philippines, do hereby declare and proclaim:

That on and after October 21, 1948, the conditions specified in section 10 (b) of the aforementioned Act No. 3134 of the Philippine Legislature of March 6, 1924, do exist and are fulfilled in respect of the citizens of the United States and that on and after October 21, 1948, citizens of the United States shall be entitled to all the benefits of the said Act;

Provided, That the enjoyment by any work of the rights and benefits conferred by the said Act shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the Philippines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

[SEAL] ELPIDIO QUIRINO
President of the Philippines

By the President:
EMILIO ABELLO
Executive Secretary

The Acting Secretary of State to the Philippine Ambassador

DEPARTMENT OF STATE
WASHINGTON
October 21, 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date in which you refer to section 10(b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

You express the desire of the Government of the Republic of the Philippines, since section 10(b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress approved July 30, 1947 (61 Stat. 652), to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

You add that with a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines has issued a proclamation, a copy of which accompanies your note under acknowledgment, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided by section 1(e) of the aforementioned Title 17 of the United States Code.

You state that this proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to

all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1(e) thereof, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

You further state that the Government of the Republic of the Philippines is prepared, if this proposal should be accepted by the Government of the United States of America, to regard the note under acknowledgment and this Government's reply thereto to that effect as establishing reciprocal copyright relations between the two Governments on this day.

I have the honor to inform you that, with a view to giving effect to the commitment proposed in the note under acknowledgment, the President of the United States of America has issued today a proclamation, a copy of which is enclosed herewith, declaring and proclaiming, pursuant to the provisions of section 9 of the aforesaid Title 17 of the United States Code, on the basis of the assurances set forth in your note and the proclamation enclosed therewith, that on and after October 21, 1948, the conditions specified in sections 9(b) and 1(e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of citizens of the Republic of the Philippines and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities. The proclamation imposes the conditions that (1) the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright law of the United States, and (2) the provisions of section 1(e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published after July 1, 1909, and which have been reproduced for use on any contrivance by means of which the work may be mechanically performed.

The Government of the United States of America accordingly considers that reciprocal copyright relations have been established between the Republic of the Philippines and the United States of America and are in force as of today's date.

Accept, Excellency the renewed assurances of my highest consideration.

Robert A. Lovett
Acting Secretary of State

Enclosure:
Copy of proclamation.

His Excellency
Joaquin M. Elizalde
Ambassador of the Philippines

Copyright—Philippines

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas Title 17 of the United States Code, entitled "Copyrights", has been codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652;

Whereas section 9 of the said Title 17 provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.";

Whereas section 1 of the said Title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

. . . . . .

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; . . . *Provided,* That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.";

Whereas section 9 of the said title further provides that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require.";

Whereas the Philippine Copyright Law, No. 3134, approved March 6, 1924, provides by section 10 (*b*) that the provisions of the said law shall extend to the work of a proprietor who is not a citizen of the Republic of the Philippines only:

"When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this act;";

WHEREAS in Republic Act No. 76, approved October 21, 1946, it is provided by section 1 that:

"Existing laws or the provisions of existing laws granting privileges, rights or exemptions to citizens of the United States of America or to corporations or associations organized under the laws of any of the states of the United States of America, which are not enjoyed by citizens or nationals of any other foreign state or by corporations or associations organized under the laws of such state, are hereby repealed unless they affect rights already vested under the provisions of the Constitution or unless extended by any treaty, agreement or convention between the Republic of the Philippines and the United States of America.";

AND WHEREAS satisfactory official assurances have been received that on and after October 21, 1948, pursuant to the aforementioned Law No. 3134, as amended by the aforesaid Republic Act No. 76, citizens of the United States will be entitled to obtain copyright protection for their works in the Republic of the Philippines which is substantially equal to the protection afforded by the copyright laws of the United States and which is afforded on substantially the same basis as to the citizens of the Republic of the Philippines, including rights similar to those provided by section 1 (e) of the said Title 17 of the United States Code:

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, do declare and proclaim:

That on and after October 21, 1948, the conditions specified in sections 9 (b) and 1 (e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of the citizens of the Republic of the Philippines, and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions

published and copyrighted after July 1, 1909, and reproduced for use on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence [SEAL] of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A. LOVETT
Acting Secretary of State

FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

Exchange of notes at Manila December 8 and 20, 1948, amending agreement of March 23, 1948, as amended
Entered into force December 20, 1948
Superseded by agreement of March 23, 1963 [1]

62 Stat. 3805; Treaties and Other International Acts Series 1910

The American Chargé d'Affaires ad interim to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Manila, December 8, 1948

No. 2266

EXCELLENCY:

I have the honor to refer to Article 5 of the Fulbright Agreement [2] between the Government of the United States of America and the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the United States of America and the Republic of the Philippines for the sale of surplus war property, which is worded as follows:

"The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of nine Directors (hereinafter designated the 'Board').

"The principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the 'Chief of Mission') shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in the Philippines, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, one represent-

[1] 14 UST 352; TIAS 5321.

[2] Agreement signed at Manila Mar. 23, 1948 (TIAS 1730, *ante*, p. 123), as amended by agreement of Apr. 2 and 8, 1948 (TIAS 1745, *ante*, p. 131).

ative of American business interests in the Philippines and one representative of American educational interests in the Philippines; and (d) four citizens of the Philippines, at least two of whom shall be prominent in the field of education.

"The six members specified in (c) and (d) of the last preceding paragraph shall be resident in the Philippines and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Philippines members by the Chief of Mission from a list of names submitted by the Government of the Republic of the Philippines. Vacancies by reason of resignations, transfer of residence outside of the Philippines, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

"The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board."

The Department of State has reconsidered its policy relating to the pattern of membership of the Board of Directors of USEFP and now suggests the following amendment to Article 5, which equalizes the representation of our two countries on the Board and vests in the Philippine Government the right to appoint and remove its own representatives. Although the proposed amendment removes all specifications as to fields of interest to be represented by appointees, it is hoped to obtain as wide a representation as possible of private and governmental interests among the representatives of each country.

"The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of ten Directors (hereinafter designated the 'Board'), five of whom shall be citizens of the United States of America and five of whom shall be citizens of the Philippines. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated 'the Chief of Mission') shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board and shall appoint the Chairman of the Board. The citizens of the United States of America on the Board, at least three of whom shall be officers of the United States Foreign Service establishment in the Philippines, shall be appointed and removed by the Chief of Mission; the citizens of the Philippines on the Board shall be appointed and removed by the Government of the Republic of the Philippines.

"The Directors shall serve from the time of their appointment until one year from the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the Philippines, expiration of term of service or otherwise, shall be filled in accordance with this procedure.

"The Directors shall serve without compensation but the Foundation is authorized to pay the necessary expenses of the Directors in attending the meetings of the Board."

Upon the receipt of a note from Your Excellency stating that the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended.

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

THOMAS H. LOCKETT
Chargé d'Affaires, a.i.

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs
Republic of the Philippines

The Acting Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *December 20, 1948*

SIR:

I wish to acknowledge receipt of your note No. 2266, dated December 8, 1948, which reads as follows:

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

and to inform you that the suggested amendment to Article 5 of the Fulbright Agreement, quoted therein, is acceptable to the Government of the Republic of the Philippines, and, therefore, as of this date, subject agreement may be considered so amended.

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

FELINO NERI
Acting Undersecretary

The Honorable THOMAS H. LOCKETT
Chargé d'Affaires ad interim
United States Embassy
Manila

OCCUPATION OF TEMPORARY QUARTERS AND INSTALLATIONS

Exchange of notes at Manila March 26 and 28, 1949
Entered into force March 26, 1949
Expired May 15, 1949, in accordance with its terms [1]

Department of State files

The American Chargé d'Affaires ad interim to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MANILA, *March 26, 1949*

No. 0310(B)

EXCELLENCY:

I have the honor to refer to the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases signed at Manila on March 14, 1947 [2] and, in particular, to paragraph 1, Article XXI of that Agreement which limits the right of the United States to occupy temporary quarters and installations then existing outside the bases listed in Annex A and Annex B of the Agreement for a reasonable time not exceeding two years, but which also reserves for my Government the right, if circumstances require, to negotiate with Your Excellency's Government with a view to extending the right of the United States armed forces to continued occupation of temporary quarters and installations beyond the date March 26, 1949.

My Government has indicated its intention to honor the aforementioned provisions of the Agreement by opening negotiations with Your Excellency's Government on March 9, 1949 with a view to relinquishing to the Philippine Government such temporary quarters and installations whose use was no longer required by the United States armed forces, and further with a view to requesting the retention by the United States of certain other temporary quarters and installations, necessary adjuncts to the roll-up program of the

[1] For extension of term of occupancy, see agreement of May 14 and 16, 1949 (TIAS 1967), *post*, p. 175.
[2] TIAS 1775, *ante*, p. 55.

United States armed forces in withdrawing to the permanent bases listed in Annex A of the Agreement. Certain difficulties in concluding mutually satisfactory agreements regarding these matters have delayed the final formalization of the contemplated transfers and authorization for continued occupancy. Therefore I desire to propose to Your Excellency a modus vivendi to be exchanged between our respective Governments to cover the existing status quo regarding temporary quarters and installations of the armed forces of the United States.

"The Government of the Republic of the Philippines recognizes that the United States has signified its intention to honor the provisions of Article XXI of the Military Bases Agreement by entering into negotiations with the Philippine Government prior to the date set in that Agreement for the relinquishment or extension of certain quarters and installations occupied by the United States Army in the Philippines. Inasmuch as the Philippine Government recognizes that no mutually satisfactory agreement will be reached with the United States Government before March 26, 1949 pursuant to paragraph 1, Article XXI of the Bases Agreement to make legal the continued occupation of certain quarters and installations in the Philippines by the United States Army after March 26, 1949, the Philippine Government hereby extends the right of the United States Army to continue the occupation of the temporary quarters and installations as enumerated in Annex 1 of the proposed Note Two and the annex to the proposed Note One now being discussed between the two Governments until such time, but not later than May 15, 1949, as a formal agreement for the extension of such occupation shall have been reached."

I desire to inform Your Excellency that an acknowledgment of the receipt of this note stating that the terms of the proposed modus vivendi are acceptable to the Philippine Government will be considered by the Government of the United States as acceptance by the Government of the Republic of the Philippines of the present temporary status quo regarding quarters and installations in the Philippines presently occupied by the armed forces of the United States, and outside Annex A and Annex B bases, until such time as a permanent final agreement may be mutually decided upon.

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

THOMAS H. LOCKETT
Charge d'Affaires a. i.

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs
of the Republic of the Philippines

The Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MARCH 28, 1949

SIR:

I am pleased to acknowledge the receipt of your Note No. 0310(B) expressing the intention of your Government to honor the provisions of the Military Bases Agreement between the United States of America and the Republic of the Philippines signed at Manila on March 14, 1947 and, in particular, of paragraph 1, Article XXI of that Agreement by opening negotiations with this Government on March 9, 1949 with a view to relinquishing to the latter such temporary quarters and installations whose use was no longer required by the United States armed forces, and further with a view to requesting the retention by the United States of certain other temporary quarters and installations, necessary adjuncts to the roll-up program of the United States armed forces in withdrawing to the permanent bases listed in Annex A of the Agreement; and proposing a modus vivendi to be exchanged between our respective Governments to cover the existing status quo regarding said temporary quarters and installations in view of certain difficulties which have delayed the formalization of mutually satisfactory agreements concerning the contemplated transfers and authorization for continued occupancy.

In reply, I have the honor to state that in so far as the temporary quarters and installations enumerated in Annex 1 of the proposed Note Two are concerned, my Government hereby accepts the proposed modus vivendi under the following terms and conditions:

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

As regards the temporary quarters and installations listed in Annex 1 of Note One, which are admittedly no longer needed by the United States armed forces, I regret to state that in view of the mandatory provision of paragraph 1 of Article XXI of the Military Bases Agreement which terminates the right of the United States armed forces to occupy said temporary quarters and installations at the end of two years, the Philippine Government is constrained to consider, as it hereby considers, the aforesaid temporary quarters and installations as delivered to my Government effective March 27, 1947. According to information facilitated to the Department of Foreign Affairs by the United States Embassy, these temporary quarters and installations are on this date no longer being occupied by the United States armed forces, with the exception of Cuartel de España, Intramuros, Manila, including the Santa Lucia Barracks, in which only security guards have been retained awaiting to be replaced by guards of the Philippine Government. It appearing that the continued occupation of said temporary quarters and

installations is no longer required by circumstances of military necessity, the Executive Branch of my Government is without authority to grant an extension of time for the continued occupation of the said quarters and installations.

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

FELINO NERI
Undersecretary

The Honorable
THOMAS H. LOCKETT
Chargé d'Affaires ad interim
American Embassy
Manila

OCCUPATION OF TEMPORARY QUARTERS AND INSTALLATIONS

Exchange of notes at Manila May 14 and 16, 1949, amending agreement of March 14, 1947
Entered into force May 16, 1949; operative from March 26, 1949
Terminated upon fulfillment of its terms

63 Stat. 2670; Treaties and Other International Acts Series 1967

The American Chargé d'Affaires ad interim to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Manila, May 14, 1949

No. 0510

EXCELLENCY:

I have the honor to refer to the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases signed at Manila on March 14, 1947,[1] and, in particular, to paragraph 1, Article XXI of that Agreement which, while it limits to a period of two years the term of occupancy by United States armed forces of temporary quarters and installations existing outside the bases mentioned in Annex A and Annex B, reserves for my Government the right, if circumstances require, to negotiate with Your Excellency's Government with a view to extending the right of United States armed forces to continued occupation of temporary quarters and installations beyond the date March 26, 1949 for such time as may be necessary for the completion of adequate facilities for United States armed forces within the bases provided in the aforementioned Agreement.

I desire to inform Your Excellency that, although the United States Army has endeavored to concentrate its activities within Annex A bases, delays in the construction program caused by difficulty in obtaining certain critical construction items have made it necessary for the United States armed forces to continue the occupation of a number of temporary installations.

Therefore, in accordance with Article XXI, earlier referred to, my Government requests an extension of its right to occupy certain temporary installations beyond the date March 26, 1949. A list of such installations is transmitted herewith as Annex 1.

[1] TIAS 1775, *ante*, p. 55.

308-582—73——13

The United States Government agrees that the continued occupancy by its armed forces of the temporary quarters and installations enumerated in Section C of Annex 1 attached hereto will in no way prejudice the rights of the several private owners of such tracts of land in their contractual relations with the United States Government.

I desire to inform Your Excellency further that certain other temporary bases and installations occupied by the United States Army under the Bases Agreement and recently returned to Philippine ownership were not included in my note No. 0509 [2] of this date because they did not exist on United States Government owned land, but occupied leased or Philippine Government property. There still remain in this category certain temporary quarters and installations occupied by the United States Army which will have been made available for transfer to Your Excellency's Government on or before March 26, 1949 in compliance with paragraph 1, Article XXI of the Military Bases Agreement.

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

THOMAS H. LOCKETT
Chargé d'Affaires a. i.

Enclosure:

Annex 1—List of Properties which the United States Government Wishes to Retain after March 26, 1949.

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs
of the Republic of the Philippines

ANNEX NO. 1

LIST OF PROPERTIES WHICH THE UNITED STATES GOVERNMENT WISHES TO RETAIN AFTER MARCH 26, 1949.

A. Installations located on United States owned land:

1. Fort William McKinley (parcels 3 and 4).
2. Nichols Field Reserved Area (350.60 acres of parcel 2, Fort McKinley Reservation).

B. Installations located on Philippine Government owned land:

1. Diliman Housing Area, Quezon City, Rizal (to be retained as a military installation until such time as Palma Hall is completed and occupied by the AGRD for its records and offices).

C. Installations located on private property:

1. McKinley Housing Colony, Makati, Rizal.
2. Processing and Training Center Area (former Manila Provost Marshal Command Area), Mandaluyong, Rizal.

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[2] TIAS 1963, *post*, p. 178.

3. Area at Highway 54 and Pasig Boulevard, to include the 505th Transportation Truck Battalion Bus Pool, the former Pasig Commissary Area, the former Adjutant General Printing Plant and Publications Depot Area, and the former 29th Engineer Base Topographical Battalion Area, Mandaluyong, Rizal.
4. Signal Communications Plant and Distribution System (consists of communication cables crossing private and Philippine Republic property for which easements must be retained).
5. WTA Transmitter Station, Tinajeros, Rizal.
6. UMP Relay Station, Santa Mesa Heights, Rizal.
7. WTA Receiver Station, Las Pinas, Rizal.
8. Quartermaster POL Depot, Malibay, Rizal.
9. 141st AACS Transmitter Station, near Fort Stotsenburg–Clark Air Force Base, Pampanga.
10. Headquarters MANED, and Fisher Apartments at F. B. Harrison and Fisher Avenue, Rizal City, Rizal. (Headquarters MANED building is property of Philippine Alien Property Administration.)
11. Carabao Wallow, Highway 54, Malibay, Rizal.

The Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

12389 MANILA, *May 16, 1949*

SIR:

I am pleased to acknowledge the receipt of your note No. 510 [0510] of May 14, 1949, and its enclosure, which note reads as follows:

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

I am happy to inform you that an agreement in the sense described in the foregoing note is acceptable to the Government of the Philippines, and that this Government considers the Embassy's note No. 510 of May 14, 1949 and its enclosure, together with the present reply thereto as constituting an agreement arrived at between our two Governments in accordance with Article XXI of the Military Bases Agreement of March 14, 1947 on the subject of extension of the right of the United States armed forces to occupy certain temporary installations enumerated in the enclosure Annex 1 beyond the date March 26, 1949 for such time as may be necessary for the completion of adequate facilities for United States armed forces within the bases provided in the aforementioned Military Bases Agreement but shall in no case exceed a period of three years from March 26, 1949.

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

FELINO NERI
Undersecretary

The Honorable THOMAS H. LOCKETT
Chargé d'Affaires ad interim
United States Embassy
Manila

TRANSFER OF CERTAIN MILITARY RESERVATIONS

Exchange of notes at Manila May 14 and 16, 1949; Philippine memorandum of May 16, 1949
Entered into force May 16, 1949; operative from March 27, 1949

63 Stat. 2660 Treaties and Other International Acts Series 1963

EXCHANGE OF NOTES

The American Chargé d'Affaires ad interim to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 0509 *Manila, May 14, 1949*

EXCELLENCY:

I have the honor to refer to the Act of the Congress of the United States of America of March 24, 1934,[1] more commonly referred to as the Philippine Independence Act; to the Joint Resolution of the Congress of the United States of America of June 29, 1944,[2] which authorized the President of the United States of America to acquire bases for the mutual protection of the United States and of the Philippines; to Joint Resolution No. 4 of the Congress of the Philippines, approved July 28, 1945, which authorized the President of the Philippines to enter into negotiations for the establishment of such bases; to the Treaty of General Relations (including the Protocol thereto) Between the United States of America and the Philippines signed on July 4, 1946;[3] to the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases signed at Manila on March 14, 1947;[4] and to other legislation and public acts of the United States of America and of the Philippines pertinent to the transfer to the Republic of the Philippines, following the declaration of its independence, of certain United States military bases the

[1] 48 Stat. 456.
[2] 58 Stat. 626.
[3] TIAS 1568, *ante*, p. 3.
[4] TIAS 1775, *ante*, p. 55.

use of which was not reserved to the United States by the aforementioned Agreement of March 14, 1947, or which have not otherwise been reserved, encumbered or disposed of, and to inform Your Excellency that, in accordance with its obligations under the aforesaid acts, resolutions and agreement, the Government of the United States of America relinquishes to the Government of the Philippines the use of, and transfers to that Government such right and title to, or interest in, the United States military reservations listed in Annex 1 attached hereto, as the United States may have therein. There is also annexed hereto a list of the available Executive Orders and Torrens Certificates of Title whereunder the United States has claimed title to and possession of the military reservations in the aforementioned Annex 1 attached hereto.

The Government of the United States recognizes the Philippine Long Distance Telephone Company as the lawful owner of certain buildings and installations at Camp Eldridge, Laguna. Therefore I desire to point out to Your Excellency that these particular installations are excepted from any of the provisions of this note concerning the turnover of installations and improvements on the military reservations listed in the aforementioned Annex 1 attached hereto.

I further desire to inform Your Excellency that the United States Government assures the Philippine Government that it will make no claims now or in the future against the Philippine Government with a view to recovering funds expended in the acquisition of title to the temporary bases and installations included in the military reservations listed in the aforementioned Annex 1 attached hereto.

In hereby making final and formal the transfer of the property listed in Annex 1 attached hereto, the United States requests that the Republic of the Philippines assume as of March 27, 1949 all responsibility, risk of loss, and liability for the care, custody, protection and maintenance of said property, including liability for damage to person or property sustained on or after March 27, 1949 as a result of dangerous or defective conditions existing on or after that date, and the Republic of the Philippines agrees to indemnify and hold harmless the United States, members of its armed forces and its civilian employees from the aforesaid responsibility, risk of loss, and liability. The United States makes no warranty of title to the property listed in Annex 1 attached hereto or of the condition of said property or of its fitness for any other purpose.

In hereby making final and formal the transfer of the military reservations listed in Annex 1 attached hereto, the United States also requests that the Republic of the Philippines agree that while it is understood that the buildings and other improvements located thereon are transferred without charge against or reference to the Surplus Property Agreement signed

September 11, 1946,[5] this understanding relates only to the transfer of military reservations covered by this note.[6]

I am authorized by my Government to state that an acknowledgment of the receipt of this note containing Your Excellency's assurances that the terms and conditions thereof are acceptable to Your Excellency's Government will be considered by my Government as constituting an agreement for the relinquishment to the Government of the Philippines of the use, and the transfer to that Government of such right and title to, and possession of, the United States military reservations listed in Annex 1 attached hereto, as the United States may have therein, and as evidence that such relinquishment or transfer has been fully accomplished.

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

THOMAS H. LOCKETT
Chargé d'Affaires a.i.

Enclosures:
1. Annex 1—List of Properties to be Turned Over by the United States Government to the Philippine Government on March 26, 1949.
2. List of Executive Orders and Torrens Certificates of Title.

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs
of the Republic of the Philippines

ANNEX NO. 1

LIST OF PROPERTIES TO BE TURNED OVER BY THE UNITED STATES GOVERNMENT TO THE PHILIPPINE GOVERNMENT ON MARCH 26, 1949

1. Augur Barracks (Zettel Field), Jolo, Sulu.
2. Calumpang Point Reservation, Cavite, Luzon.
3. Camp Bumpus, Tacloban, Leyte.
4. Camp Connell, Samar.
5. Camp Downes, Ormoc, Leyte.
6. Camp Eldridge, Los Banos, Laguna, Luzon.
7. Camp Gregg, Bayambang, Pangasinan, Luzon.
8. Camp Keithley (Maguire Field), Dansalan, Mindanao.
9. Camp Overton, Iligan, Lanao, Mindanao.
10. Chromite Ore Deposit, Zambales, Luzon.
11. Cauayan Field, Cauayan, Isabela, Luzon.
12. Cuartel Meisic, Manila.
13. Fort San Pedro, Cebu, Cebu.
14. Fort San Pedro, Iloilo, Panay.
15. Ludlow Barracks, Parang, Cotabato, Mindanao.
16. Malabang Field (portion of Torrey Barracks), Lanao, Mindanao.
17. Momungan Military Reservation, Momungan, Lanao, Mindanao.
18. Nozaleda Military Reservation, Calle Gral. Luna, Manila.
19. Sanborn Field (Sanborn) (Regan Barracks), Daraga, Albay, Luzon.
20. Tagabiran Military Reservation, Catubig, Samar.
21. Warwick Barracks, Cebu, Cebu.

[5] 43 UNTS 231.

[6] For a Philippine memorandum of understanding regarding this paragraph, see p. 184.

22. Wolfe Field, Zamboanga, Mindanao.
23. Nichols Field (all of parcel 1 and parcel 2 less approximately 350.60 acres, Fort William McKinley Reservation), Rizal, Luzon.
24. Cuartel de Espana, Intramuros, Manila, including Santa Lucia Barracks.
25. Fort Santiago, Manila.
26. Old Medical Supply Depot, Manila.
27. Old Sternberg General Hospital, Manila.
28. Cuartel de Infanteria, including Estado Mayor, Manila.
29. Malate Barracks, Manila.

LIST OF EXECUTIVE ORDERS AND TITLES OF PRE-WAR MIL. RES. TO BE RETURNED TO PHIL. GOVT.

1. AUGUR BARRACKS, Jolo, Jolo.
   Executive Orders and Transfer Certificate of Titles for acquisition.
   * Ex. Or. Nov. 10, 1904
   * " " May 17, 1905
   * " " Feb. 14, 1913 No. 1703
   * " " May 28, 1929 No. 5129
   * TCT No. 19
   * " No. 24

   Executive Orders reverting portion of res. to Phil. Govt. and Letter placing the remaining portion under the control of the Phil. Govt.
   Ex. Or. Sept. 23, 1924 No. 4077
   " " Nov. 18, 1930 No. 5493
   * Letter dated Sept. 10, 1917.

   ASTURIAS–Sub Post of Augur Barracks
   Executive Orders and Transfer Certificate of Titles for acquisition.
   * Ex. Or. Nov. 10, 1904
   * TCT No. 21
   * " No. 23

   Letter placing under the control of the Phil. Govt.
   * Letter dated Sept. 10, 1917. (Included in Augur Barracks)
2. CALUMPAN POINT, Maragondon, Cavite.
   Executive Orders for acquisition
   * Ex. Or. April 11, 1902
   " " Mar. 14, 1904
3. CAMP BUMPUS, Tacloban, Leyte.
   Executive Orders and Transfer Certificate of Titles for acquisition.
   * Ex. Or. Sept. 1, 1903
   TCT No. 23
   " No. 27
   " No. 28
   " No. 29
   " No. 30
   " No. 31
   " No. 32
   " No. 33
   " No. 34
   " No. 35
   " No. 36
   " No. 37
4. CAMP CONNELL, Calbayog, Samar.
   Executive Order for acquisition
   * Ex. Or. Sept. 1, 1903
   * G. O. No. 201 Sept. 27, 1907 (Technical description)
5. CAMP DOWNES, Ormoc, Leyte.
   Executive Orders and Transfer Certificate of Titles for acquisition.
   * Ex. Or. Sept. 1, 1903
   * " " Apr. 9, 1907
   * " " July 26, 1913 No. 1806
   TCT No. 10
   " No. 11
   " No. 46

   Letter placing under the control of the Phil. Constabulary letter dated May 27, 1915.

6. Camp Eldridge, Los Banos, Laguna
   Executive Orders and Transfer Certificate of Titles for acquisition.
   * Ex. Or. Sept. 1, 1903
   * " " Dec. 6, 1904
   * " " Feb. 14, 1916 No. 2316
   Tct No. 1
   " No. 9
   " No. 14
   " No. 19
   " No. 18
   " No. 288
7. Camp Gregg, Bayambang, Pangasinan
   Executive Order for acquisition
   * Ex. Or. Sept. 1, 1903
8. Camp Keithley, Dansalan, Lanao
   Executive Orders for acquisition
   * Ex. Or. Jan. 19, 1905
   * " " Sept. 26, 1907
   Letter placing under the control of the Phil. Govt.
   * Letter dated Sept. 10, 1917.
9. Camp Overton, Iligan, Lanao
   Executive Orders and Transfer Certificate of Titles for acquisition.
   * Ex. Or. July 11, 1903
   * " " Dec. 1, 1908
   * " " Aug. 31, 1912 – No. 1595
   Tct No. 1189
   " No. 1190
   Letter placing under the control of the Phil. Govt.
   * Letter dated Sept. 10, 1917.
10. Chromite Ore Deposit, Zambales.
    Executive Order for acquisition
    Ex. Or. Aug. 20, 1931 No. 5690
11. Cauayan, Isabela
    Executive Order for acquisition
    Ex. Or. Jan. 5, 1927.
12. Cuartel Meisic, Manila
    Executive Order for acquisition
    * Ex. Or. May 17, 1905
13. Fort San Pedro, Cebu, Cebu.
    Executive Order for acquisition
    * Ex. Or. Sept. 1, 1903
    * " " June 17, 1910
    General Order Sept. 22, 1905 No. 157
14. Fort San Pedro, Iloilo, Panay
    Executive Order and Transfer Certificate of Title for acquisition.
    * Ex. Or. Oct. 10, 1903
    * " " Sept. 18, 1905
    Tct No. 46
    " " 69
    " " 93
    " " 522
    " " 523
    " " 524
    " " 525
    Executive Order and Letter placing under the control of the Phil. Govt.
    * Ex. Or. Oct. 3, 1906
    * Letter dated Sept. 10, 1917.
15. Ludlow Barracks, Parang, Cotabato
    Executive Order and Transfer Certificate of Title for Acquisition.
    * Ex. Or. Feb. 15, 1904
    * " " Mar. 30, 1909
    Tct No. 8
    " No. 7
    " No. 10
    " No. 11
    " No. 12
    " No. 18
    " No. 40

16. Malabang Field, Lanao, Mindanao
    Executive Order for acquisition
    Ex. Or. Mar. 20, 1930 No. 5308
17. Momungan, Lanao
    Executive Order for acquisition
    * Ex. Or. Feb. 10, 1915 No. 2136
    * " " June 19, 1916 No. 2405
18. Nozaieda, Manila
    Executive Order for acquisition
    * Ex. Or. Feb. 13, 1911
    Executive Order placing portion of reservation under the control of the Phil. Govt.
    * Ex. Or. April 15, 1939
19. Sanborn Field, Albay.
    Executive Order for acquisition
    * Ex. Or. Dec. 19, 1927 No. 4787
20. Tagabiran, Catubig, Samar.
    Transfer Certificate of Title for acquisition
    Tct No. 11
21. Warwick Barracks, Cebu, Cebu
    Executive Order for acquisition
    * Ex. Or. Sept. 1, 1903
    Letter placing under the control of the Phil. Govt.
    * Letter dated Sept. 10, 1917
22. Wolfre Field, Zamboanga
    Executive Order for acquisition
    * Ex. Or. May 28, 1929 No. 5129
23. Fort Wm. McKinley, Rizal
    General Order, Deed of Sale and Transfer Certificate of Title for acquisition
    * Gen. Or. No. 104, Oct. 3, 1902
    Deed of Sale dated Aug. 5, 1902
    Tct No. 2288
    Executive Order placing portion of Res. under control of the Phil. Govt.
    * Ex Or. Feb. 20, 1917 No. 2534
    Note No. 559, Dec. 23, 1947 from American Ambassador United States Embassy to Secretary of Foreign Affairs of the Republic of the Philippines.
24. Old Medical Supply Depot, Manila
    Executive Order for acquisition and restoration to the Phil. Govt.
    * Ex. Or. Feb. 13, 1911
25. Sternberg Gen. Hosp., Manila
    Executive Order for acquisition
    * Ex. Or. Feb. 13, 1911

*Typewritten copies of Executive Orders and letters completed. [Footnote in original.]

The Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

12388 Manila, *May 16, 1949*

Sir:

I am pleased to acknowledge the receipt of your note 509 [0509] of May 14, 1949, and its enclosures, which note reads as follows:

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

I am happy to inform you that an agreement in the sense described in the foregoing note is acceptable to the Government of the Philippines; and that

this Government agrees to consider the Embassy's note No. 509 of May 14, 1949, and its enclosures, together with the present reply thereto as constituting an agreement arrived at between our two Governments on the subject of relinquishment to the Government of the Philippines of the use; and the transfer to that Government of such right and title to, and possession of, the United States military reservations listed in the enclosure Annex 1, as the United States may have therein, and as evidence that such relinquishment or transfer has been fully accomplished, effective as of March 27, 1949.

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

FELINO NERI
Undersecretary

The Honorable
THOMAS H. LOCKETT
Chargé d'Affaires, a.i.
Embassy of the United States

PHILIPPINE MEMORANDUM

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

12428

MEMORANDUM

On the understanding of the Philippine Government regarding its acceptance of paragraph five of the Embassy's Note No. 509 of May 14, 1949 concerning the relinquishment and transfer to the Republic of the Philippines of temporary quarters and installations listed in Annex No. 1 attached thereto.

It is the understanding of the Philippine Government that acceptance of paragraph five of the Embassy's Note No. 509 of May 14, 1949 does not preclude said Government from seeking the consideration of the understanding enunciated therein with respect to future relinquishment or transfer of United States military installations.

DEPARTMENT OF FOREIGN AFFAIRS
Manila, May 16, 1949

[Initials illegible]

HOSPITALS AND MEDICAL CARE FOR PHILIPPINE VETERANS

Agreement signed at Manila June 7, 1949, with exchange of memorandums at Manila June 7 and August 5, 1949
Entered into force June 7, 1949
Modified by agreement of October 6, 1954 [1]
Superseded July 1, 1958, by agreement of June 30, 1958 [2]

63 Stat. 2593; Treaties and Other International Acts Series 1949

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES ON THE CONSTRUCTION AND EQUIPPING OF HOSPITALS FOR VETERANS AND THE PROVISION OF MEDICAL CARE AND TREATMENT OF VETERANS BY THE GOVERNMENT OF THE PHILIPPINES, AND THE FURNISHING OF GRANTS-IN-AID THEREOF BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA

WHEREAS, the Congress of the United States by Public Law 865, Eightieth Congress, approved July 1, 1948,[3] has provided for assistance by grants-in-aid to the Republic of the Philippines in providing medical care and treatment for certain veterans, as defined below; and

WHEREAS, the Government of the Republic of the Philippines is desirous of taking advantage of the provisions thereof for the purpose of expanding and improving the program of medical care and hospitalization of those disabled veterans who come within the purview of Public Law 865, Eightieth Congress;

The Governments of the United States and the Republic of the Philippines have decided to conclude an agreement for the above purposes, the provisions of which the Government of the United States will incorporate in the regulations to be promulgated pursuant to the provisions of the said Public Law, and do hereby agree as follows:

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[1] 5 UST 2510; TIAS 3111.
[2] 9 UST 987; TIAS 4067.
[3] 62 Stat. 1210.

Title I

PURPOSE AND DURATION

Article 1. Subject to mutual agreement, the necessary Appropriation Acts of the United States Congress, and such rules and regulations as, from time to time, may be prescribed by the Administrator of Veterans' Affairs, to whom the President of the United States has delegated the authority conferred upon him by the aforesaid Act, the Government of the United States will furnish aid in the form of grants to the Republic of the Philippines in amounts as prescribed by said Act, as follows:

(a) For the construction and equipping of hospitals in the Philippines to be used exclusively for medical care and treatment of veterans for service-connected disabilities, in a total amount of not to exceed $22,500,000.00.

(b) To reimburse the Republic of the Philippines for moneys expended for the hospitalization of such veterans either in the hospitals so constructed and equipped, or any other hospitals in the Philippines, as provided in the aforesaid Act, for a period of not to exceed five years, in a total amount of not to exceed $3,285,000.00 for any fiscal year (July 1 through June 30).[4]

Article 2. Grants for the construction and equipping of a hospital may be made prior to or following completion of such hospital, subject to the rules and regulations prescribed by the Administrator of Veterans' Affairs, and subject to conditions on the receipt of financial aid necessary to carry out the provisions of the Act, which may be imposed by him.

Title II

DELEGATION OF AUTHORITY

Article 3. The Secretary of National Defense of the Philippine Government, under the general direction of the President of the Republic of the Philippines, shall have full authority to administer, for the Government of the Republic of the Philippines, all matters relating to the construction and equipping of hospitals for veterans and the provision of medical care and treatment for veterans, within the purview of Public Law 865, 80th United States Congress.

Title III

DEFINITIONS

Article 4. The term "veterans" is agreed to mean persons who have been determined by the Veterans Administration to have served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including, among such military forces, organized

[4] For a modification of art. 1, para. (b), see 5 UST 2510; TIAS 3111.

guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander-in-Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable.

ARTICLE 5. The term "service-connected disabilities" is agreed to mean any disability which has been determined by the Veterans' Administration to have resulted from personal injury suffered or disease contracted in service as defined in Article 4 hereof, or any aggravation of a disability existing prior to the service as defined, when such aggravation is determined by the Veterans' Administration to have been suffered or contracted in service as defined in Article 4, above.

TITLE IV

GRANTS FOR CONSTRUCTION AND EQUIPPING OF HOSPITALS

ARTICLE 6. The Government of the Republic of the Philippines agree to furnish an adequate building site for each hospital to be constructed under the terms of this agreement, at no expense to the government of the United States.

ARTICLE 7. Amounts necessarily expended for technical services required and obtained for preparation of plans and specifications, supervision of construction, and for overhead expenses incident to these functions will be reimbursed in the form of grants made by the Government of the United States, if specifically approved by the Administrator of Veterans' Affairs of the United States. In no event will the total of such amounts exceed 5% of the total construction cost.

ARTICLE 8. The Government of the United States, through such qualified persons as the Administrator of Veterans' Affairs shall designate, shall inspect and approve each building site before construction of a hospital thereon is commenced.

ARTICLE 9. The Government of the United States, through such qualified persons as the Administrator of Veterans' Affairs shall designate, shall have the right to inspect buildings being constructed under this agreement, at all stages of construction; to inspect and audit all accounts necessary and incident to such construction; and to approve the procedure for letting of contracts both for hospital construction and the purchase of equipment.

ARTICLE 10. As a basis for determining the amount of funds to be granted for the program embraced by this agreement, there shall be transmitted to the Administrator of Veterans' Affairs by the Secretary of National Defense of the Philippine Government as early as may be following the entrance into force of this agreement, an itemized, detailed description of a hospital, or hospitals, upon which construction is expected and intended to be commenced, together with an accurate, detailed plat or map showing the prospective location thereof; an estimate of the time expected to be required for

building and equipping, information detailing the size of each hospital, its general plan and conformation and the type of materials intended to be used therein, and an estimate of the costs of construction, materials, and equipment.

ARTICLE 11. Following the concurrence by the Administrator of Veterans' Affairs in such preliminary plans, full-scale plans, blueprints and specifications for all of the buildings and equipment embraced in such data, together with proposed contract forms and forms of bids to be employed, shall be prepared by the Secretary of National Defense of the Philippine Government and transmitted for the concurrence of the Administrator of Veterans' Affairs. If concurred in, the Administrator of Veterans' Affairs shall make to the Government of the Philippines such installment-grants as the efficient progress of the construction program and the need for such equipment may, in his judgment, warrant.

ARTICLE 12. Any sums appropriated for the construction and equipping of hospitals under Public Law 865, 80th United States Congress, remaining unobligated at the end of any fiscal year shall be permitted to be carried over to the ensuing fiscal year.

TITLE V

GRANTS FOR EXPENSES INCIDENT TO HOSPITALIZATION OF VETERANS

ARTICLE 13. In the interim period required for the construction of hospitals under this agreement, veterans requiring treatment of service-connected disabilities may be hospitalized, upon a reimbursement basis, within the terms of Public Law 865, 80th United States Congress, in such existing hospitals in the Philippines, as the Secretary of National Defense of the Philippine Government may direct.

ARTICLE 14. The question of whether to hospitalize veterans, requiring treatment for service-connected disabilities, prior to an official determination of their status and eligibility having been made by the Veterans' Administration, or whether to require such determination of status and eligibility to be made prior to hospitalizing them, will be wholly within the discretion of the Secretary of National Defense of the Philippine Government, depending upon such contingencies and exigencies as the Secretary of National Defense of the Philippine Government may deem it appropriate to consider.

ARTICLE 15. The Government of the Republic of the Philippines agrees that upon the receipt of any application for hospitalization under the terms of Public Law 865, 80th United States Congress, the Veterans' Administration shall be furnished a copy thereof, together with such information relating to the applicant's military service as may be currently available and full medical information of the disabilities existing for which treatment is needed, and the Veterans' Administration shall thereupon make due and diligent effort to determine, without delay the status and eligibility of such applicant for such hospitalization under the Act, furnishing to the Secretary of National Defense of the Philippine Government, or such other officer as

he may designate, an official notification of the determination which has been made respecting such applicant's eligibility for such hospitalization.

ARTICLE 16. In all cases in which it has been officially determined by the Veterans' Administration that the applicants are eligible for and are receiving, or subsequent to July 1, 1949, have received hospitalization for service-connected disabilities upon the authority of the Secretary of National Defense of the Philippine Government or other officers duly designated by him for this purpose, itemized bills covering the cost of such hospitalization will be furnished to the Veterans' Administration for consideration and award of payment.

ARTICLE 17. The Secretary of National Defense of the Philippine Government will, with the concurrence of the Administrator of Veterans' Affairs, cause such printed forms of applications for hospitalization, forms of physical examination reports, forms for billing for services rendered and such other forms and notices as may be necessary and incident to the efficient execution of this program, to be prepared, and such approved forms will be used wherever applicable in the general operation of such program.

ARTICLE 18. The Republic of the Philippines will be reimbursed for moneys expended for hospitalization of eligible veterans at such rates as are established by the Secretary of National Defense of the Philippine Government with the concurrence of the Administrator of Veterans' Affairs. It is understood that such rates may vary from time to time or from place to place, but only following agreement on such changes by the Secretary of National Defense of the Philippine Government and the Administrator of Veterans' Affairs.

ARTICLE 19. The Secretary of National Defense of the Philippine Government shall furnish to the Administrator of Veterans' Affairs, upon his request, or the request of any officer duly designated by him for such purpose, full and complete cost-accounting information, copies of medical examination and treatment reports and any other information deemed by him to be necessary and incident to the proper application of the terms of this agreement.

ARTICLE 20. The Government of the United States through such qualified persons as the Administrator of Veterans' Affairs may designate, shall have the right to inspect any hospital in which veterans are being hospitalized under the terms of this agreement; to inspect and audit its books and all accounts as an incident to the proper determination of cost of and reimbursement for such hospitalization; and to determine whether the hospital facilities, procedures, techniques, hygiene and standards, as well as the quality of subsistence furnished, are adequate and proportionate to the charges being made therefor.

ARTICLE 21. Appropriations for medical care and treatment for veterans

under Public Law 865, 80th United States Congress, will, if unobligated at the end of the fiscal year, revert to the United States Treasury.

ARTICLE 22. No hospital constructed under the terms of Public Law 865, 80th United States Congress, or any part or equipment thereof, shall be alienated, transferred, sold or assigned, and in the event any such hospital, part or equipment thereof shall no longer be desirable for use in the program of hospitalization embraced by this agreement, the disposition thereof shall be determined by mutual consent of the two Governments.[5]

ARTICLE 23. It is agreed between the two Governments that if the conditions and terms of the agreement are not being met, the Secretary of National Defense of the Philippine Government and the Administrator of Veterans' Affairs or his designee shall enter into immediate consultation with a view to compliance with said terms and conditions. The initiation of such consultations by either Government shall not limit or qualify the duty and obligation of the Administrator of Veterans' Affairs to withhold or suspend payments when in his judgment such payments would not be in accordance with the terms of this agreement.

ARTICLE 24. It is agreed by the two Governments that the program of medical care and treatment of veterans under Public Law 865, 80th United States Congress, may be effective from July 1, 1949, or such subsequent date as may be agreed upon by the two Governments.

ARTICLE 25. This agreement shall come into force upon the date of its signature and remain in force until amended or terminated by subsequent agreement. Such amendment or revocation may be accomplished by an exchange of notes between the two Governments.

ARTICLE 26. The Government of the Republic of the Philippines shall save harmless all officers and employees of the U.S. Veterans Administration from damage suits or other civil actions arising out of the performance of their duties under this agreement.

ARTICLE 27. Officers, employees, and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all such officers, employees or agents of the U.S. Veterans Administration over all bridges, ferries, roads, and other facilities of the highways where tolls are collected for passage of vehicles or occupants in the performance of their official duties.

ARTICLE 28. No import, excise, consumption, or other tax, duty, impost fee, charge or exaction shall be imposed or collected by the Republic of the Philippines on funds or property in the Republic of the Philippines which

[5] For an understanding with reference to art. 22, see exchange of memorandums, p. 191.

are for use for purposes, under this agreement, or on any funds or property imported into the Republic of the Philippines for use in connection with such purposes. No tax, duty, impost fee, charge or exaction shall be imposed or collected by the Republic of the Philippines on personal funds or movable property, not intended for resale, owned by U.S. Veterans Administration personnel under the program covered by this agreement, who are citizens of the United States, nor shall any tax, duty, impost fee, charge or exaction be imposed or collected by the Republic of the Philippines on the official emoluments paid to the U.S. Veterans Administration personnel, under the program covered by this agreement, who are citizens of the United States, nor shall any tax, duty, impost fee, charge or exaction be imposed or collected by the Republic of the Philippines on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use of, or consumption by, U.S. Veterans Administration personnel under the program covered by this agreement, who are U.S. citizens, nor shall any export or other tax, fee, charge or exaction be imposed or collected by the Republic of the Philippines on any of the foregoing funds or property mentioned in this Article in the event of their removal from the Republic of the Philippines.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Agreement in duplicate, in the City of Manila, this 7th day of June, 1949.

For the Government of the United States of America:
MYRON M. COWEN

For the Government of the Republic of the Philippines:
ELPIDIO QUIRINO

EXCHANGE OF MEMORANDUMS

The Philippine Government to the United States Government

MEMORANDUM

Understanding Between the Negotiators with Reference to Article 22 of the Agreement Between the Government of the Republic of the Philippines and the Government of the United States of America on the Construction and Equipping of Hospitals of Veterans and the Provision of Medical Care and Treatment of Veterans by the Government of the Republic of the Philippines and the Furnishing of Grants-In-Aid thereof by the Government of the United States of America, signed on June 7, 1949.

With regard to Article 22 of the Agreement between the Government of the Republic of the Philippines and the Government of the United States of America on the Construction and Equipping of Hospitals of Veterans and

the Provision of Medical Care and Treatment of Veterans by the Government of the Republic of the Philippines and the Furnishing of Grants-In-Aid thereof by the Government of the United States of America, which was signed on June 7, 1949, the following statement has been agreed upon between the negotiators:

"With reference to Article 22 of the Agreement, it is understood between the negotiators that the ownership of the hospitals constructed under the terms of this Agreement, or of any part or equipment thereof, vests in the Government of the Philippines, and that what is left for determination by mutual consent of the two Governments is the use to which said hospitals, or any part or equipment thereof shall be devoted, as defined in Public Law 865—80th Congress."

MANILA
June 7, 1949

[Initials illegible]

The United States Government to the Philippine Government

MEMORANDUM

Negotiations regarding the Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines on the Construction and Equipping of Hospitals of Veterans and the Provision of Medical Care and Treatment of Veterans by the Government of the Republic of the Philippines and the Furnishing of Grants-in-Aid thereof by the Government of the United States of America, signed on June 7, 1949; Understanding Between Negotiators regarding Article 22.

With reference to the negotiations conducted between the representatives of the Philippine Government and the representatives of the Government of the United States for the purpose of reaching an Agreement on the Construction and Equipping of Hospitals of Veterans and the Provision of Medical Care and Treatment of Veterans by the Government of the Republic of the Philippines and the Furnishing of Grants-in-Aid thereof by the Government of the United States of America, it is agreed between the negotiators of the two Governments that the following statement be made setting forth their understanding of the meaning and intent of Article 22 of the aforementioned Agreement:

With reference to Article 22 of the Agreement, it is understood between the negotiators that the ownership of the hospitals constructed under the terms of this Agreement, or of any part or equipment thereof, vests in the Govern-

ment of the Philippines, and that what is left for determination by mutual consent of the two Governments is the use to which said hospitals, or any part or equipment thereof shall be devoted, as defined in Public Law 865—80th Congress.

T.H.L.

MANILA
August 5, 1949

FINANCE

Arrangement signed at Quezon City July 11, 1949, modifying arrangement of June 30, 1948
Entered into force July 11, 1949
Modified by agreements of November 6, 1950 [1]*, and March 27, 1961* [2]

[For text, see 1 UST 769; TIAS 2151.]

VETERANS' CLAIMS

Exchange of notes at Manila July 25 and 28, 1949, with exchange of memorandums of July 25 and August 8, 1949
Entered into force July 28, 1949
Terminated March 2, 1953

[For text, see 2 UST 999; TIAS 2253.]

PUBLIC ROADS PROGRAM

Exchange of notes at Manila December 16 and 21, 1949, extending agreement of February 14, 1947 [3]
Entered into force December 21, 1949
Expired June 30, 1951

[For text, see 3 UST 3715; TIAS 2499.]

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[1] 1 UST 765; TIAS 2151.
[2] 12 UST 297; TIAS 4715.
[3] TIAS 1584, *ante*, p. 42.

Poland

DEBT FUNDING

Agreement signed at Washington November 14, 1924
Operative from December 15, 1922
Approved by Act of Congress of December 22, 1924 [1]
Ratified by Poland January 17, 1925
Modified July 1, 1931, by agreement of June 10, 1932 [2]

Treasury Department print

AGREEMENT

MADE THE FOURTEENTH DAY OF NOVEMBER, 1924 at the City of Washington, District of Columbia, between the GOVERNMENT OF THE REPUBLIC OF POLAND, hereinafter called POLAND, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part

Whereas, Poland is indebted to the United States as of December 15, 1922, upon obligations in the aggregate principal amount of $159,666,972.39, together with interest accrued and unpaid thereon; and

Whereas, Poland desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Poland upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. *Amount of Indebtedness.* The amount of the indebtedness to be

[1] 43 Stat. 720.
[2] *Post*, p. 260.

funded, after allowing for cash payments made or to be made by Poland, is $178,560,000, which has been computed as follows:

Principal amount of obligations to be funded	$159,666,972.39
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per cent per annum	18,898,053.60
Total principal and interest accrued and unpaid as of December 15, 1922	178,565,025.99
To be paid in cash by Poland November 14, 1924	5,025.99
Total indebtedness to be funded into bonds	178,560,000.00

2. *Repayment of Principal.* In order to provide for the repayment of the indebtedness thus to be funded, Poland will issue to the United States at par, as of December 15, 1922, bonds of Poland in the aggregate principal amount of $178,560,000, dated December 15, 1922, and maturing serially on each December 15 in the succeeding years for 62 years, in the amounts and on the several dates fixed in the following schedule:

December 15—		December 15—	
1923	$560,000	1955	$2,500,000
1924	925,000	1956	2,600,000
1925	950,000	1957	2,700,000
1926	975,000	1958	2,800,000
1927	1,000,000	1959	2,900,000
1928	1,025,000	1960	3,000,000
1929	1,050,000	1961	3,100,000
1930	1,075,000	1962	3,200,000
1931	1,100,000	1963	3,300,000
1932	1,125,000	1964	3,400,000
1933	1,150,000	1965	3,500,000
1934	1,200,000	1966	3,600,000
1935	1,225,000	1967	3,700,000
1936	1,250,000	1968	3,800,000
1937	1,275,000	1969	3,900,000
1938	1,300,000	1970	4,000,000
1939	1,325,000	1971	4,100,000
1940	1,350,000	1972	4,200,000
1941	1,400,000	1973	4,400,000
1942	1,450,000	1974	4,600,000
1943	1,500,000	1975	4,800,000
1944	1,550,000	1976	5,000,000
1945	1,600,000	1977	5,200,000
1946	1,675,000	1978	5,400,000
1947	1,750,000	1979	5,800,000
1948	1,825,000	1980	6,200,000
1949	1,900,000	1981	6,800,000
1950	1,975,000	1982	7,400,000
1951	2,075,000	1983	8,200,000
1952	2,200,000	1984	9,000,000
1953	2,300,000		
1954	2,400,000	Total	178,560,000

Provided, however, That Poland, at its option upon not less than ninety days' advance notice to the United States, may postpone any payment falling due as hereinabove provided, except those falling due on or before December 15, 1929, hereinafter referred to in paragraph 4 of this Agreement, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Poland shall at any time

exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, shall be issued in such denominations as may be requested by the Secretary of the Treasury of the United States, and shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A." The $178,560,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces, in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

3. *Payment of Interest.* All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid.

4. *Method of Payment.* All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Poland, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder: *Provided, however,* that with reference to the payments on account of principal and/or interest falling due hereunder on or before December 15, 1929, Poland, at its option, may pay the following amounts on the dates specified:

June 15, 1925	$500,000	June 15, 1928	$1,250,000
December 15, 1925	500,000	December 15, 1928	1,250,000
June 15, 1926	750,000	June 15, 1929	1,500,000
December 15, 1926	750,000	December 15, 1929	1,500,000
June 15, 1927	1,000,000		
December 15, 1927	1,000,000	Total	10,000,000

and the balance, including interest on all overdue payments at the rate of 3 per cent per annum from their respective due dates, in bonds of Poland dated December 15, 1929, bearing interest at the rate of 3 per cent per annum from December 15, 1929 to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the manner provided in paragraph 2 of this Agreement, and to be substantially similar in other respects to the bonds first to be issued hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Poland on account of the principal or interest of any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. *Exemption from Taxation.* The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Poland or any political or local taxing authority within the Republic of Poland, whenever, so long as, and to the extent that beneficial ownership is in (*a*) the Government of the United States, (*b*) a person, firm, or association neither domiciled nor ordinarily resident in Poland, or (*c*) a corporation not organized under the laws of Poland.

6. *Payments before Maturity.* Poland, at its option, on any interest date or dates, upon not less than ninety days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of principal and/or interest accruing between December 15, 1922, and December 15, 1929, and then to the principal of any other bonds issued hereunder and held by the United States, as may be indicated by Poland at the time of the payment.

7. *Exchange for Marketable Obligations.* Poland will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Poland will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury

of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within thirty days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Poland, will first offer them to Poland for purchase at par and accrued interest, and Poland shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Poland agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders, as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Poland or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing of the bonds on the stock exchange in Warsaw.

8. *Cancellation and Surrender of Obligations.* Upon the execution of this Agreement, the payment to the United States of cash in the sum of $5,025.99 as provided in paragraph 1 of this Agreement and the delivery to the United States of the $178,560,000 principal amount of bonds of Poland first to be issued hereunder, together with satisfactory evidence of authority for the execution of the Agreement and the bonds on behalf of Poland by its Envoy Extraordinary and Minister Plenipotentiary at Washington, the United States will cancel and surrender to Poland, at the Treasury of the United States in Washington, the obligations of Poland in the principal amount of $159,666,972.39, described in the preamble to this Agreement.

9. *Notices.* Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States, shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Poland at Washington or at the office of the Minister of Finance in Warsaw; and any notice, request, or election from or by Poland shall be sufficient if delivered to the American Legation at Warsaw or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. *Compliance with Legal Requirements.* Poland represents and agrees that the execution and delivery of this Agreement and of the bonds issued or to be issued hereunder have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement and the issuance of bonds hereunder have

been completed as required by the laws of Poland and in conformity therewith.

11. *Counterparts.* This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Poland has caused this Agreement to be executed on its behalf by its Envoy Extraordinary and Minister Plenipotentiary at Washington, thereunto duly authorized, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, as Chairman of the World War Foreign Debt Commission, with the approval of the President, all on the day and year first above written, subject, however, to the approval of Congress, pursuant to the Act of Congress approved February 9, 1922,[3] as amended by the Act of Congress approved February 28, 1923,[4] notice of which approval, when given by Congress, will be transmitted in due course by the Secretary of the Treasury of the United States to the Legation of Poland at Washington.

The Government of the Republic of Poland
By
Wladyslaw Wróblewski [seal]
Envoy Extraordinary and
Minister Plenipotentiary

The Government of the United States of America
For the Commission
By
A. W. Mellon [seal]
Secretary of the Treasury, and
Chairman of the World War
Foreign Debt Commission

Approved:
Calvin Coolidge
President

EXHIBIT A

(Form of Bond)

The Government of the Republic of Poland

Sixty-two year 3–3½ per cent Gold Bond

Dated December 15, 1922—maturing December 15, .
$ No.

The Government of the Republic of Poland, hereinafter called Poland, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on the 15th day of December, , the sum of

[3] 42 Stat. 363.
[4] 42 Stat. 1325.

Dollars ($), and to pay interest upon said principal sum semiannually on the fifteenth day of June and December in each year, at the rate of three per cent per annum from December 15, 1922, to December 15, 1932, and at the rate of three and one-half per cent per annum thereafter until the principal hereof shall have been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Poland, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder. This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Poland or any political or local taxing authority within the Republic of Poland, whenever, so long as, and to the extent that, beneficial ownership is in (*a*) the Government of the United States, (*b*) a person, firm, or association neither domiciled nor ordinarily resident in Poland, or (*c*) a corporation not organized under the laws of Poland. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York.

This bond is issued under an Agreement, dated November 14, 1924, between Poland and the United States, to which this bond is subject and to which reference is made for a further statement of its terms and conditions.

IN WITNESS WHEREOF, Poland has caused this bond to be executed in its behalf at the City of Washington, District of Columbia, by its Envoy Extraordinary and Minister Plenipotentiary at Washington, thereunto duly authorized.

The Government of the Republic of Poland:
By
Envoy Extraordinary and
Minister Plenipotentiary

Dated, December 15, 1922.

(Back)

The following amounts have been paid upon the principal amount of this bond:

Date.	Amount paid.

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Washington February 10, 1925
Entered into force February 10, 1925
Ratified by Poland September 14, 1925
Terminated July 9, 1933, upon entry into force of treaty of June 15, 1931 [1]

Treaty Series 727

The Secretary of State to the Polish Minister

DEPARTMENT OF STATE
WASHINGTON, *February 10, 1925*

SIR:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington on behalf of the Government of the United States and the Government of the Republic of Poland with reference to the treatment which the United States shall accord to the commerce of Poland and which Poland shall accord to the commerce of the United States pending the negotiation of a comprehensive treaty of friendship, commerce and consular rights to which the Governments of both countries have given careful attention and in favor of which both Governments have informally expressed themselves.

These conversations have disclosed a mutual understanding between the two Governments which is that, in respect to import, export and other duties and charges affecting commerce, as well as in respect to transit, warehousing and other facilities and the treatment of commercial travelers' samples, the United States will accord to Poland and Poland will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports or exports, the United States and Poland, respectively, so far as they at any time maintain such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

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[1] TS 862, *post*, p. 237.

It is understood that—

No higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Poland than are or shall be payable on like articles the produce or manufacture of any foreign country;

No higher or other duties shall be imposed on the importation into or disposition in Poland of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country;

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

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Poland, by law, proclamation, decree or commercial treaty or agreement, to any foreign country will become immediately applicable without request and without compensation to the commerce of Poland and of the United States and its territories and possessions, respectively:

Provided that this understanding does not relate to

(1) The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions or to the commerce of its territories or possessions with one another.

(2) The treatment which Poland may accord, in order to facilitate strictly border traffic, to the products of a zone not exceeding fifteen kilometers in width beyond its frontiers or to the products of the German portions of Upper Silesia under the régime at present existing.

(3) Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The Polish Government, which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles [2] and Articles 2 and 6 of the Treaty signed in Paris on November 9, 1920, between Poland and the Free City, declares that the Free City becomes a contracting party to this agreement and assumes the obligations and acquires the rights laid down therein. The above declaration does not relate

[2] *Ante*, vol. 2, p. 100.

to those stipulations of this agreement which are accepted by the Republic of Poland with regard to the Free City of Danzig on the basis of rights acquired by treaties.

The present arrangement shall become operative on the day of signature and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

It is understood that this agreement is subject to ratification by the Polish Diet.

I shall be glad to have your confirmation of the accord thus reached.

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

CHARLES E. HUGHES

Dr. LADISLAS WRÓBLEWSKI,
Minister of Poland.

The Polish Minister to the Secretary of State

LEGATION OF POLAND
Washington, February 10, 1925

SIR:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington on behalf of the Government of the Republic of Poland and the Government of the United States with reference to the treatment which Poland shall accord to the commerce of the United States and which the United States shall accord to the commerce of Poland pending the negotiation of a comprehensive treaty of friendship, commerce and consular rights to which the Governments of both countries have given careful attention and in favor of which both Governments have informally expressed themselves.

These conversations have disclosed a mutual understanding between the two Governments which is that, in respect to import, export and other duties and charges affecting commerce, as well as in respect to transit, warehousing and other facilities and the treatment of commercial travelers' samples, Poland will accord to the United States, its territories and possessions, and the United States will accord to Poland, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports or exports, Poland and the United States respectively, so far as they at any time maintain such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

It is understood that—

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

The Polish Government, which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty signed in Paris on November 9, 1920, between Poland and the Free City, declares that the Free City becomes a contracting party to this agreement and assumes the obligations and acquires the rights laid down therein. The above declaration does not relate to those stipulations of this agreement which are accepted by the Republic of Poland with regard to the Free City of Danzig on the basis of rights acquired by treaties.

The present arrangement shall become operative on the day of signature and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

It is understood that this agreement is subject to ratification by the Polish Diet.

I shall be glad to have your confirmation of the accord thus reached.

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

Wl. Wróblewski

The Honorable
Charles E. Hughes
Secretary of State

EXTRADITION

Treaty and protocol signed at Warsaw November 22, 1927
Senate advice and consent to ratification February 24, 1928
Ratified by the President of the United States March 14, 1928
Ratified by Poland April 29, 1929
Ratifications exchanged at Warsaw June 6, 1929
Proclaimed by the President of the United States June 18, 1929
Entered into force July 6, 1929
Supplemented by treaty of April 5, 1935 [1]

46 Stat. 2282; Treaty Series 789

Treaty

The United States of America and the Republic of Poland, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the United States of America and the Republic of Poland, and have appointed for that purpose the following plenipotentiaries:

The United States of America: H. E. John B. Stetson, Jr., Envoy Extraordinary and Minister Plenipotentiary in Warsaw.

The Republic of Poland: H. E. August Zaleski, Minister for Foreign Affairs,

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

Article I

It is agreed that the Government of the United States and the Government of Poland shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the High Contracting Parties and who shall seek an asylum or shall be found within the territory of the other, provided that such surrender shall take place only upon such evidence of criminality,

[1] TS 908, *post*, p. 265.

as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II [2]

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

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide;
2. The attempt to commit murder;
3. Arson;
4. Wilful and unlawful destruction or damage of track and railroad establishments, which endangers human life;
5. Crimes committed at sea:

a. Piracy;
b. Wrongfully sinking or destroying a vessel at sea or attempting to do so;
c. Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of a vessel.
d. Assault on board ship upon the high seas, with intent to do bodily harm.

6. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein;
7. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear;
8. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit dies and the utterance, circulation or fraudulent use of the above mentioned objects;
9. Forgery or the utterance of forged papers or the fraudulent use of any of the same, providing the loss occasioned exceeds one thousand dollars or Polish equivalent;
10. Embezzlement or criminal malversation committed by public officers or depositaries, where the amount embezzled exceeds one thousand dollars or Polish equivalent;
11. Embezzlement by any person or persons hired, salaried or employed,

[2] For an agreement applicable to paras. 9–15 of art. II, see protocol, p. 212.

to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of both countries and where the amount embezzled exceeds one thousand dollars or Polish equivalent;

12. Fraud or breach of a trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one thousand dollars or Polish equivalent;

13. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one thousand dollars or Polish equivalent;

14. Larceny if the damage caused exceeds one thousand dollars or Polish equivalent;

15. Perjury or subornation of perjury, where as a result of such a false testimony, an innocent person has been punished by imprisonment or a more severe penalty, or a person has been unjustly acquitted of a crime or an unjust sentence was pronounced in a civil case where the amount exceeds one thousand dollars or Polish equivalent and a loss of this amount actually resulted;

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

17. Crimes and offences against the laws for the suppression of slavery or slave trading;

18. Crimes defined as the so-called traffic of women and girls, that means recruiting, abduction or seduction for immoral purposes of said persons, provided such crimes be punishable by imprisonment of at least one year, or by more severe penalty.[3]

Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact, provided such participation be punishable by imprisonment of at least one year by the laws of both the High Contracting Parties.

Article III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences.

When the crime belongs to those designated in Article II sec. 1 and 2— the fact that the offence was directed against the life of the Head of the State,

[3] For an addition to list of crimes, see treaty of Apr. 5, 1935 (TS 908), *post*, p. 265.

the President, of one of the High Contracting Parties, or against the Head of a Foreign State, or against the life of any member of his family shall not be deemed sufficient to sustain that such crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

ARTICLE IV

The person delivered up shall be tried only for the crime or offence for which he was surrendered. This provision, however, does not apply to the case, when the said person fails to leave the territory of the Party to which he was surrendered within the period of three months after the date of inflicting upon him the penalty for the crime or offence for which he was delivered, or after the date of his being advised of his acquittal or of the fact that his case has been dismissed.

ARTICLE V

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

Extradition shall also not be granted if, in a case of concurrent jurisdiction, there has been concluded or is pending in the surrendering State the prosecution of the fugitive on a charge growing out of the same set of facts as that upon which the extradition is sought.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the provisions hereof be actually under prosecution, out on bail or in custody, for another crime or offence, his extradition may be deferred until such proceedings be determined, or until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the Parties hereto, shall be also claimed by one or more powers, such criminal shall be delivered to that State whose demand is first received.

Nevertheless, the surrendering State may give preference to a third State provided it is bound by a treaty concluded with that State so to do.

ARTICLE VIII

Under the stipulations of this Treaty, the United States of America shall not be bound to deliver up its citizens, and the Republic of Poland shall not be bound to deliver up either Polish citizens or those of the Free City of Danzig.

Article IX

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

Article X

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of government, requisitions may be made by Consular officers.

A duly authenticated copy of the sentence of the Court, before which the conviction of the criminal took place, shall be produced with requisition of surrender.

If the person, whose extradition is requested, is merely charged with crime or offence, or convicted by default, a duly authenticated copy of the warrant of arrest of the Court, and of the depositions upon which such warrant may have been issued, shall be produced with such other evidence, as may be deemed competent in the case.

Extradition shall be carried out in conformity with the law governing it in the country, where the requisition of surrender is made.

Article XI

The arrest of a fugitive criminal may be requested even upon telegraphic advice, stating the existence of a sentence of conviction or a warrant of arrest.

In Poland the requisition for the arrest shall be directed to the Minister of Foreign Affairs, who will transmit it to the appropriate authorities.

In the United States of America, the requisition for the arrest shall be directed to the Secretary of State, who shall confirm the regularity of the requisition and request the appropriate authorities to take action thereon in conformity with the law.

In both countries, in case of urgency, the requisition for the arrest and detention may be addressed directly to the appropriate magistrate, in conformity with the laws in force.

A person provisionally arrested shall be released unless within three months from the date of arrest the formal requisition for surrender with the documentary proofs set out in Article X have been produced by the diplomatic

agent of the demanding Government or, in his absence, by a Consular officer thereof.

ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power.

No claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall in the course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

These claims for fees are to be submitted through the intermediary of the respective Government.

ARTICLE XIII

The expenses of arrest, detention, examination and transportation of the accused shall be paid by the Government, which has preferred the demand for extradition.

ARTICLE XIV

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

ARTICLE XV

The present Treaty shall be ratified by the High Contracting Parties and the exchange of ratifications shall take place at Warsaw, as soon as possible.

This Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications and shall be applied, although the crime or offence, for which the extradition has been claimed, have been committed before its entering into force.

The present Treaty may be terminated, yet it will remain in force for one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

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

Done in duplicate at Warsaw this 22 day of November 1927.

JOHN B. STETSON JR. [SEAL]
AUGUST ZALESKI [SEAL]

PROTOCOL ACCOMPANYING THE TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

At the moment of signing the Treaty of Extradition between the United States of America and the Republic of Poland the undersigned Plenipotentiaries, duly empowered, have agreed as follows:

1. The Polish Government consents to extradite, at the request of the Government of the United States of America, all fugitive criminals as they are referred to in the accompanying treaty, in cases where the charge involved exceeds $200.00, although the minimum provided for in the accompanying treaty for the High Contracting Parties is $1,000.00.

The foregoing agreement applies to the provisions of Paragraphs 9, 10, 11, 12, 13, 14 and 15 of Article II of the accompanying treaty.

2. The Polish Government, which by virtue of Article 104 of the Treaty of Peace of Versailles [4] conducts the foreign affairs of the Free City of Danzig, undertakes to do all that is necessary to secure the adherence of the Free City of Danzig to the provisions of this protocol and the accompanying treaty as soon as possible.[5]

In faith whereof, the undersigned Plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22 day of November 1927.

JOHN B. STETSON JR. [SEAL]
AUGUST ZALESKI [SEAL]

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[4] *Ante*, vol. 2, p. 100.

[5] For a declaration on behalf of the Free City of Danzig by which Danzig became a contracting party, see exchange of notes of Aug. 22, 1935 (TS 896), *post*, p. 267.

NARCOTIC DRUGS: FREE CITY OF DANZIG

Exchange of notes at Warsaw February 10, March 5 and 12, and August 24, 1928
Entered into force August 24, 1928
Obsolete [1]

Department of State files

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

WARSAW, POLAND
February 10, 1928

No. 1007

EXCELLENCY:

I have the honor to inform Your Excellency that, in an endeavor to bring about a stricter control of the illicit traffic in narcotic drugs, the Treasury Department of my Government has requested that an effort be made to establish closer co-operation between the appropriate officials of the United States and certain European countries.

In view of the above, I have been directed by my Government to endeavor, through the appropriate authorities of Your Excellency's Government, to arrange with the Government of the Free City of Danzig for

(1) The direct exchange between the Treasury Department of the United States and the corresponding office in the Free City of Danzig of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc.

(2) The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern the other country. Unless such information as this reached its destination directly and speedily it is useless.

(3) Mutual co-operation in detective and investigating work.

For the information of the interested authorities I may state that the officer of the Treasury Department who would have charge, on behalf of the

[1] The former Free City of Danzig was placed under Polish administration Aug. 2, 1945. See Berlin (Potsdam) Conference, *ante*, vol. 3, pp. 1218 and 1234.

Government of the United States, of the co-operation in the suppression of the illicit traffic in narcotics is Colonel L. G. Nutt, whose mail and telegraph address is Deputy Commissioner in Charge of Narcotics, Treasury Department, Washington, D.C.

In the event that the proposed arrangement meets with the approval of the Free City of Danzig, I should appreciate being advised of the name of the official with whom Colonel Nutt should communicate.

Accept, Excellency, the assurance of my highest consideration.

J. Webb Benton
Chargé d'Affaires ad interim

His Excellency
August Zaleski
Minister for Foreign Affairs
Warsaw

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

REPUBLIC OF POLAND
MINISTRY OF FOREIGN AFFAIRS

No. P.I.G. 20142 Warsaw, *March 5, 1928*

Mr. Chargé d'Affaires:

In answer to your letter of February 10 of the present year, concerning the application of the most efficacious means for the control of the prohibited traffic in noxious drugs, I have the honor to request that you kindly inform me as to which drugs (narcotic drugs) it is the question of in your above-mentioned note.

I would also appreciate your informing me if the arrangement is contemplated to apply exclusively to the Port of Danzig or to all the ports of Poland, including the Port of Gdynia.

Accept, Mr. Chargé d'Affaires, the assurances of my high consideration.

For the Minister and
by his direction,
[Signature illegible]

Mr. J. Webb Benton
Chargé d'Affaires a.i.
Legation of the United States of America
Warsaw

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

WARSAW, POLAND
March 12 1928

No. 1061

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's communication No. P. I. G. 20142, dated March 5, 1928, in which reference is made to my Note No. 1007 of February 10, 1928, concerning a stricter control of illicit narcotic drugs, and wherein information is requested as to what narcotic drugs my note refers and whether the steps requested for the suppression of this illicit traffic would refer solely to the port of Danzig or to all ports of Poland, including Gdynia.

In reply, I have the honor to advise Your Excellency that the suppression of the illicit traffic in all narcotic drugs would appear to be desired by my Government. It might be stated that in accordance with American practice a narcotic drug is any liquid, powder, extract or medicinal preparation in any form which in moderate doses allays susceptibility to pain, or which may relieve pain entirely and produce profound sleep, but which in poisonous doses is very dangerous and which may cause death. The chief narcotics are opium, belladonna, Indian hemp, stramonium, hyoscyamus and lactucarium. All of the above have various alkaloids or active principles, for instance morphine is obtained from opium, while atropine is obtained from belladonna, where as codeine and heroin are artificial alkaloids, derived from morphine. Cocaine, which is an alkaloid obtained from coca leaves, should also be included in the above list. It may be added, moreover, that irrespective of what any drug or chemical may be, its real designation as a narcotic can only be determined by its physiological effect upon the human system.

I have the honor to attach hereto copies of articles 573 and 574 of the United States Customs Regulations, entitled, "Opium and other narcotic drugs prohibited," and "Definitions"; as well as Treasury Decision No. 39154 of June 12, 1922, which is a prescription of the United States Federal Narcotics Control Board.

In reply to Your Excellency's last inquiry, I have the honor to advise that

the instructions of my Government would apply solely to the Free City of Danzig.

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

J. Webb Benton
Chargé d'Affairs ad interim

Enclosures:
Copies of Articles 573 and 574 of U.S. Customs Regulations
Copy of Treasury Decision 39154

His Excellency
August Zaleski
Minister for Foreign Affairs
Warsaw, Poland

UNITED STATES CUSTOMS REGULATIONS

Art. 573. *Opium and other narcotic drugs prohibited.*

The importation of opium in any form shipped by or consigned to Chinese subjects is absolutely prohibited. The importation of smoking opium or opium prepared for smoking, and of all narcotic drugs, by any person is also prohibited, except crude opium and coca leaves, which may be imported under permits issued by the Federal Narcotics Control Board, Treasury Department, Washington, D.C., by manufacturers actually engaged in manufacturing from such crude opium products for the whole-sale trade for medical or other legitimate uses.

Art. 574. *Definitions.*

(1) The term "narcotic drugs" means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine.

(2) The term "crude opium" shall be understood to mean the spontaneously coagulated sap obtained from the soporific poppy (Papaver somniferum and related species), and which may or may not have been subjected to further drying or other treatment, thus covering all forms of opium known to the trade, such as gum opium, granulated opium, powdered opium and deodorized (denarcotized) opium, except "smoking opium" or "opium prepared for smoking."

(3) By coca leaves shall be understood the leaves of Erythroxylon coca, known commercially as "Huanuco Coca," or the leaves of Erythroxylon truxillense, known commercially as "Truxillo Coca," or the leaves of any other species of Erythroxylon yielding cocaine.

(4) The term "cocaine" shall be understood to cover all forms of cocaine or its salts known to the trade.

(5) The term "derivative" shall be understood to mean any alkaloid, or salt of any alkaloid, or combination thereof, or any chemical compound prepared either directly or indirectly from the alkaloids of opium or from cocaine. It shall include morphine, codeine, ethylmorphine hydrochloride (known as dionin), or diacetylmorphine hydrochloride (known as heroin), their salts or combinations and any new derivative of morphine, or cocaine, or of any salts of morphine or cocaine, or any other alkaloid of opium.

(6) The term "preparation" shall mean any product, mixture, or compound containing or representing any quantity of opium or coca leaves or any derivative thereof.

TREASURY DECISION NO. 39154, DATED JUNE 12, 1922.

The Federal Narcotics Control Board hereby prescribes the following regulations:

Regulation 1. Definitions. (a) The term "crude opium" shall be understood to mean the spontaneously coagulated sap obtained from the soporific poppy (Papaver somniferum and related species), and which may or may not have been subjected to further drying

or other treatment, thus covering all forms of opium known to the trade, such as gum opium, granulated opium, powdered opium, and deodorized (denarcotized) opium, except "smoking opium" or "opium prepared for smoking."

(b) By coca leaves shall be understood the leaves of Erythroxylon Coca, known commercially as "Huanuco Coca," or the leaves of Erythroxylon Truxillense, known commercially as "Truxillo Coca," or the leaves of any other species of Erythroxylon yielding cocaine.

(c) The term "cocaine" shall be understood to cover all forms of cocaine or its salts known to the trade.

(d) The term "derivative" shall be understood to mean any alkaloid, or salt of an alkaloid, or combination thereof, or any chemical compound prepared either directly or indirectly from the alkaloids of opium or from cocaine. It shall include morphine, codeine, ethylmorphine hydrochloride (known as dionin) or diacetylmorphine hydrochloride (known as heroine), their salts or combinations and any new derivative of morphine or cocaine, or of any salts of morphine or cocaine, or any other alkaloid of opium.

(e) The term "preparation" shall mean any product, mixture, or compound containing or representing more than 2 grains of opium, or 1 grain of codeine, or one-fourth grain of morphine or one-eighth grain of diacetylmorphine hydrochloride (heroine); or 0.1 per cent of cocaine in 1 fluid ounce or, if a solid or semisolid, in 1 avoirdupois ounce.

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

No. P. I. 20414/28

WARSAW, *August 24, 1928*

MR. MINISTER:

Referring to the notes of the American Legation dated February 10, and March 12, 1928, relative to the organization of a strict collaboration between the Treasury Department of Washington on one part, and the corresponding competent office of the Senate of the Free City of Danzig on the other, with reference to the fight against illegal traffic in narcotics, I have the honor to communicate that questions concerning traffic in opium are under the auspices of the Health Department of the Free City of Danzig.

This office will give the information requested by the Legation, however, only in so far as it concerns narcotics enumerated in Article 4 of the International Opium Convention, dated February 19, 1925.[2]

As to the other articles enumerated in the Legation's note such as belladonna, "pomme epineuse jusquiame", etc., I have the honor to inform you that the legislation of the Free City of Danzig relative to the fight against illegal traffic in narcotics does not include these articles.

Please accept, Mr. Minister, the assurances of my high consideration.

AUGUST ZALESKI

To His Excellency
JOHN B. STETSON
Envoy Extraordinary and
Minister Plenipotentiary
of the United States of America
at Warsaw

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[2] 81 *League of Nations Treaty Series* 317.

ARBITRATION

Treaty signed at Washington August 16, 1928
Senate advice and consent to ratification December 18, 1928
Ratified by the President of the United States January 4, 1929
Ratified by Poland December 23, 1929
Ratifications exchanged at Warsaw January 4, 1930
Proclaimed by the President of the United States January 6, 1930
Entered into force February 3, 1930

46 Stat. 2438; Treaty Series 805

The President of the United States of America and the President of the Republic of Poland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Poland:

Mr. Jan Ciechanowski, Envoy Extraordinary and Minister Plenipotentiary of Poland to the United States;

who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

Article I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one

against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,[1] or to some other competent tribunal, as shall be decided in each case by special treaty, which special treaty shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special treaty in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Poland by the President of the Republic of Poland in accordance with Polish constitutional law.

Article II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Poland in accordance with the Covenant of the League of Nations.[2]

Article III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the Republic of Poland in accordance with Polish constitutional law.

The ratifications shall be exchanged at Warsaw as soon as possible, and the treaty shall take effect on the thirtieth day after the date of the exchange of ratifications.

It shall thereafter remain in force continuously unless and until terminated

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[1] TS 536, *ante*, vol. 1, p. 577.
[2] *Ante*, vol. 2, p. 48.

by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, each in the English and Polish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 16th day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
JAN CIECHANOWSKI [SEAL]

CONCILIATION

Treaty signed at Washington August 16, 1928
Senate advice and consent to ratification December 20, 1928
Ratified by the President of the United States January 4, 1929
Ratified by Poland December 23, 1929
Ratifications exchanged at Warsaw January 4, 1930
Proclaimed by the President of the United States January 6, 1930
Entered into force February 3, 1930

46 Stat. 2442; Treaty Series 806

The President of the United States of America and the President of the Republic of Poland, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America
Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Poland
Mr. Jan Ciechanowski, Envoy Extraordinary and Minister Plenipotentiary of Poland to the United States;

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

Any disputes arising between the Government of the United States of America and the Government of Poland, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II

The International Commission shall be composed of five members, to be

appointed as follows: one member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement.

The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

Article IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the Republic of Poland in accordance with Polish constitutional law.

The ratifications shall be exchanged at Warsaw as soon as possible, and the treaty shall take effect on the thirtieth day after the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in

duplicate, each in the English and Polish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 16th day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
JAN CIECHANOWSKI [SEAL]

REDUCTION OF VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Warsaw January 4 and March 8, 1929
Entered into force March 8, 1929; operative April 1, 1929
Terminated October 31, 1937 [1]

Department of State files

The American Chargé d'Affaires to the Minister of Foreign Affairs

WARSAW, POLAND
January 4, 1929

No. 1307

EXCELLENCY:

I have the honor to give below my understanding of an agreement reached between Your Excellency's Government and the Government of the United States for a reduction of passport visa charges:

On and after April 1, 1929, the Governments of the United States of America and of the Republic of Poland are agreed that the charges for non-immigrant passport visa fees shall be $4.00 (United States currency), which visas shall be valid for any number of entries into the United States by bearers of Polish passports, and any number of entries into Poland by bearers of American passports, during a period of twelve months from the date of issue of the visa, provided the passport remains valid during that period and that the non-immigrant status of the bearer of the passport is maintained. The length of sojourn, within the validity of the visa, shall be determined according to the regulations in force in each country.

I should appreciate Your Excellency's confirmation of the above as soon as possible to enable me to advise my Government accordingly.

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

J. WEBB BENTON
Chargé d'Affaires ad interim

His Excellency
AUGUST ZALESKI
The Minister for Foreign Affairs
Warsaw, Poland

[1] Pursuant to notice of termination given by Poland.

The Acting Minister of Foreign Affairs to the American Minister

[TRANSLATION]

REPUBLIC OF POLAND
MINISTRY OF FOREIGN AFFAIRS

No. K/IIIc, 362/29

WARSAW, *March 8, 1929*

MR. MINISTER:

I have the honor to acknowledge the receipt of the Legation's note No. 1307 of January 4, 1929, and to express as follows the consentment of the Polish Government to the agreement proposed in the said note on the subject of visas:

"Commencing April 1, 1929, the Governments of the United States of America and of the Republic of Poland have reached an agreement relative to the charges for non-emigrant visas, fixed at four dollars (United States currency).

These visas will be good for an unlimited number of entries into the United States for persons holding Polish passports, and for an unlimited number of entries into Poland for persons holding American passports—for a period of twelve months counting from the date of the visa, provided further that the person holding this passport maintains his non-emigrant status.

The length of sojourn, within the validity of the visa, shall be determined according to the laws in force in each country."

Accept, Mr. Minister, the assurances of my high consideration.

ALFRED WYSOCKI

His Excellency
Mr. JOHN B. STETSON
Envoy Extraordinary and Minister
Plenipotentiary
of the United States of America
Warsaw

WAIVER OF VISA FEES FOR NONIMMIGRANTS: FREE CITY OF DANZIG

Exchange of notes at Washington October 29 and November 15, 1929, and January 11 and 17, 1930
Entered into force February 1, 1930
Obsolete [1]

Department of State files

The Polish Minister to the Secretary of State

No. 2620/29 OCTOBER 29, 1929

SIR,

Acting upon instructions received from Warsaw, I have the honor to advise you, that the Senate of the Free City of Danzig has requested the Ministry for Foreign Affairs of Poland, as the authority in charge of the foreign relations of the Free City, to approach the Government of the United States in the following matter:

The Danzig authorities require no visas for American citizens entering or passing through the territory of that city. Consequently, American visitors to Danzig do not have to pay visa fees. The Senate of the Free City of Danzig would, therefore, deem it very desirable if the Government of the United States would abolish, on the basis of reciprocity, all entry and transit visa fees for those citizens of the Free City of Danzig who do not fall into the class of immigrants within the provisions of the Immigration Act of 1924.[2]

Bringing the above to your kind attention I beg to add, that my Government will feel greatly obliged for a favorable decision of the Government of the United States regarding this request which I have the honor to submit to you on behalf of the Senate of the Free City of Danzig.

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

T. FILIPOWICZ

The Honorable
HENRY L. STIMSON
Secretary of State

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[1] See footnote 1, *ante*, p. 213.
[2] 43 Stat. 153.

The Secretary of State to the Polish Minister

NOVEMBER 15, 1929

SIR:

Reference is made to your note of October 29, 1929 (File No. 2620/29) suggesting, on behalf of the Senate of the Free City of Danzig, the conclusion of a reciprocal agreement with the United States Government for the mutual waiver of visa fees, as regards citizens of the Free City of Danzig and of the United States, respectively, who are non-immigrants in the meaning of Section 3(2) of the Immigration Act of 1924.

In reply I have pleasure in requesting that you convey to the appropriate authorities of the Free City of Danzig the agreement of the United States Government to the suggestion referred to above, subject to further confirmation as to the effective date of such agreement, which it is proposed be fixed as January 1, 1930. Upon receipt of such confirmation this Department will send appropriate notification to its consular offices abroad in order that its terms may be put into effect as of the date agreed upon.

I may add as a matter of record that the classes of aliens who would be classified as non-immigrants are the following:

"(1) a government official, his family, attendants, servants, and employees,

(2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure,

(3) an alien in continuous transit through the United States,

(4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory,

(5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and

(6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation."

It may also be pointed out that no fees are charged by this government at present for the issue of passport visas to foreign government officials or to aliens passing in transit through the United States. The inclusion of classes (1) and (3) in the agreement would therefore confer upon citizens of the Free City of Danzig classifiable thereunder no new privilege which they do not already enjoy under existing laws and regulations.

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

For the Secretary of State:
WILBUR J. CARR

Mr. TYTUS FILIPOWICZ
Minister of Poland

The Polish Minister to the Acting Secretary of State

No. 129/30 JANUARY 11, 1930

SIR:

Acting upon instructions received from Warsaw and with reference to your note of November 15, 1929, No. 811.11101 Waivers 60k, I have the honor to advise that the Senate of the Free City of Danzig has requested the Ministry for Foreign Affairs of Poland, as the institution in charge of the foreign relations of the Free City to bring to the notice of the Government of the United States that the Senate of the Free City has no reservations as to the effective date of the agreement between the United States Government and the Free City of Danzig for the mutual waiver of visa fees, as regards citizens of the Free City and of the United States, respectively, who are non-immigrants in the meaning of Section 3 (2) of the Immigration Act of 1924.

I have the honor to suggest February 1, 1930, as the effective date of such agreement, and would be grateful if you would kindly inform me whether this date would be convenient to the United States Government.

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

T. FILIPOWICZ

The Honorable
JOSEPH P. COTTON
Acting Secretary of State

The Acting Secretary of State to the Polish Minister

JANUARY 17, 1930

SIR:

Reference is made to your note No. 129/30 of January 11, 1930, suggesting that the reciprocal agreement between the United States Government and the Free City of Danzig for the mutual waiver of visa fees as regards citizens of the Free City of Danzig and of the United States, respectively, who are non-immigrants within the meaning of Section 3(2) of the Immigration Act of 1924, become effective February 1, 1930.

In reply I have pleasure in informing you that the effective date of the agreement as proposed by you is satisfactory to the United States Government, and that this Department is sending appropriate notification to its consular officers abroad in order that its terms may be put into effect as of the date February 1, 1930.

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

For the Acting Secretary of State:
WILBUR J. CARR

MR. TYTUS FILIPOWICZ
Minister of Poland

RECOGNITION OF SHIP MEASUREMENT CERTIFICATES

Exchanges of notes at Washington January 17, March 14, and April 22, 1930; related note of October 5, 1934
Entered into force April 22, 1930

49 Stat. 3663; Executive Agreement Series 71

The Polish Ambassador to the Secretary of State

No. 1635/29 JANUARY 17, 1930

SIR:

I have been instructed by my Government, desirous of negotiating with the Government of the United States an agreement relative to the tonnage measurement of ships, to present for your consideration translations of the following documents: [1]

Decree of the President of the Republic of Poland of May 17th, 1927, relating to the tonnage measurement of ships

Decree of the Minister of Industry and Commerce of November 24th, 1927

Regulations as to the tonnage measurement of ships, as well as copies of Polish certificates of tonnage.

In doing so, I have the honor to ask you, Mr. Secretary, to take cognizance of the attached documents and to inform me subsequently, if it be your pleasure to have representatives of the Department of State enter into negotiations with representatives of this Legation with a view to negotiating, on the basis of the attached documents, an agreement which would assure that certificates of tonnage of vessels of either High Contracting Party be reciprocally accepted as establishing the ships' tonnage in respect to levying of harbor duties and taxes.

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

T. FILIPOWICZ

Enclosures:
Translations of documents referred to above.

The Honorable
HENRY L. STIMSON
Secretary of State

[1] Not printed.

The Acting Secretary of State to the Polish Ambassador

DEPARTMENT OF STATE
WASHINGTON, *March 14, 1930*

EXCELLENCY:

I have the honor to refer to Your Excellency's note No. 1635/29 of January 17, 1930, enclosing copies of documents relating to the tonnage measurement of ships. The regulations of Poland on this subject have been found to be substantially the same as those of the United States.

Accordingly, I have the honor to inform you that, in consideration of a like courtesy being extended to vessels of the United States in Polish ports, the appropriate agency of this Government will recognize the tonnage noted in the certificates of registry or other national papers carried by Polish vessels, determined pursuant to the decrees and regulations transmitted with your note of January 17, 1930, as fulfilling the requirements in regard to measurement under the laws and regulations of the United States, and that it will not be necessary for vessels of Poland to be remeasured at any port of the United States.

I shall be glad to be informed when appropriate steps under Polish laws or regulations have been taken to give effect to a reciprocal exemption in favor of vessels of the United States.

This Government considers that the existence of the arrangement between the two countries on this subject may appropriately be evidenced by this note and Your Excellency's reply thereto.

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

J. P. COTTON
Acting Secretary of State

His Excellency
Mr. TYTUS FILIPOWICZ
Ambassador of Poland

The Polish Ambassador to the Acting Secretary of State

No. 1030/30 APRIL 22, 1930

SIR:

I have the honor to refer to your note of March 14th, 1930, with which you confirm the receipt of my note of January 17, 1930, and inform me that Poland's regulations on the subject of tonnage measurements of vessels having

been found to be substantially the same as those of the United States, the appropriate agency of the United States Government, in consideration of a like courtesy being extended to vessels of the United States in Polish ports, will recognize the tonnage noted in the certificates of registry or other national papers carried by Polish vessels issued in accordance with the regulations transmitted with my note of January 17, 1930, as fulfilling the requirements in regard to measurement under the laws and regulations of the United States, and that it will not be necessary for vessels of Poland to be remeasured at any port of the United States.

Simultaneously, I am informing my Government that, by transmitting to you this note, the agreement on the above subject between the United States and Poland has been definitely closed, in order to enable them to publish the above in the "Monitor Polski", official daily of the Polish Government and in order that the Minister of Industry and Commerce may issue proper instructions to the Polish harbor authorities.

In accordance with the wish expressed in your above mentioned note, I will inform you when appropriate steps have been taken to effect the reciprocal exemption in favor of vessels of the United States.

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

T. Filipowicz

The Honorable
Joseph P. Cotton
Acting Secretary of State

The Polish Ambassador to the Secretary of State

AMBASSADE DE POLOGNE

99/SZ–3

October 5, 1934

Sir,

Referring to the exchange of notes which took place in 1930, between the Polish Government and the Government of the United States relative to the mutual recognition of the tonnage measurement of ships, I have the honor to enclose herewith a copy, with a certified translation, of the Proclamation, dated July 10, 1930, issued by the Minister of Industry and Commerce of the Republic of Poland.

The said Proclamation, which is published in the official "Monitor Polski" of July 22, 1930, No. 167, pos. 254, states that the Polish merchant marine authorities recognize the tonnage measurement certificates of the sea-going

merchant vessels of the United States of North America equally with Polish certificates.

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

S. Patek

encl.

The Honorable
Cordell Hull,
Secretary of State

[ENCLOSURE]

PROCLAMATION

of the Minister of Industry and Commerce of July 10, 1930 in the matter of recognizing by Polish merchant marine authorities of tonnage measurement certificates of merchant vessels of the United States of North America

Be it known that, in accordance with the agreement, concluded between the Polish Government and the Government of the United States of North America by way of an exchange of notes, to wit the note of the Polish Government dated January 17, 1930, and the note of the Government of the United States dated March 4 [14], 1930,—the Polish merchant marine authorities recognize the tonnage measurement certificates of the sea-going merchant vessels of the United States of North America equally with Polish certificates.

Minister of Industry and Commerce:
E. Kwiatkowski

SMUGGLING OF INTOXICATING LIQUORS

Convention signed at Washington June 19, 1930
Senate advice and consent to ratification June 28, 1930
Ratified by the President of the United States July 11, 1930
Ratified by Poland August 1, 1930
Ratifications exchanged at Warsaw August 2, 1930
Entered into force August 2, 1930
Proclaimed by the President of the United States August 8, 1930

46 Stat. 2773; Treaty Series 821

The President of the United States of America and the President of the Republic of Poland being desirous of avoiding any difficulties which might arise between the United States and Poland in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States; and the President of the Republic of Poland: Mr. Tytus Filipowicz, Ambassador Extraordinary and Plenipotentiary of Poland to the United States:

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

Article I

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this Convention, with respect to the extent of their territorial jurisdiction.

Article II

(1) It is agreed that the Government of Poland will raise no objection to the boarding of private vessels under the Polish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or posses-

sions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

Article III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Polish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Article IV

Any claim by a Polish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Conven-

tion for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907.[1] The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this Convention. All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent. on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Convention shall lapse.

ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the High Contracting Parties and the ratifications shall be exchanged at Warsaw as soon as possible.

[1] TS 536, *ante*, vol. 1, p. 577.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate in the English and Polish languages, and have thereunto affixed their seals.

Done at the city of Washington this 19th day of June, one thousand nine hundred and thirty.

HENRY L. STIMSON [SEAL]
TYTUS FILIPOWICZ [SEAL]

FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS

Treaty and exchange of notes signed at Washington June 15, 1931
Senate advice and consent to ratification of treaty April 5, 1932
Ratified by the President of the United States April 21, 1932
Ratified by Poland April 20, 1933
Ratifications exchanged at Warsaw June 9, 1933
Entered into force July 9, 1933
Proclaimed by the President of the United States July 10, 1933
Terminated January 5, 1952 [1]

48 Stat. 1507; Treaty Series 862

Treaty

The United States of America and the Republic of Poland, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Henry L. Stimson, Secretary of State of the United States of America, and

The President of the Republic of Poland, Tytus Filipowicz, Ambassador Extraordinary and Plenipotentiary of Poland in Washington,

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

Article I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind; to carry on every form of commercial activity which is not forbidden by the

[1] Pursuant to notice of termination given by the United States July 5, 1951.

local law; to own, erect, or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice; and generally the said nationals shall be permitted, upon submitting themselves to all local laws and regulations duly established, to enjoy all of the foregoing privileges and to do anything incidental to or necessary for the enjoyment of those privileges, upon the same terms as nationals of the State of residence, except as otherwise provided by laws of either High Contracting Party in force at the time of the signature of this Treaty. In so far as the laws of either High Contracting Party in force at the time of the signature of this Treaty do not permit nationals of the other Party to enjoy any of the foregoing privileges upon the same terms as the nationals of the State of residence, they shall enjoy, on condition of reciprocity, as favorable treatment as nationals of the most favored nation.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to emigration or to immigration or the right of either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other Party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as nationals of the most favored nation.

Nothing contained in this Treaty is to be considered as interfering with the right of either party to enact or enforce statutes concerning the protection of national labor.

Article II

With respect to that form of protection granted by National, State, or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a

pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and injured within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

Article III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of, any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

Article IV

Where, on the death of any persons holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

Article V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as

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hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose subject to the mortuary and sanitary laws and regulations of the place of burial.

Article VI

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose on such terms as it may see fit, prohibitions or restrictions designed to protect human, animal, or plant life and health, or regulations for the enforcement of police or revenue laws, including laws prohibiting or restricting the importation or sale of alcoholic beverages or narcotics.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or charges, and no condition or prohibition on the importation of any article, the growth, produce, or manufacture of the territories of the other Party than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other country. Administrative orders effecting advances in duties or changes in regulations applicable to imports shall not be made operative until the elapse of sufficient time, after promulgation in the usual official manner, to afford reasonable notice of such advances or changes. The foregoing provision does not relate to orders made operative as required by provisions of law or judicial decisions, or to measures for the protection of human, animal or plant life or for the enforcement of police laws.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Neither High Contracting Party shall establish or maintain restrictions on imports from or exports to the territories of the other Party which are not applied to the import and export of any like article originating in or destined for any other country. Any withdrawal of an import or export restriction which is granted even temporarily by one of the Parties in favor of the articles of a third country shall be applied immediately and uncon-

ditionally to like articles originating in or destined for the other Contracting Party. In the event of rations or quotas being established for the importation or exportation of articles restricted or prohibited, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territories of the other Party an equitable share in the allocation of the quantity of restricted goods which may be authorized for importation or exportation.

Any advantage concerning charges, duties, formalities and conditions of their application which either High Contracting Party may extend to any article, the growth, produce or manufacture of any other foreign country, shall simultaneously and unconditionally, without request and without compensation be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States of America or are or may be legally exported therefrom in vessels of the United States of America, may likewise be imported into these ports or exported therefrom in Polish vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States of America; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Poland or are or may be legally exported therefrom in Polish vessels, may likewise be imported into these ports or exported therefrom in vessels of the United States of America without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Polish vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks and other privileges of this nature, of whatever denomination, which may be allowed in the territories of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation be extended to the other High Contracting Party for the benefit of itself, its nationals, vessels and goods.

No distinction shall be made by either High Contracting Party between direct and indirect importations of articles originating in the territories of the other Party from whatever place arriving. In so far as importations into Poland are concerned, the foregoing stipulation applies only in the case of goods which for a part of the way from the place of their origin to the place of their ultimate destination had to be carried across the ocean.

Either Contracting Party has the right to require that articles which are imported from the territories of the other Party and are entitled under the provisions of this Treaty to the benefit of the duties or charges accorded to the most favored nation, must be accompanied by such documentary proof of their origin as may be required in pursuance of the laws and regulations of the country into which they are imported, provided, however, that the requirements imposed for this purpose shall not be such as to constitute in fact a hindrance to indirect trade. The requirements for furnishing such proof of origin shall be agreed upon and made effective by exchanges of notes between the High Contracting Parties.[2]

The stipulations of this article shall not extend:

(a) To the treatment which either High Contracting Party shall accord to purely border traffic within a zone not exceeding ten miles (15 kilometers) wide on either side of its customs frontier.

(b) To the special privileges resulting to States in customs union with either High Contracting Party so long as such special privileges are not accorded to any other State.

(c) To the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the commercial convention concluded by the United States of America and Cuba on December 11, 1902,[3] or any other commercial convention which hereafter may be concluded by the United States of America with Cuba. Such stipulations, moreover do not extend to the treatment which is accorded to commerce between the United States of America and the Panama Canal Zone or any of the dependencies of the United States of America, or to the commerce of the dependencies of the United States of America with one another under existing and future laws.

(d) To the provisional customs regime in force between Polish and German parts of Upper Silesia laid down in the German-Polish Convention signed at Geneva on May 15, 1922.

Article VII

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and mer-

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[2] For exchange of notes concerning proof of origin, see p. 252.

[3] TS 427, *ante*, vol. 6, p. 1106, CUBA.

chandise of the country with regard to internal taxes, charges in respect to warehousing and other facilities.

ARTICLE VIII

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE IX

For the purposes of this Treaty, merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality, shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to special privileges reserved by either High Contracting Party for the fishing and shipbuilding industries.

ARTICLE XI

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accord-

ance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy freedom of access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by the consent of such Party as expressed in its National, State, or Provincial laws and regulations.

Article XII

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party, shall, moreover, enjoy within the territories of the other, on condition of reciprocity, and upon compliance with the conditions there imposed, such rights and privileges as may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other. It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

Article XIII

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party shall deem necessary the presentation of an authentic document establishing the identity and authority of commercial travelers representing manufacturers, merchants or traders domiciled in the territories of the other Party in order that such commercial traveler may enjoy in its territories the privileges accorded under this Article, the High Contracting Parties will agree by exchange of notes on the form of such document and the authorities or persons by whom it shall be issued.

Article XIV

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the most convenient routes open for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons, their luggage and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories, or goods or luggage of which the importation may be prohibited by law. Persons, their luggage and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities or any other matter.

Goods in transit must be entered and cleared at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

Nothing in this Article shall affect the right of either of the High Contracting Parties to prohibit or restrict the transit of arms, munitions and military equipment in accordance with treaties or conventions that may have been or may hereafter be entered into by either Party with other countries.

Article XV

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers

of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

Article XVI

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at court by a consular officer as a witness may be demanded by the prosecution or defence. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony in cases to which he is not a party shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

Article XVII

Each of the High Contracting Parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other property intended for their personal use, accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories. Personal property

imported by consular officers, their families or suites during the incumbency of the officers shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that the privileges of this Article shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

Article XVIII

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within, the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

The Government of each High Contracting Party shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

Article XIX

Consular officers may place over the outer door of their respective offices the coat of arms of their State with an appropriate inscription designating the official office, and they may place the coat of arms of their State on automobiles employed by them in the exercise of their consular functions. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The quarters where consular business is conducted and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character within the country make any examination or seizure of papers or other property deposited with the archives. When consular officers are engaged in business within the territory of the State where

they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer, having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

Article XX

Consular officers, nationals of the State by which they are appointed, may within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

Article XXI

Consular officers, in pursuance of the laws of their own country may (a) take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country; (b) draw up, attest, certify and authenticate unilateral acts, translations, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party; (c) authenticate signatures; (d) draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the State by which they are appointed.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of the Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular

officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

A consular officer of either High Contracting Party shall within his district have the right to act personally or by delegate in all matters concerning claims of non-support of non-resident minor children against a father resident in the district of the consul's residence and a national of the country represented by the consul, without other authorization, providing that such procedure is not in conflict with local laws.

ARTICLE XXII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of the death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

In case of the death of a national of either of the High Contracting Parties without will or testament and without any known heirs resident in the country of his decease, the consular officer of the country of which the deceased was a national shall be appointed administrator of the estate of the deceased, provided the regulations of his own Government permit such appointment and provided such appointment is not in conflict with local law and the tribunal having jurisdiction has no special reasons for appointing someone else.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXIII

A consular officer of either High Contracting Party may, if this is not contrary to the local law, appear personally or by delegate on behalf of non-

resident beneficiaries, nationals of the country represented by him before the proper authorities administering workmen's compensation laws and other like statutes, with the same effect as if he held the power of attorney of such beneficiaries to represent them unless such beneficiaries have themselves appeared either in person or by duly authorized representative.

Written notice of the death of their countrymen entitled to benefit by such laws should, whenever practicable, be given by the authorities administering the law to the appropriate consular officer of the country of which the deceased was a national.

A consular officer of either High Contracting Party may on behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remits any funds so received through the appropriate agencies of his Government to the proper distributees.

Article XXIV

A consular officer of either High Contracting Party shall, within his district, have the right to appear personally or by delegate in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be non-residents and nationals of the country represented by the said consular officer with the same effect as if he held their power of attorney to represent them unless such heirs or legatees themselves have appeared either in person or by duly authorized representative.

Article XXV

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on

board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

Article XXVI

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

Article XXVII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XXVIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

Article XXIX

The Polish Government which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles [4] and Articles 2 and 6 of the Treaty signed in Paris on November 9, 1920, between Poland and the Free City of Danzig, reserves hereby the right to declare that the Free City of Danzig is a Contracting Party to this Treaty and that it assumes the obligations and acquires the rights laid down therein.[5]

This reservation does not relate to those stipulations of the Treaty which the Republic of Poland has accepted with regard to the Free City in accordance with the Treaty rights conferred on Poland.

Article XXX

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Warsaw. The Treaty shall take effect in all its provisions thirty days from the date of the exchange of ratifications and shall remain in full force for the term of one year thereafter.

If within six months before the expiration of the aforesaid period of one year neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the Articles in this treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until six months from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

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

Done in duplicate, each in the English and Polish languages, both authentic, at Washington, this fifteenth day of June, one thousand nine hundred and thirty-one.

Henry L. Stimson [seal]
Tytus Filipowicz [seal]

Exchange of Notes

The Secretary of State to the Polish Ambassador

Department of State
Washington, *June 15, 1931*

Excellency:

I have the honor to communicate to Your Excellency my understanding of the agreement reached regarding the requirements for furnishing proof

[4] *Ante*, vol. 2, p. 100.

[5] For a declaration on behalf of the Free City of Danzig by which Danzig became a contracting party, see exchange of notes of Mar. 9, 1934 (TS 865), *post*, p. 263.

of the origin of imported merchandise entitled to the benefits of the treaty of friendship, commerce and consular rights signed this day on behalf of the United States of America and Poland.

In the event that proof of the origin of imported goods is required by either Party pursuant to the provisions of the tenth paragraph of Article VI of the treaty, it is agreed that

(1) A declaration by the shipper in the country of origin legalized by a consular representative of the country of final destination resident in the country of origin shall be accepted as satisfactory proof of the origin of the goods. As far as certificates of origin for importation into Polish customs territory are concerned, the above-mentioned shipper's declaration before legalization by a consular representative of Poland, has to be certified by a competent Chamber of Commerce or similar organization, subject to the exceptions provided for in subparagraph (a) of paragraph (3) hereof.

(2) For indirect shipments an acceptable alternative to the certificate of origin obtained in the country of origin as provided in paragraph (1) shall be proof of origin obtainable in the intermediate country from which the goods are last shipped to the country of final destination. Such proof shall consist of a declaration by the consignor of the goods in the intermediate country before a consular officer of the country of origin resident in the intermediate country, certified by the latter and approved by a consular representative of the country of final destination resident in the intermediate country, it being understood that the consular representatives of the country of origin shall not certify the shipper's declaration for this purpose unless they are satisfied upon examination of documentary or other evidence that the statements made therein are true.

(3) The attached form of certificate of origin for use in connection with direct shipments from the United States to Poland and the attached form for use in connection with indirect shipments from the United States to Poland through an intermediate country or countries, respectively, conform to the provisions above set forth, it being understood and agreed, however, that

(a) If the circumstances of any particular case render it impracticable for the shipper of the goods to obtain certification on a certificate of origin by a Chamber of Commerce or similar organization, the certificate of origin may be submitted for authentication directly to a Polish consular officer, and the fact that certification by a Chamber of Commerce or similar organization has not been obtained shall not be considered by such consular officer as of itself sufficient ground for refusing to authenticate the document.

(b) If at the time the certificate of origin is made out circumstances render it difficult or inconvenient for shippers to specify on such certificate the name of the vessel on which the goods are to be shipped, the necessities

and convenience of shippers shall be taken into account either by waiving this requirement or by making such other provision as the circumstances of the case require.

(c) In exceptional cases in which doubt exists regarding the exact proportion of the value of any given article represented by the costs of the labor and raw material of the United States, or in which such proportion is less than fifty per centum, but the article, in view of the nature and extent of the processes to which it has been subjected, is distinctly an American product, no certification regarding such proportion on a certificate of origin shall be required.

Any article in which the raw material or the labor of the United States represents less than fifty per centum of the total value shall, nevertheless, be deemed to be a product of the United States if a like article from any third country representing less than fifty per centum in value the labor and raw material of such third country is deemed to be a product of that country.

(4) In the event that modification of the requirements outlined in the preceding paragraphs is at any time considered desirable from the viewpoint of either Party, it is agreed that its proposals to this end shall be given sympathetic consideration by the other Party.

I shall be glad to have your confirmation of the accord thus reached.

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

HENRY L. STIMSON

Annexes:
Form of certificate of origin for use in connection with direct shipments;
Form of certificate of origin for use in connection with indirect shipments.

His Excellency
Mr. TYTUS FILIPOWICZ
Ambassador of Poland

[ENCLOSURE 1]

No. No. of the institution executing the certificate of origin.

CERTIFICATE OF ORIGIN

I, (member or manager of the firm or corporation) .....
.....
(name of individual and title)

exporter of the merchandise described below, do solemnly and truly declare that the said merchandise { is the growth of / has been finished in / has been manufactured in } the United States of America, and that not less

than 50 per cent of the total value of the goods represents the cost of labor and raw material in the United States, and that the said merchandise is correctly described as follows:

Port of shipment.....
On steamship.....
(name of steamship)
Name of shipper.....
(indicate whether merchant or manufacturer)
Address of shipper.....
Consignee in Poland.....
(indicate whether merchant or manufacturer)
Address of consignee in Poland.....
Dated.....

Marks and Numbers	No. of Packages or cases	Description of the Commodities	Weight Gross	Weight Net	Value

Signature of Exporter

Subscribed and sworn to before me this ... day of ..... 19 .....

..... Notary Public

CERTIFICATION BY CHAMBER OF COMMERCE

..... 19 .....

.....

a recognized chamber of commerce has examined the manufacturers invoice of shippers affidavit concerning the origin of the merchandise, and according to the best of its knowledge and belief, finds the products named originated in the United States of America.

.....
(Signature and seal of the Institution executing the Certificate of Origin)

(Certification of competent Polish Consular Officer)

[ENCLOSURE 2]

.....
Place and date

CERTIFICATE OF ORIGIN

I
We (consignor of the goods).....
.....
(name of individual or of the firm)

exporter(s) of the merchandise described below, do solemnly and truly declare that the said merchandise { is the growth of / has been finished in / has been manufactured in } the United States of America, and that not less than 50 per cent of the total value of the goods represents the cost of labor and raw material in the United States, and that the said merchandise is correctly described as follows:

Marks and numbers	No. of Packages or cases	Description of commodities	Weight Gross	Weight Net	Value

The above described merchandise is to be shipped per.....
.....
(indicate whether on steamship (name) or by railway)

from .....
(place of shipment)

Consignee in the Polish custom territory.....
Address of consignee in the Polish custom territory.....

.....
Signature of consignor.

Certification by the competent consular authority of the U.S.A.

..... 19 .....
(Place and date)

No .....
(of the consular representative certifying the certificate of origin)

I do hereby certify, that I have examined the documents concerning the merchandise described above by the consignor, and according to my best knowledge and belief, I find the products named originated in the United States of America.

Witness my hand and seal of office the day and year aforesaid.

.....
..... of the United States of America.

(Certification by the competent Polish consular representative).

The Polish Ambassador to the Secretary of State

No. 2241/31 JUNE 15, 1931

SIR:

I have the honor to acknowledge the receipt of your note of this date concerning your understanding of the agreement reached regarding the requirements for furnishing proof of the origin of imported merchandise entitled to the benefits of the treaty of friendship, commerce and consular rights signed this day on behalf of Poland and the United States of America, and to confirm that understanding, as follows:

[For text of understanding and forms of certificates, see U.S. note, above.]

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

TYTUS FILIPOWICZ

The Honorable
HENRY L. STIMSON
Secretary of State

NARCOTIC DRUGS

Exchange of notes at Warsaw August 17 and September 17, 1931
Entered into force September 17, 1931

Department of State files

The American Ambassador to the Minister of Foreign Affairs

WARSAW, POLAND
August 17, 1931

No. 256

EXCELLENCY:

Pursuant to instructions from the Department of State, I have the honor to inform Your Excellency that in an endeavor to bring about stricter control of the illicit traffic in narcotic drugs, the Treasury Department has requested that an effort be made to establish clear cooperation between the appropriate administrative officials of the United States and certain foreign countries, and that I have been directed to endeavor to arrange with Your Excellency's Government for:

The direct exchange between the Treasury Department and the corresponding office in Poland of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, and partners they have worked with, etc.

The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern the other country. Unless such information as this reaches its destination directly and speedily it is useless.

Mutual cooperation in detective and investigating work.

The officer of the Treasury Department who would have charge, on behalf of this Government, of the cooperation in the suppression of the illicit traffic in narcotics is the Commissioner of Narcotics, whose mail address is Treasury Department, Washington, D.C., and whose telegraph address is "Narcotics," Washington, D.C.

In bringing the foregoing to Your Excellency's attention, I have been authorized to state that the proposed informal arrangement has already been accepted by the Governments of twenty countries. As of interest in this connection I enclose one copy of the State Department's BULLETIN OF TREATY INFORMATION No. 5, July 1929,[1] containing the text of the arrangements entered into between the United States and other Governments, except the Cuban, Egyptian and Mexican Governments, with whom arrangements were concluded subsequent to the issue of this Bulletin. It should also be noted that final details have also been completed in respect of the agreement with Yugoslavia, the preliminary correspondence concerning which appears in the BULLETIN OF TREATY INFORMATION.

My Government has directed me, in case the proposed arrangement meets with the approval of the Polish Government, to report by telegram the name of the Polish official with whom the Commissioner of Narcotics should communicate.

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

JOHN N. WILLYS

Enclosure:
Bulletin

The Minister of Foreign Affairs to the American Ambassador

REPUBLIC OF POLAND
MINISTRY OF FOREIGN AFFAIRS

No. P.V. 2856/31 WARSAW, *September 17, 1931*

MR. AMBASSADOR:

In your note No. 256 of August 17 last, you transmitted a proposal concerning cooperation between United States and Polish authorities for the control of traffic in narcotic drugs.

Acknowledging receipt of the aforementioned note, I have the honor to state to Your Excellency that on being informed of the matter, the Ministry of the Interior expressed its agreement with the proposal made by the Treasury Department of the United States for the purpose of establishing closer cooperation between the Polish and United States authorities for such control.

The Ministry of the Interior, which has instructed its Public Health Department to arrange the matter, requests the Treasury Department of the United States (Commissioner of Narcotics), through Your Excellency, to be

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[1] Not printed here.

good enough to contact the aforementioned Department directly concerning the measures to be taken.

Accept, Mr. Ambassador, the assurances of my very high consideration.

AUGUSTO ZALESKI

His Excellency,
JOHN N. WILLYS
Ambassador Extraordinary and Plenipotentiary
of the United States,
Warsaw

DEBT FUNDING

Agreement signed at Washington June 10, 1932, modifying agreement of November 14, 1924
Operative from July 1, 1931

Treasury Department print

AGREEMENT,

Made the 10th day of June, 1932, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE REPUBLIC OF POLAND, hereinafter called POLAND, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part

WHEREAS, under the terms of the debt funding agreement between Poland and the United States, dated November 14, 1924,[1] there is payable by Poland to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Poland to the United States, the aggregate amount of $7,486,835, including principal and interest; and

WHEREAS, a Joint Resolution of the Congress of the United States, approved December 23, 1931,[2] authorizes the Secretary of the Treasury, with the approval of the President, to make on behalf of the United States an agreement with Poland on the terms hereinafter set forth, to postpone the payment of the amount payable by Poland to the United States during such year in respect of its bonded indebtedness to the United States; and

WHEREAS, Poland hereby gives assurance to the satisfaction of the President of the United States, of the willingness and readiness of Poland to make with the Government of each country indebted to Poland in respect of war, relief, or reparation debts, an agreement in respect of the payment of the amount or amounts payable to Poland with respect to such debt or debts during such fiscal year, substantially similar to this Agreement authorized by the Joint Resolution above mentioned;

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[1] *Ante*, p. 195.
[2] 47 Stat. 3.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Payment of the amount of $7,486,835, payable by Poland to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Poland to the United States, according to the terms of the agreement of November 14, 1924, above mentioned, is hereby postponed so that such amount, together with interest thereon at the rate of 4 per centum per annum from July 1, 1933, shall be paid by Poland to the United States in ten equal annuities of $912,459.42 each, payable in equal semiannual installments on December 15 and June 15 of each fiscal year beginning with the fiscal year July 1, 1933 and ending June 30, 1934, and concluding with the fiscal year beginning July 1, 1942 and ending June 30, 1943. The bond numbered 9, dated December 15, 1922, in the principal amount of $1,100,000 and the bond numbered 2A, dated December 15, 1929, in the principal amount of $225,000, both matured December 15, 1931, delivered by Poland to the United States under the agreement of November 14, 1924, shall be retained by the United States until the annuities due under this Agreement shall have been paid.

2. Except so far as otherwise expressly provided in this Agreement, payments of annuities under this Agreement shall be subject to the same terms and conditions as payments under the agreement of November 14, 1924, above mentioned. The proviso in paragraph 2 of such agreement, authorizing the postponement of payments on account of principal, and the option of Poland provided for in paragraph 4, to pay in obligations of the United States, shall not apply to annuities payable under this Agreement.

3. The agreement of November 14, 1924, between Poland and the United States, above mentioned, shall remain in all respects in full force and effect except so far as expressly modified by this Agreement.

4. Poland and the United States, each for itself, represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Poland and the United States, respectively, and in conformity therewith.

5. This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF, Poland has caused this Agreement to be executed on its behalf by its Ambassador Extraordinary and Plenipotentiary at Washington, thereunto duly authorized, subject, however, to ratification by Poland, if necessary, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of

the President, pursuant to a Joint Resolution of Congress, approved December 23, 1931, all on the day and year first above written.

The Republic of Poland
By
TYTUS FILIPOWICZ
Ambassador Extraordinary and Plenipotentiary

The United States of America
By
ARTHUR A. BALLANTINE
Acting Secretary of the Treasury

Approved:
HERBERT HOOVER
President

FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS: FREE CITY OF DANZIG

Exchange of notes at Washington March 9, 1934, embodying declaration by which Danzig became a contracting party to treaty of June 15, 1931
Entered into force March 24, 1934
Obsolete [1]

48 Stat. 1680; Treaty Series 865

The Polish Ambassador to the Secretary of State

[TRANSLATION]

EMBASSY OF POLAND
WASHINGTON, *March 9, 1934*

MR. SECRETARY OF STATE,

Under instructions from my Government, I have the honor to communicate to your Excellency the following:

The Polish Government, which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Peace, signed at Versailles, June 28, 1919,[2] and under Articles 2 and 6 of the Convention between Poland and the Free City of Danzig, signed at Paris, November 9, 1920, declares, on behalf of Danzig and in execution of the provisions of Article XXIX of the Treaty of Friendship, Commerce and Consular Rights between Poland and the United States of America, signed at Washington, June 15, 1931,[3] that the Free City of Danzig shall become a contracting party of the said Treaty from the fifteenth day following the date of the receipt by the Government of the United States of America of this notification.

I have the honor to request your Excellency to acknowledge receipt of this note.

Accept, Mr. Minister, the assurances of my highest consideration.

S. PATEK

His Excellency
Mr. CORDELL HULL
Secretary of State

[1] See footnote 1, *ante*, p. 213.
[2] *Ante*, vol. 2, p. 100.
[3] TS 862, *ante*, p. 237.

The Secretary of State to the Polish Ambassador

DEPARTMENT OF STATE
WASHINGTON, *March 9, 1934*

EXCELLENCY:

In compliance with your request, I have the honor on behalf of the Government of the United States of America to acknowledge the receipt of your note of this date, reading in translation as follows:

[For text of Polish note, see p. 263.]

The Government of the United States is happy to take note of this declaration, and will be pleased to recognize the Free City of Danzig as a contracting party to the Treaty of Friendship, Commerce and Consular Rights between the United States and Poland, signed at Washington, June 15, 1931, from March 24, 1934, the fifteenth day following the date on which the declaration hereby acknowledged was received by the Government of the United States.

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

CORDELL HULL

Mr. STANISLAW PATEK
Ambassador of Poland

EXTRADITION

Treaty signed at Warsaw April 5, 1935, supplementing treaty of November 22, 1927
Senate advice and consent to ratification June 5, 1935
Ratified by the President of the United States June 14, 1935
Ratified by Poland March 9, 1936
Ratifications exchanged at Washington May 6, 1936
Proclaimed by the President of the United States May 9, 1936
Entered into force June 5, 1936

49 Stat. 3394; Treaty Series 908

Supplementary Extradition Treaty

The United States of America and the Republic of Poland being desirous of enlarging the list of crimes on account of which extradition may be granted under the treaty signed between the United States of America and the Republic of Poland on November 22, 1927,[1] with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary treaty for this purpose and have appointed as their Plenipotentiaries:

The President of the United States of America:
Mr. John Cudahy, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland,

The President of the Republic of Poland:
Mr. Józef Beck, Minister of Foreign Affairs,

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I

The following crimes are added to the list of crimes numbered 1 to 18 in Article II of the said treaty of November 22, 1927, on account of which extradition may be granted, that is to say:

19. Offenses to the detriment of creditors in connection with a state of insolvency.

[1] TS 789, *ante*, p. 206.

ARTICLE II

The present treaty shall be considered as an integral part of the said Extradition Treaty of November 22, 1927, and Article II of the last mentioned treaty shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 19 in the first article of the present treaty.

The present treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the 30th day after the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

In witness whereof the above named Plenipotentiaries have signed the present treaty in the English and Polish languages, both authentic, and have hereunto affixed their seals.

Done, in duplicate, at Warsaw, this fifth day of April nineteen hundred and thirty-five.

JOHN CUDAHY [SEAL]
J. BECK [SEAL]

EXTRADITION: FREE CITY OF DANZIG

Exchange of notes at Washington August 22, 1935, embodying declaration by which Danzig became a contracting party to treaty of November 22, 1927
Entered into force September 6, 1935
Obsolete [1]

49 Stat. 3256; Treaty Series 896

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

[TRANSLATION]

EMBASSY OF POLAND
WASHINGTON, *August 22, 1935*

MR. SECRETARY OF STATE:

Under instructions from my Government, I have the honor to communicate to your Excellency the following:

The Polish Government, which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Peace, signed at Versailles, June 28, 1919,[2] and Articles 2 and 6 of the Convention between Poland and the Free City of Danzig, signed at Paris, November 9, 1920, declares, on behalf of the Free City of Danzig and in execution of Article 2 of the Protocol accompanying the Treaty of Extradition between Poland and the United States of America, signed at Warsaw, November 22, 1927,[3] that the Free City of Danzig shall become a contracting party of the said Treaty of Extradition from the fifteenth day following the date of the receipt of this notification by the Government of the United States of America.

I have the honor to request your Excellency to acknowledge receipt of this note.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

W. SOKOLOWSKI

His Excellency
Mr. CORDELL HULL
Secretary of State

No. 78–c/SZ–6

[1] See footnote 1, *ante*, p. 213.
[2] *Ante*, vol. 2, p. 100.
[3] TS 789, *ante*, p. 206.

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

DEPARTMENT OF STATE
WASHINGTON, *August 22, 1935*

SIR:

The receipt is acknowledged, on behalf of the Government of the United States of America of your note of August 22, 1935, reading in translation as follows:

[For text of Polish note, see p. 267.]

The Government of the United States of America takes note of this declaration and will recognize the Free City of Danzig as a contracting party to the treaty of extradition between the United States of America and Poland signed at Warsaw, November 22, 1927, on and from September 6, 1935, the fifteenth day following the date on which the declaration hereby acknowledged was received by the Government of the United States of America.

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

CORDELL HULL

Mr. WLADYSLAW SOKOLOWSKI
Chargé d'Affaires ad interim of Poland

RECOGNITION OF SHIP MEASUREMENT CERTIFICATES: FREE CITY OF DANZIG

Exchange of notes at Washington December 4, 1937
Entered into force December 19, 1937
Obsolete [1]

51 Stat. 329; Executive Agreement Series 111

The Polish Ambassador to the Secretary of State

[TRANSLATION]

EMBASSY OF POLAND
99/SZ–4 *December 4, 1937*

MR. SECRETARY OF STATE:

Under instructions from my Government, I have the honor to communicate to Your Excellency the following proposal:

The Polish Government which is entrusted with the conduct of the foreign affairs of the Free City of Danzig by virtue of Article 104 of the Treaty of Peace, signed at Versailles, June 28, 1919,[2] and of Articles 2 and 6 of the Convention between Poland and the Free City of Danzig, signed at Paris, November 9, 1920, acting for the Free City of Danzig, proposes to the Government of the United States of America, the adherence of the Free City of Danzig to the agreement between Poland and the United States of America for the mutual recognition of ship measurement certificates, effected by exchange of notes signed January 17, March 14, and April 22, 1930, and October 5, 1934,[3] this adherence to become effective from the fifteenth day following the date of the notification whereby the Government of the United States shall have declared its acceptance of the aforementioned proposal.

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[1] See footnote 1, *ante*, p. 213.
[2] *Ante*, vol. 2, p. 100.
[3] EAS 71, *ante*, p. 229.

I should be appreciative if Your Excellency would be good enough to inform me whether the Government of the United States accepts this proposal.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

JERZY POTOCKI

His Excellency
Mr. CORDELL HULL
Secretary of State

The Secretary of State to the Polish Ambassador

DEPARTMENT OF STATE
WASHINGTON, *December 4, 1937*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date, a translation of which reads as follows:

[For text of Polish note, see p. 269.]

In view of the following (1) that the tonnage measurement regulations adopted by Danzig have been found by the competent American authority to be substantially the same as those of the United States, (2) that reciprocity now exists between the United States and the Free City of Danzig in the recognition of the tonnage noted in the certificates of registry or other national papers of the vessels of each, and (3) that the present regulations in force in Danzig are not substantially different from those which formed the basis of the present informal arrangement I have the honor on behalf of the Government of the United States to accept the proposal contained in your note of this date. Accordingly, the adherence of the Free City of Danzig to the agreement between the United States of America and Poland for the mutual recognition of ship measurement certificates is recognized as becoming effective from December 19, 1937, the fifteenth day following the date of this note.

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

CORDELL HULL

His Excellency
Count JERZY POTOCKI
Ambassador of Poland

VISA FEES FOR NONIMMIGRANTS

Exchanges of notes at Warsaw July 27 and August 5, 1938
Entered into force August 5, 1938; operative September 1, 1938
Suspended in 1939

Department of State files

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
E.III.686/SZ/27

MR. AMBASSADOR:

With reference to the Note Verbale from the Ministry of Foreign Affairs, dated October 18, 1937, No. E. III.686/SZ/27, and the note from the United States Embassy dated October 27, No. 83, regarding visa fees, I have the honor to propose to Your Excellency the following:

I

1. The fee for a visa entitling American nationals to any number of entries into Poland during a period of twelve months from the date of issuance of the visa, provided that the passport remains valid for that period, shall be złotys 25, or the approximate equivalent thereof in the currency of the country in which the Consulate of the Republic of Poland issuing the visa is located.

2. The fee for a transit visa entitling American nationals to one transit through Polish territory will be złotys 2.50 or the approximate equivalent thereof in the currency of the country in which the Consulate of the Republic of Poland issuing the visa is located.

II

3. The fee for a non-immigrant visa entitling Polish citizens to any number of entries into United States territory during a period of twelve months from the date of the issuance of the visa, provided the passport remains valid for that period, shall be $4.75 or the approximate equivalent thereof in the currency of the country in which the United States Consulate issuing the visa is located.

4. Transit certificates entitling Polish citizens to one transit through United States territory shall continue to be issued gratis by United States Consulates.

308-582—73——19

It is understood that the possession of a visa will not affect the bearer's complying with the entry regulations and the requirement that he shall possess a passport valid for at least two months from the time of the desired entry. It is also understood that a single fee will be charged for visaing family passports including the bearer's wife and minor children.[1]

It is to be understood that the above regulations will be applicable to citizens of the Philippine Islands proceeding to Poland, and to Polish citizens proceeding to the Philippine Islands.

In the event that Your Excellency approves the above proposals, this note and the note of Your Excellency confirming your approval will constitute an arrangement which will become effective as of September 1, 1938.

Accept, Mr. Ambassador, the expression of my deep consideration.

J. Beck

Warsaw, *July 27, 1938*

His Excellency
Mr. Anthony J. Drexel Biddle
Ambassador Extraordinary and Plenipotentiary of the United States of America
at Warsaw

The American Ambassador to the Minister of Foreign Affairs

No. 254 Warsaw, *July 27, 1938*

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of July 27, No. E.III.686/SZ/27, reading as follows:

[For text of Polish note, see above.]

Permit me to inform Your Excellency that the terms of the above arrangement are acceptable and to confirm Your Excellency's statement to the effect that the present note and Your Excellency's note of July 27, 1938, previously referred to, will constitute an arrangement which will enter into force on September 1, 1938.

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

A. J. Drexel Biddle, Jr.

His Excellency
Colonel Józef Beck
Minister of Foreign Affairs
Warsaw

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[1] For interpretation of this paragraph, see exchange of notes verbales, *post*, p. 273.

The American Embassy to the Ministry for Foreign Affairs

No. 256

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and, with reference to the Ministry's note No. E.III.686/SZ/27, of July 27, and the Embassy's identic note of even date by which a visa fee agreement has been concluded between Poland and the United States to become effective on September 1, 1938, has the honor to inform the Ministry, for purposes of clarification, that the meaning of the first sentence of the fifth paragraph of the Ministry's note is interpreted by the United Stated Government as follows:

"It is understood that the agreement will not affect the necessity of complying with the regulations governing the entry of aliens and the requirement that they shall possess travel documents valid for sixty days beyond the termination of the period of the desired entry."

An early confirmation of the above interpretation of the sentence in question by a similar note verbale will be greatly appreciated.

WARSAW, *July 27, 1938*

MINISTRY OF FOREIGN AFFAIRS
Warsaw

The Ministry for Foreign Affairs to the American Embassy

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
E.III.686/39/2

NOTE VERBALE

The Ministry of Foreign Affairs has the honor to acknowledge to the Embassy of the United States the receipt of its Note Verbale No. 256 of July 27, 1938, and to advise it that it has taken note of the Embassy's interpretation of point 4 paragraph 2 of the arrangement it being understood from this text, insofar as it concerns the entry of Polish nationals into the territory of the United States of America, that the arrangement does not affect the necessity of complying with regulations governing the entry of aliens and of being in possession of documents valid for sixty days from the date of termination of the desired entry.

WARSAW, *August 5, 1938*

EMBASSY OF THE UNITED STATES OF AMERICA
Warsaw

LEND-LEASE [1]

Agreement signed at Washington July 1, 1942
Entered into force July 1, 1942

56 Stat. 1542; Executive Agreement Series 257

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

And whereas the Governments of the United States of America and Poland, as signatories of the Declaration by United Nations of January 1, 1942,[2] have subscribed to a common program of purposes and principles embodied in the Joint Declaration made on August 14, 1941 by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, known as the Atlantic Charter; [3]

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941,[4] that the defense of Poland against aggression is vital to the defense of the United States of America;

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

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

And whereas the Governments of the United States of America and Poland are mutually desirous of concluding now a preliminary agreement in regard to the provision of defense aid and in regard to certain considerations which shall be taken into account in determining such terms and conditions and the

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[1] See also lend-lease settlement agreement of June 28, 1956 (7 UST 1930; TIAS 3594).
[2] EAS 236, *ante*, vol. 3, p. 697.
[3] EAS 236, *ante*, vol. 3, p. 686.
[4] 55 Stat. 31.

making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of Poland have been performed, fulfilled or executed as required;

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

ARTICLE I

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

ARTICLE II

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

ARTICLE III

The Government of Poland will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act of March 11, 1941 of the Congress of the United States of America or permit the use thereof by anyone not an officer, employee, or agent of the Government of Poland.

ARTICLE IV

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

ARTICLE V

The Government of Poland will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or consumed and as shall be determined by the President to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

ARTICLE VI

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

ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Government of Poland in return for aid furnished under the Act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and Poland, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

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

ARTICLE VIII

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

Signed and sealed at Washington in duplicate this first day of July, 1942.

For the Government of the United States of America:
CORDELL HULL [SEAL]
Secretary of State
of the United States of America

For the Government of Poland:
JAN CIECHANOWSKI [SEAL]
Ambassador of Poland at Washington

MILITARY SERVICE

Exchange of Notes at Washington March 30 and December 14, 1942, and January 26 and February 25, 1943
Entered into force January 27, 1943
Terminated March 31, 1947 [1]

57 Stat. 954; Executive Agreement Series 320

The Acting Secretary of State to the Polish Ambassador

DEPARTMENT OF STATE
WASHINGTON
March 30, 1942

EXCELLENCY:

With reference to Your Excellency's note of March 17, 1942, and to previous correspondence with respect to the enlistment of residents of the United States in the armed forces of Poland, I have the honor to inform you that special consideration has been given to the views of your government in the discussions which have taken place between officers of this Department, the War and Navy Departments, and the Selective Service System on the general problem of the application of the United States Selective Training and Service Act of 1940, as amended,[2] to nationals of co-belligerent countries residing in the United States.

As you are aware the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of 18 and 65 shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during

[1] Upon termination of functions of U.S. Selective Service System (60 Stat. 341).
[2] 54 Stat. 885.

the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out

by the appropriate representatives of the armed forces of the respective governments.

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to Poland upon the receipt from you of a note stating that your government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

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

SUMNER WELLES
Acting Secretary of State

His Excellency
JAN CIECHANOWSKI
Ambassador of Poland

The Secretary of State to the Polish Ambassador

DEPARTMENT OF STATE
WASHINGTON
December 14, 1942

EXCELLENCY:

I have the honor to refer to your note No. 745/SZ–72 of October 13, 1942, and to other correspondence exchanged in the matter of the proposed arrangement between the United States and Poland concerning the services of nationals of one country in the armed forces of the other country. You state that your Government is prepared to accept an arrangement which would make it possible

(a) for all Polish citizens residing in the United States, who are liable to register under the provisions of the Selective Training and Service Act of 1940, to enlist in the Polish Armed Forces should they so desire;

(b) for all Polish citizens, who have already been drafted in the Armed Forces of the United States, to be given the opportunity to transfer, if they so desire, to the Polish Armed Forces;

and that your Government would be prepared to conform to lettered paragraphs a, b, and c of the Department's note of March 30, 1942.

I take pleasure in informing you that this Government is prepared to enter into an arrangement with your Government as proposed in the Department's note of March 30, 1942; however, this Government finds itself unable to

make the arrangement applicable to "all Polish citizens", as desired in lettered paragraphs a) and b) of your note of October 13, 1942. This Government is unable to grant the privileges outlined in the Department's note of March 30, 1942, to any but Polish nationals who have not declared their intention of becoming American citizens.

This Government is prepared, however, upon the conclusion of the proposed arrangement, to grant to nondeclarant Polish nationals already serving in the armed forces of the United States, who did not previously have an opportunity of electing to serve in the forces of their own country, the privilege of applying for a transfer to their own forces. Upon the conclusion of the arrangement, the War Department is prepared to discharge, for the purpose of transferring to the armed forces of Poland, nondeclarant Polish nationals serving in the United States forces who did not have a previous opportunity of opting for service with the Polish forces.

If your Government is desirous of entering into the proposed arrangement, and you will forward to the Department a note conforming to the concluding paragraph of the Department's note of March 30, 1942, this Government is prepared to make the proposed regime effective immediately upon the receipt of such note.

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

CORDELL HULL

His Excellency
JAN CIECHANOWSKI
Ambassador of Poland

The Polish Ambassador to the Secretary of State

AMBASADA POLSKA
W WASZYNGTONIE

745/SZ–t–83

JANUARY 26, 1943

SIR,

I have the honor to refer to your note of December 14, 1942, No. 860 C.2222/24, concerning the proposed arrangement between Poland and the United States with regard to the service of nationals of one country in the armed forces of the other country, and to inform you that, in accordance with the principles laid down in your note of March 30, 1942, the Polish Government is ready to affirm its acceptance of the stipulations contained in the concluding paragraph of your note of March 30, 1942, thereby conforming to the concluding paragraph of your note of December 14, 1942. Consequently:

(1) All Polish nationals who have not declared their intention of becoming American citizens will be granted the privileges outlined in your notes of March 30, 1942 and December 14, 1942;

(2) The War Department of the United States, in agreement with the Polish military authorities, will discharge, for the purpose of transferring to the armed forces of Poland, the nondeclarant Polish nationals already serving in the United States forces, who are desirous of enlisting in the Polish armed forces and have not had an opportunity of opting for service in the Polish forces;

(3) All nondeclarant Polish nationals liable for service in the armed forces of the United States under the selective service law of the United States may, if they so desire, opt for service in the Polish armed forces, by indicating to their local draft boards before their induction their desire to serve in the Polish armed forces in lieu of the United States forces;

(4) The Polish Government expresses the hope that Polish citizens serving in the armed forces of the United States, whether they have or have not declared their intention of becoming citizens of the United States will be accorded to their full extent the opportunities and advantages available to citizens of the United States, in respect of their service in the armed forces of the United States;

(5) Although according to Polish law, Polish citizens are not liable for service in any armed forces except those of their own country without the consent of the Polish Government, the Polish Government does not wish to raise this objection at the present time in view of existing special circumstances; however, the Polish Government reserves the right of reciprocity with regard to American citizens residing on Polish territory.

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

J. Ciechanowski

The Honorable
Cordell Hull
Secretary of State

The Secretary of State to the Polish Ambassador

Department of State
Washington
February 25, 1943

Excellency:

I have the honor to acknowledge the receipt of your note of January 26, 1943, in which you state that your Government affirms its acceptance of the stipulations contained in the Department's notes of March 30, 1942 and December 14, 1942 concerning the services of the nationals of one country in the Armed Forces of the other country.

I take pleasure in informing you that this agreement is now considered by this Government as having become effective on January 27, 1943, the date on which your note under acknowledgment was received in the Department. The appropriate authorities of this Government have been informed accordingly, and I may assure you that this Government will carry out the agreement in the spirit of full cooperation with your Government.

It is suggested that all the details incident to carrying out the agreement be discussed directly by officers of the Embassy with the appropriate officers in the War Department and the Selective Service System. Lieutenant Colonel V. S. Sailor, of the Recruiting and Induction Section, Adjutant General's Office, War Department, and Major S. G. Parker, of the Selective Service System, will be available to discuss questions relating to the exercise of the option prior to induction. The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is the agency with which questions relating to the discharge of nondeclarant nationals of Poland, who may have been serving in the Army of the United States on the effective date of the agreement and who desire to transfer to the Polish Armed Forces, may be discussed.

With respect to numbered paragraph 5 of your note, this Government agrees to the Polish Government's exercising reciprocity with regard to American citizens residing on Polish territory.

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

For the Secretary of State:
G. Howland Shaw

His Excellency
Jan Ciechanowski
Ambassador of Poland

CUSTOMS PRIVILEGES FOR FOREIGN SERVICE PERSONNEL

Exchange of notes at Warsaw October 5 and 30, 1945
Entered into force October 30, 1945

61 Stat. 2297; Treaties and Other International Acts Series 1544

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Warsaw, October 5, 1945

No. 67

EXCELLENCY:

Pursuant to my note no. 55 of September 26, 1945 to Your Excellency regarding the proposed opening of several American consular offices in Poland and the functioning of Polish consular offices in the United States, I am instructed to deliver the following communication to Your Excellency:

In accordance with instructions from my Government, I have the honor to inquire whether the Polish Provisional Government of National Unity is disposed to enter into an agreement whereby on the basis of reciprocity, in addition to free entry of baggage and effects upon arrival and return to their posts in the United States after visits abroad which Polish consular officers assigned to the United States already enjoy, the Department of State will arrange, upon request of the Polish Embassy in each instance, for the free entry of articles imported for their personal use during their official residence in the United States by Polish consular officers and their families and by Polish Embassy and Consular clerks. It is understood that such officers and clerks shall be Polish nationals and not engaged in any private occupations for gain and that no article for the importation of which is prohibited by the laws of the United States shall be imported by them. If agreeable to this, it is suggested that October 30, 1945 shall be set as the date on which this reciprocal agreement shall become effective.

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

ARTHUR BLISS LANE

His Excellency
WINCENTY RZYMOWSKI
Minister of Foreign Affairs

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

No. K. I. 424 b/1 WARSAW, *October 30, 1945*

EXCELLENCY:

In reply to Your Excellency's note no. 67 of October 5, 1945, regarding an agreement for the duty-free importation of goods by members of consulates for their own personal use and that of the members of their families, I respectfully communicate to you the following:

The Government of National Unity agrees that on the basis of reciprocity members of the Embassy of the United States of America, as well as members and their families of American consulates yet to be opened in Poland, would benefit by the duty-free importation of goods, independently of an agreement already in existence regarding the free entry of baggage and effects upon arrival at their consular posts, if they are citizens of the United States of America and will not engage in private occupations for gain on the territory of Poland.

Customs offices at Warsaw, Gdańsk, Krakow, Wroclaw, Poznan and Lodz, and at Szczecin after the customs office there is opened, will be instructed to expedite shipments directed to the Consulates of the United States of America at Gdańsk-Gdynia, Lodz, Krakow, Wroclaw, Poznan and Szczecin.

The Ministry of Foreign Affairs will arrange, upon the request of the American Embassy in each instance, the duty-free entry of goods if, of course, the importation thereof is not prohibited by Polish law.

The Government of National Unity at the same time expresses agreement with the proposed date of October 30, 1945 as the date on which this reciprocal agreement shall become effective.

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

Z. MODZELEWSKI
Minister

His Excellency
ARTHUR BLISS LANE
Ambassador of the United States

SURPLUS PROPERTY

Agreement signed at Washington April 22, 1946
Entered into force April 22, 1946
Paragraph 6 implemented by protocol of September 17, 1947 [1]
Extended by agreement of December 10 and 31, 1947 [2]
Supplemented by agreement of March 20, 1961 [3]

[For text, see 12 UST 368; TIAS 4725.]

[1] 12 UST 371; TIAS 4725.
[2] 12 UST 373; TIAS 4725.
[3] 12 UST 374; TIAS 4725.

ECONOMIC AND FINANCIAL COOPERATION

Exchange of notes at Washington April 24, 1946; Department of State press release of June 26, 1946
Entered into force April 24, 1946

60 Stat. 1609; Treaties and Other International Acts Series 1516

EXCHANGE OF NOTES

The Acting Secretary of State to the Polish Ambassador

WASHINGTON
April 24, 1946

EXCELLENCY:

The Government of the United States, desirous of aiding the people of Poland in their efforts to repair war damages and to reconstruct the Polish economy, expresses its satisfaction at the successful conclusion of the negotiations concerning the opening of credits of $40,000,000 to the Provisional Government of Poland by the Export-Import Bank of Washington, D.C., and the satisfactory conclusion of arrangements for extending credits up to $50,000,000 for the purchase by Poland of United States surplus property held abroad.

The Government of the United States hopes that these agreements will prove to be the first step toward durable and mutually beneficial economic and financial cooperation between the Governments of the two countries. It believes, however, that such cooperation can develop fully only if

(1) a general framework is established within which economic relations between Poland and the United States can be effectively organized on the basis of principles set forth in Article VII of the Mutual Aid Agreement of July 1, 1942,[1] so as to result in the elimination of all forms of discriminatory treatment in international commerce, and the reduction of tariffs and other trade barriers;

(2) the Provisional Government of Poland is in accord with the general tenor of the "Proposals for Expansion of World Trade and Employment" recently transmitted to the Provisional Government of Poland by the Government of the United States, and undertakes together with the Government

[1] EAS 257, *ante*, p. 276.

of the United States to abstain, pending the participation of the two Governments in the general international conference on trade and employment contemplated by the "Proposals", from adopting new measures which would prejudice the objectives of the conference;

(3) the Provisional Government of Poland will continue to accord to nationals and corporations of the United States the treatment provided for in the Treaty of Friendship, Commerce and Consular Rights between the United States and Poland, signed June 15, 1931; [2]

(4) the Government of the United States and the Provisional Government of Poland will make both adequate and effective compensation to nationals and corporations of the other country whose properties are requisitioned or nationalized;

(5) the Provisional Government of Poland and the Government of the United States agree to afford each other adequate opportunity for consultation regarding the matters mentioned above, and the Provisional Government of Poland, recognizing that it is the normal practice of the Government of the United States to make public comprehensive information concerning its international economic relations, agrees to make available to the Government of the United States full information, similar in scope and character to that normally made public by the United States, concerning the international economic relations of Poland.

The Government of the United tSates undertakes herewith to honor and to discharge faithfully the obligations which relate to the United States specified in points (1) through (5) above, and would be pleased to receive a parallel undertaking from the Provisional Government of Poland with respect to those obligations specified in points (1) through (5) above which relate to Poland.

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

DEAN ACHESON
Acting Secretary of State

His Excellency
OSKAR LANGE
Ambassador of Poland

The Polish Ambassador to the Secretary of State

AMBASADA R.P.
W WASZYNGTONIE

APRIL 24, 1946

SIR,

The receipt is acknowledged, on behalf of the Provisional Government of Poland of your note of April 24, 1946, reading as follows:

[2] TS 862, *ante*, p. 237.

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

Under instructions from my Government, I have the honor to communicate to you the following:

The Provisional Government of Poland shares the views of the United States as expressed by the Secretary of State and undertakes herewith to honor and to discharge faithfully the obligations which relate to Poland specified in points (1) through (5) of the note under reference.

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

OSCAR LANGE

The Honorable
JAMES F. BYRNES
Secretary of State

DEPARTMENT OF STATE PRESS RELEASE 447 OF JUNE 26, 1946

On April 24, 1946, notes were exchanged between the Polish Ambassador and the Acting Secretary of State regarding the conclusion of negotiations for the extension of an Export-Import Bank credit to Poland of $40,000,000 and for an additional credit of up to $50,000,000 for the purchase by Poland of United States surplus property held abroad. When these notes were exchanged, the Polish Provisional Government undertook certain obligations.

Subsequently, on May 10, 1946, the Acting Secretary of State announced the suspension of deliveries of surplus property to Poland under the $50,000,000 credit by reason of the fact that the Polish Provisional Government, in the view of this Government, had failed fully to carry out the obligations undertaken at the time the credits were authorized. Specifically, (1) the texts of the notes exchanged had not been published in Poland, (2) it appeared that American press dispatches from Poland were being subjected to censorship, and (3) the texts of Poland's economic agreements with other countries had not been made available to this Government as promised.

The Polish Provisional Government has recently published the exchange of notes concerning the credits and the question of censorship has been satisfactorily clarified. Assurances have now been given to the American Ambassador at Warsaw indicating that the texts of Poland's economic agreements will be furnished to this Government.

In view of these assurances and in consideration of the important role which these surplus materials are to play in assisting the Polish people to rebuild their devastated country, this Government has acceded to the request of the Polish Provisional Government and has authorized the resumption of surplus property deliveries to Poland.

EXCHANGE OF MEMBERS OF ARMED FORCES ACCUSED OF COMMITTING CRIMES

Exchange of notes at Warsaw August 5 and 29, 1946
Entered into force August 29, 1946
Amended by agreement of February 6 and April 3 and 14, 1947 [1]
Expired August 29, 1947

[For text, see 3 UST 522; TIAS 2409.]

[1] 3 UST 526; TIAS 2409.

MIXED NATIONALITY COMMISSION

Exchange of notes at Warsaw February 16 and March 8, 1947
Entered into force March 8, 1947
Terminated June 14, 1948 [1]

Department of State files

The Ministry for Foreign Affairs to the American Ambassador

[TRANSLATION]

His Excellency
ARTHUR BLISS LANE
Ambassador of the United States
in Warsaw

EXCELLENCY:

The Ministry of Foreign Affairs transmits expressions of respect to the American Embassy in Warsaw and in connection with the Embassy's note No. 842 of January 3, 1947 and the conference of January 21, 1947 concerning the mixed Polish-American Commission for citizenship affairs, has the honor to inform the Embassy as follows:

The Ministry shares the Embassy's view that the Commission would be authorized to collect and determine appropriate facts and, on this basis, to make recommendations to the governments of the Polish Republic and of the United States of America, leaving to each sovereign state final decision in citizenship matters.

The Ministry feels that a parity basis would be most suitable for a Commission of this sort (for instance, two representatives of the Polish Republic's government and two Embassy representatives) with Polish and American Chairmen alternating.

The detailed procedure for its work (formal method for convoking the Commission for further meetings, presentation of cases for the Commission's examination, determination of the material basis for the Commission's decisions, submission of evidence and making of recommendations) could be prepared by the Commission itself at its first meeting.

In informing the Embassy of the above, the Ministry proposes calling the Commission's first meeting for March 5, 1947.

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[1] Pursuant to notice of termination given by the United States May 21, 1948.

I take the opportunity to renew, Your Excellency, the expressions of my highest respect and regard.

J. Olszewski

Warsaw, *February 16, 1947*

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

No. 921 Warsaw, *March 8, 1947*

Excellency:

I have the honor to refer to the note dated February 16, 1947 from Your Excellency's Ministry concerning the formation of a Mixed Nationality Commission to deal with problems affecting claimants to American citizenship.

The Embassy has understood from several conversations with members of the Ministry that such a Commission would be empowered to arrange for American Embassy representatives accompanied by Polish Government representatives to visit claimants to American citizenship now under arrest for the purpose of determining the validity of their claims to citizenship. On the understanding that this assumption is correct, my Government has authorized me to accept the proposal in Your Excellency's Ministry's Note under acknowledgement. My Government has also designated as American delegates on the Mixed Nationality Commission: (1) the American Ambassador or in his absence the Chargé d'Affaires, a.i., and (2) First Secretary Edmund J. Dorsz.

In order that the Commission may begin functioning at the earliest practicable date, I should be most appreciative if Your Excellency would inform me of the date when the Mixed Nationality Commission may assemble for its first meeting.

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

Gerald Keith

His Excellency
Zygmunt Modzelewski
Minister of Foreign Affairs
Warsaw

EXCHANGE OF MEMBERS OF ARMED FORCES ACCUSED OF COMMITTING CRIMES

Exchange of notes at Warsaw February 6 and April 3 and 14, 1947, amending agreement of August 5 and 29, 1946 [1]
Entered into force April 14, 1947
Expired August 29, 1947

[For text, see 3 UST 526; TIAS 2409.]

SURPLUS PROPERTY

Protocol signed at Warsaw September 17, 1947, implementing paragraph 6 of agreement of April 22, 1946 [2]
Entered into force September 17, 1947

[For text, see 12 UST 371; TIAS 4725.]

SURPLUS PROPERTY

Agreement signed at Warsaw December 10 and 31, 1947, extending agreement of April 22, 1946 [2]
Entered into force December 31, 1947

[For text, see 12 UST 373; TIAS 4725.]

[1] 3 UST 522; TIAS 2409.
[2] 12 UST 368; TIAS 4725.

Portugal

COMMERCE AND NAVIGATION

Treaty signed at Lisbon August 26, 1840; related notes dated August 10, 24, 26, and 27, 1840
Entered into force August 26, 1840
Senate advice and consent to ratification February 3, 1841
Ratified by Portugal March 8, 1841
Ratified by the President of the United States April 23, 1841
Ratifications exchanged at Washington April 23, 1841
Proclaimed by the President of the United States April 24, 1841
Terminated January 31, 1892 [1]

8 Stat. 560; Treaty Series 289 [2]

Treaty

In the Name of the Most Holy and Undivided Trinity.

The United States of America, and Her Most Faithful Majesty The Queen of Portugal and of the Algarves, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between Their Respective States; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the systeme of an entire freedom of navigation, and a perfect reciprocity based upon principles of equity equally beneficial to both Countries; have, in consequence, agreed to enter into negotiations for the Conclusion of a Treaty of Commerce and Navigation: and They have appointed as Their Plenipotenciaries for that purpose, to wit: The President of The United States of America, Edward Kavanagh, Their Chargé d'Affaires at the Court of Her Most Faithful Majesty; And Her Most Faithful Majesty, The Most Illustrious and Most Excellent John Baptist de Almeida Garrett, First Historiographer to Her said Majesty, of Her Council, Member of the Cortes, Knight of the ancient and most noble order of the Tower and Sword, Knight Commander of the order of Christ, Officer of

[1] Pursuant to notice of termination given by Portugal Jan. 31, 1891.
[2] For a detailed study of this treaty, see 4 Miller 295.

the order of Leopold in Belgium, Judge of the Superior Court of Commerce, Envoy Extraordinary and Minister Plenipotentiary to Her Catholic Majesty: Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon, and concluded, the following articles.

Article 1

There shall be, between the Territories of the High Contracting Parties, a reciprocal liberty of Commerce and navigation. The Citizens and Subjects of their respective States shall, mutually, have liberty to enter the Ports, Places and Rivers of the territories of each party, wherever foreign Commerce is, or shall be, permitted. They shall be at liberty to sojourn and reside in all parts of said Territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the Country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Article 2

Vessels of the United States of America arriving, either laden or in ballast, in the Ports of the Kingdom and Possessions of Portugal; and, reciprocally, Portuguese Vessels arriving, either laden or in ballast, in the Ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of Tonnage, light-house duties, pilotage, port-charges, as well as to the fees and perquisites of Public Officers, and all other duties and charges, of whatever kind or denomination, levied upon Vessels of Commerce, in the name or to the profit of the Government, the local authorities, or of any public, or private establishment, whatsoever.

Article 3

No higher or other duties shall be imposed on the importation, into the Kingdom and Possessions of Portugal, of any article, the growth, produce or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation, into the United States of America, of any article, the growth, produce or manufacture of the Kingdom and Possessions of Portugal, than such as are, or shall be, payable on the like article, being the growth, produce, or manufacture of any other foreign Country.

Nor shall any prohibition be imposed on the importation or exportation of any article, the growth, produce or manufacture of the United States of America, or of the Kingdom and Possessions of Portugal, to or from, the Ports of the said Kingdom and Possessions of Portugal, or of the said States, which shall not equally extend to all other foreign Nations.

Nor shall any higher or other duties or charges be imposed, in either of the

two countries, on the exportation of any articles to the United States of America, or to the Kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign Country.

Provided, however, that nothing contained in this Article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the Convention made by the said States and France, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty one; [3] which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty two.

Article 4

The same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the Kingdom and Possessions of Portugal, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in Vessels of the said States, or in Portuguese Vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the United States of America, of any article, the growth, produce, or manufacture of the Kingdom and Possessions of Portugal, whether such importation shall be in Portuguese Vessels, or in Vessels of the said States.

Article 5

It is agreed by the High Contracting Parties, that, whenever there may be lawfully imported into all or any of the Ports of the Kingdom and Possessions of Portugal, in Vessels of any foreign country, articles of the growth, produce, or manufacture of a country other than that to which the importing Vessels shall belong, the same privilege shall immediately become common to Vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese Vessels shall, thereafter, enjoy, in the same respect, privileges, rights, and favors, to a correspondent extent, in the Ports of the United States of America.

Article 6

All kinds of merchandise and articles of Commerce, which may be lawfully exported or reexported from the Ports of either of the High Contracting Parties to any foreign country, in national vessels, may also be exported or reexported therefrom in Vessels of the other Party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of Commerce were exported or reexported in National Vessels.

[3] TS 88, *ante*, vol. 7, p. 828, FRANCE.

And the same bounties and drawbacks shall be allowed, whether such exportation or reexportation be made in Vessels of the one Party or the other.

ARTICLE 7

It is expressly understood that nothing contained in this Treaty shall be applicable to the coastwise Navigation of either of the two Countries, which each of the High Contracting Parties reserves exclusively to itself.

ARTICLE 8 [4]

It is mutually understood that the foregoing stipulations do not apply to Ports and Territories, in the Kingdom and Possessions of Portugal, where foreign Commerce and Navigation are not admitted; and that the Commerce and Navigation of Portugal, directly to and from the United States of America and the said Ports and Territories, are also prohibited.

But, Her Most Faithful Majesty agrees that, as soon as the said Ports and Territories, or any of them, shall be opened to the Commerce or Navigation of any foreign Nation, they shall, from that moment, be also opened to the Commerce and Navigation of the United States of America, with the same privileges, rights and favors as may be allowed to the most favored Nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation, or an equivalent, if the concession was conditional.

ARTICLE 9

Whenever the citizens or Subjects of either of the Contracting Parties shall be forced to seek refuge or asylum in any of the Rivers, Bays, Ports, or Territories of the other, with their Vessels, whether Merchant, or of War, through stress of weather, pursuit of Pirates or Enemies, they shall be received and treated with humanity, giving to them all favor, facility and protection for repairing their ships, procuring provisions and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

ARTICLE 10

The two Contracting Parties shall have the liberty of having, each in the Ports of the other, Consuls, Vice-Consuls, Agents, and Commisaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored Nation. But, before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

But, if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private Individuals of their Na-

[4] For an understanding regarding art. 8, see related notes, pp. 299–303.

tion are submitted, in the same place, in respect of their Commercial transactions.

And, it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent or Commissary may either be punished according to law, or be sent back, the offended Government assigning, to the other, reasons for the same.

The archives and papers of the consulates shall be respected inviolably; and, under no pretext whatever, shall any Magistrate seize, or in any way interfere with, them.

The Consuls, Vice-Consuls, and Commercial Agents, shall have the right, as such, to sit as Judges and arbitrators, in such differences as may arise between the Captains and Crews of the Vessels belonging to the Nation whose interests are committed to their charge, without the interference of the local authorities, unless the Conduct of the Crews, or of the Captains, should disturb the order or the tranquillity, or offend the laws, of the Country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect, or supported.

It is, however, understood that this species of judgment, or arbitration, shall not deprive the contending parties of the right they have to resort, on their return, to the Judicial Authorities of their country.

Article 11

The said Consuls, Vice-Consuls and Commercial Agents are authorised to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the Deserters from the ships of War and Merchant Vessels of their Country.

For this purpose, they shall apply to the competent Tribunals, Judges, and Officers, and shall, in waiting [writing], demand the said Deserters, proving by the exhibition of the Registers of the Vessels, the Rolls of the Crews, or by any other Official Documents, that such Individuals formed part of the Crews; and, this reclamation being thus substantiated, the surrender shall be made, without delay.

Such Deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the Vessels to which they belonged, or sent back to their own country; by a Vessel of the same Nation, or any other Vessel whatsoever.

But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the Deserter shall be found to have committed any crime or offense, the surrender may be delayed until the Tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE 12

The citizens and Subjects of each of the High Contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by Testament, Donation, or otherwise; and their Representatives shall succeed to their said personal goods, whether by testament or *ab intestato,* and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective Governments such dues only as the Inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases.

And where, on the death of any person holding real estate, within the Territories of one of the High Contracting Parties, such real estate would, by the laws of the land, descend on a citizen or Subject of the other Party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the Country; and, in case the Laws of the Country actually in force may not have fixed any such time, he then shall be allowed a reasonable time to sell, or otherwise dispose of, such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the Inhabitants of the Country, wherein said real estate is situated, shall be subject to pay in like cases.

ARTICLE 13

If either Party shall, hereafter, grant to any other Nation any particular favor in Navigation or Commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other Nation, or on yielding the same compensation, or an equivalent, *quam proxime* where the grant is conditional.

ARTICLE 14

The United States of America and Her Most Faithful Majesty, desiring to make as durable as circumstances will permit, the relations which are to be established between the two Parties, by virtue of this Treaty or General Convention of reciprocal liberty of Commerce and Navigation, have declared solemnly, and do agree to the following points:

1st

The present Treaty shall be in force for six years from the date hereof, and further until the end of one year after either of the Contracting Parties shall have given notice to the other, of its intention to terminate the same: each of the Contracting Parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the Said term of six years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this Treaty shall altogether cease and terminate.

2ª

If any one or more of the citizens or Subjects of either Party shall infringe any of the Articles of this Treaty, such citizen or Subject shall be held personally responsible for the same; and the harmony and good correspondence between the two Nations shall not be interrupted thereby; each Party engaging in no way to protect the Offender, or sanction such violation.

3ª

If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present Treaty shall be violated or infringed, in any way whatever, it is expressly stipulated, that neither of the contracting Parties will order or authorise any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said Party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th

The present Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the Said States, and by Her Most Faithful Majesty, with the previous consent of the General Cortes of the Nation, and the ratifications shall be exchanged, in the City of Washington, within eight months from the date hereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in triplicate, in the City of Lisbon, the twenty sixth day of August, in the year of our Lord one thousand eight hundred and forty.

EDWARD KAVANAGH [SEAL]
JOÃO BAPTISTA DE ALMEIDA GARRETT [SEAL]

RELATED NOTES

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs ad interim

LEGATION OF THE
UNITED STATES OF AMERICA
LISBON, *August 10, 1840*

The undersigned, chargé d'affaires of the United States of America, and their plenipotentiary duly authorized to conclude a treaty of commerce and navigation between the said States and Portugal, has the honor of com-

municating to his excellency the Councillor Rodrigo da Fonseca Magalhães, that questions, arising in the pending negotiations, render it highly material that *the ports and territories of this kingdom, from which foreign commerce and navigation are excluded,* should be designated; the undersigned, therefore, has the honor to request that his excellency will do him the favor to give the desired information.

It has been assumed, by both of the negotiators, that the words *"kingdom and possessions of Portugal"* include every territory and place where Portugal claims or exercises sovereignty and jurisdiction. If this assumption be erroneous, will his excellency have the goodness to correct it?

The undersigned avails himself of this occasion to renew to his excellency assurances of his most distinguished consideration.

EDWARD KAVANAGH

The Minister of Foreign Affairs ad interim to the American Chargé d'Affaires ad interim

[TRANSLATION]

LISBON, *August 24, 1840*

The undersigned, Plenipotentiary of Her Most Faithful Majesty, has the honor to inform Mr. Edward Kavanagh, Plenipotentiary of the United States of America, that having, according to his promise of yesterday, officially propounded to Her Majesty's Minister and Secretary of State the three points that were necessary to be explained or decided before signing the treaty that was agreed upon yesterday, as well as to render it possible to draft, in a manner satisfactory to both parties, an additional article [5] which should be signed simultaneously and as an integral part of the said treaty, has received the following verbal answer, which he is authorized to communicate officially and which he does now communicate to Mr. Kavanagh, declaring at the same time that this, his answer, may be considered by him as having all the force and positive authority which Mr. Kavanagh could desire.

1. As to the declaration of the equivalent mentioned in the eighth article of the treaty, there is no hesitation in declaring that from henceforward it be considered that an equivalent for opening the ports of Her Majesty's ultramarine possessions to the direct commerce and navigation of the United States of America, shall be an equal admission in the United States of the direct commerce and navigation in Portuguese vessels from the said ports.

2. That as to the ultramarine ports which are now considered closed against foreign commerce, Her Majesty's Government judges it necessary

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[5] An additional article relating to Brazil was not agreed.

to proceed to important inquiries before a categorical designation of them; but that a definitive resolution will be necessarily taken very soon, when it will be communicated without delay to the Government of the United States of America.

[Clause 3, relating to a proposed additional article and to a conference to be held the next day, is omitted.]

The undersigned avails himself of this occasion to renew to Mr. Kavanagh assurances of his distinguished consideration and particular esteem.

De Almeida Garrett

The Minister of Foreign Affairs ad interim to the American Chargé d'Affaires ad interim

[TRANSLATION]

Lisbon, *August 26, 1840*

The undersigned, Plenipotentiary of Her Most Faithful Majesty, has orders, in the name of Her Most Faithful Majesty, to declare, in the act of signing his name to the Treaty of Commerce and Navigation negotiated with Mr. E. Kavanagh, Plenipotentiary of the United States of America, that there have been long pending between her Government and the Empire of Brazil, negotiations on a treaty of commerce, the result of which may be the concession of mutual favors in the duties of importation at the customhouses of Portugal and Brazil, on certain articles of the production of the two countries, in conformity with the spirit of the reservation made for that purpose in the Treaty of Separation between Portugal and Brazil.[6] And this circumstance (of which, from the commencement of the negotiations, the undersigned frankly informed Mr. Kavanagh) being the principal motive that compelled the undersigned to propose that there should be a stipulation (as, in effect, it has been stipulated) for the long period of eight months for the ratification of the present treaty, the Portuguese Government thinks it due to frankness to declare to Mr. E. Kavanagh that, reserving to itself the right of not ratifying the said treaty, if circumstances shall so require, it cannot in such case, if it should so occur, be charged with a want of that good faith of which it has ever given so many proofs.

The undersigned renews on this occasion to Mr. E. Kavanagh assurances of his distinguished consideration and very particular esteem.

De Almeida Garrett

To Mr. Edward Kavanagh
etc., etc., etc.

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[6] Treaty of Aug. 29, 1825; for an English translation, see 12 *British and Foreign State Papers* 674.

The American Chargé d'Affaires ad interim to the Portuguese Plenipotentiary

LISBON, *August 26, 1840*

The undersigned, plenipotentiary of the United States of America, acknowledges receipt of the note addressed to him this day, in which the Chevalier de Almeida Garrett, plenipotentiary of her Most Faithful Majesty, states that he has orders, in her Majesty's name, to declare, in the act of signing the treaty of commerce and navigation between the said States and Portugal, concluded this day by the respective plenipotentiaries above mentioned, that, in accordance with the spirit of the treaty of separation between Portugal and Brazil, and in pursuance of the reserve therein made, negotiations have been long pending between these two nations, which may result in the concession of mutual favors, in respect to the duties of importation on products of each of the parties in the ports of the other; and that if, circumstances so requiring it, her Majesty's ratification be withheld from the treaty with the United States, this notice is now given, that her Majesty's Government may not hereafter be taxed with want of good faith.

The undersigned, on his part, also declares, in the act of signing the same treaty, that an equal right is also reserved to the Government of the United States of America, if circumstances special to said States shall so require it, to withhold its ratification therefrom.

The undersigned avails himself of this occasion to renew to the Chevalier de Almeida Garrett assurances of his very distinguished consideration.

EDWARD KAVANAGH

The American Chargé d'Affaires ad interim to the Portuguese Plenipotentiary

LISBON, *August 26, 1840*

The undersigned, plenipotentiary of the United States of America, declares, in the act of signing the treaty concluded this day between the said States and Portugal—

First. That he considers the words *"kingdom and possessions of Portugal"* as comprehending all territories and places wherein her Most Faithful Majesty's Government exercises or claims sovereignty and jurisdiction.

Second. That he accepts the following paragraph, contained in the note addressed to him on the 24th instant, by the Chevalier de Almeida Garrett, as of the same force and effect as if it were inserted, word for word, in the said treaty:

"Quanto á declaração do equivalente mencionado no artigo 8° do tractado, não ha duvida nenhuma em declarar que desde ja fique considerado

como o dito equivalente pela abertura dos portos das possessões ultramarinas de sua Magestade ao commercio e navegação directos dos Estados Unidos da America, a admissão a igual commercio e navegação directos dos ditos portos para os dos ditos Estados, em navios Portugueses." [7]

The undersigned duly appreciates the engagement of her Majesty's Government to communicate to that of the United States its definitive specification of the ports and territories, in the possessions of Portugal, where foreign commerce shall not be permitted.

On this occasion, the undersigned has the honor of tendering to the Chevalier de Almeida Garrett assurances of his distinguished consideration.

EDWARD KAVANAGH

The Minister of Foreign Affairs ad interim to the American Chargé d'Affaires ad interim

[TRANSLATION]

The undersigned, Minister and Secretary of State for the Interior, charged *ad interim* with the Department of Foreign Affairs, in answer to the note addressed to him on the 10th instant by Mr. Edward Kavanagh, Chargé d'Affaires of the United States of America, in which he requested *that the ports and territories of this Kingdom from which foreign commerce is excluded* might be specified, has the honor to inform him that, having sought the necessary information on that point from the Minister of Finance, His Excellency has officially communicated, under this day's date, that in the ports of Lisbon and Oporto all articles of foreign commerce are admitted to entry, for consumption, on complying with the conditions stated in the *pauta geral* (or general tariff) of the customhouses, with the single exception of prohibited articles, such as *cereaes* (breadstuffs), flour, and others; and that in other ports of the Kingdom where there is a customhouse, foreign commerce is also admitted, but entry is not permitted of articles specified in the first article of the preamble to said *pauta* (or tariff).

The undersigned has also the honor of confirming Mr. Kavanagh in his opinion that there is no doubt that by the words "Kingdom and possessions of Portugal" are designated all territories and places over which the Crown of Portugal exercises or claims sovereignty and jurisdiction.

The undersigned improves this occasion to renew to Mr. Kavanagh assurances of his most distinguished consideration.

RODRIGO DA FONSECA MAGALHÃES

OFFICE OF FOREIGN AFFAIRS, *August 27, 1840*

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[7] For translation, see numbered para. 1 of note of Aug. 24, 1840, p. 300.

SETTLEMENT OF CERTAIN CLAIMS

Convention signed at Washington February 26, 1851
Senate advice and consent to ratification March 7, 1851
Ratified by the President of the United States March 10, 1851
Ratified by Portugal June 17, 1851
Ratifications exchanged at Lisbon June 23, 1851
Entered into force June 23, 1851
Proclaimed by the President of the United States September 1, 1851
Terminated March 31, 1856 [1]

10 Stat. 911; Treaty Series 290 [2]

The United States of America, and Her Most Faithful Majesty, the Queen of Portugal and of the Algarves, equally animated with the desire to maintain the relations of harmony and amity, which have always existed, and which it is desirable to preserve between the two Powers, having agreed to terminate, by a Convention, the pending questions between their respective Governments, in relation to certain pecuniary claims of American citizens, presented by the Government of the United States, against the Government of Portugal,—have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, Daniel Webster, Secretary of State of said United States,—and

Her Most Faithful Majesty, J. C. de Figanière é Morâo, of Her Council, Knight Commander of the order of Christ, and of O. L. of Conception of Villa-Viçoza, and Minister Resident of Portugal near the Government of the United States,—

who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon, and concluded, the following articles:

Article I

Her Most Faithful Majesty, the Queen of Portugal and of the Algarves, appreciating the difficulty of the two Governments' agreeing upon the subject of said claims, from the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding, now prevailing between them, and resolved to maintain the same unimpaired,—has assented to pay to the Government of the United

[1] Date on which Portugal made final payment.
[2] For a detailed study of this convention, see 5 Miller 929.

States, a sum equivalent to the indemnities claimed for several American citizens, (with the exception of that mentioned in the fourth Article,) and, which sum the Government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

ARTICLE II

The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American Privateer Brig "General Armstrong", destroyed by British vessels in the waters of the Island of Fayal, in September 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers & crew of the said Privateer should be submitted to the arbitrement of a Sovereign, Potentate or Chief of some nation in amity with both the high contracting parties.

ARTICLE III

So soon as the consent of the Sovereign, Potentate or Chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained, to act as arbiter in the aforesaid case of the Privateer Brig "General Armstrong", copies of all correspondence, which has passed in reference to said claim, between the two Governments & their respective Representatives, shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

ARTICLE IV

The pecuniary indemnities which Her Most Faithful Majesty promises to pay, or cause to be paid, for all the claims presented, previous to the 6th day of July, 1850, in behalf of American citizens, by the Government of the United States, (with the exception of that of the "General Armstrong",) are fixed at ninety one thousand, seven hundred & twenty seven Dollars, in accordance with the correspondence between the two Governments.

ARTICLE V

The payment of the sum stipulated in the preceding Article, shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly authorised agent of the United States. The first instalment, of nine thousand, one hundred & seventy two Dollars, seventy Cents, with interest as hereinafter provided, (or its equivalent in Portuguese current money,) shall be paid, as aforesaid, on the 30th day of September, of the current year of 1851, or earlier, at the option of the Portuguese Government; and at the end of every subsequent six months, a like instalment shall be paid;—the integral sum of ninety one thousand, seven hundred & twenty seven Dollars,—or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

ARTICLE VI

It is hereby agreed, that each and all of the said instalments are to bear, and to be paid with, an interest of six per Cent, per annum, from the date of the exchange of the ratifications of the present Convention.

ARTICLE VII

This Convention shall be approved and ratified, and the ratifications shall be exchanged, in the city of Lisbon, within four months, after the date hereof, or sooner, if possible.

In testimony whereof the respective Plenipotentiaries have signed the same, & affixed thereto the seals of their arms.

Done, in the City of Washington, D.C., the twenty sixth day of February, of the year of our Lord, One thousand, eight hundred & fifty one.

J. C. DE FIGANIÈRE E MORÃO [SEAL]
DAN^{L} WEBSTER [SEAL]

COMMERCE

Agreement signed at Washington May 22, 1899
Ratified by Portugal
Proclaimed by the President of the United States June 12, 1900
Entered into force June 12, 1900
Extended to Puerto Rico by amendatory agreement of November 19, 1902 [1]
Terminated August 7, 1910 [2]

31 Stat. 1913; Treaty Series 291

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, equally animated by the desire to confirm the good understanding existing between them and to increase the commercial intercourse of the two countries, have deemed it expedient to enter into a reciprocal commercial Agreement to that end; and they have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, the Honorable John A. Kasson, Special Commissioner Plenipotentiary: and

His Most Faithful Majesty, the Viscount de Santo-Thyrso, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington:

Who, after an exchange of their respective full Powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I

Upon the following articles of commerce being the product of the soil or industry of Portugal or of the Azores and Madeira Islands imported into the United States the present rates of duty shall be reduced and shall hereafter be as follows, namely:

Upon argols, or crude tartar, or wine lees, five per centum ad valorem.

Upon still wines in casks, thirty-five cents per gallon; in bottles, per case of one dozen bottles, containing each not more than one quart and more than one pint, or twenty-four bottles containing not more than one pint, one dollar and twenty-five cents per case; and any excess beyond these quantities found in such bottles shall be subject to a duty of four cents per pint or fractional

[1] TS 457, *post*, p. 310.
[2] Pursuant to notice of termination given by the United States Aug. 7, 1909.

part thereof, but no separate or additional duty shall be assessed upon the bottles.

Upon sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles, on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Upon brandies or other spirits manufactured or distilled from grain or other materials, whether the product of Portugal or of the Portuguese Possessions, one dollar and seventy-five cents per proof gallon.

Upon paintings in oil or water colours, pastels, pen and ink drawings and statuary, fifteen per centum ad valorem.

Article II

Reciprocally and in consideration of the preceding concessions, upon the following articles of commerce being the products of the soil or industry of the United States imported into the Kingdom of Portugal and the Azores and Madeira Islands, the rates of duty shall be as low as those accorded to any other country (Spain and Brazil being excepted from this provision) namely:

Tariff No. 325 Flour of cereals, except wheat.
Tariff No. 326 Maize in the grain.
Tariff No. 327 Wheat in the grain.
Tariff No. 354 Lard and grease.
Tariff No. 97, Tariff No. 98, Tariff No. 99 — Mineral oils, and their products not elsewhere specified in the Tariff.

Tariff No. 373. Reaping, mowing and thrashing machines, machines for compressing hay and straw, steam-plows, and separate parts of these machines and plow shares.

Tariff No. 386. Instruments, implements and tools for the arts, manufactories, agriculture, and gardening; and upon the following articles shall not exceed the rates hereinafter stated, namely:

Upon the foregoing machines and articles described in No. 373, five reis per kilogram.

Upon the instruments, implements and tools described above in No. 386, for use in agriculture and gardening, sixty reis per kilogram.

Upon lighter mineral oils for illuminating purposes (density of 0.780 up to 0.820; point of ignition from 37° up to 49°) forty-six reis per litre.

Upon medium mineral oils (density above 0.820 and up to 0.860; point of ignition from 50° up to 150°) fifty-two reis per kilogram.

Upon tar and mineral pitch ten reis per ton.

ARTICLE III

It is mutually understood that His Most Faithful Majesty's Government reserves the right, after three months prior notification to the United States Government of its intention to do so, to arrest the operation of this Convention in case the United States shall hereafter impose a duty upon crude cork or coffee being the product of Portugal or of the Portuguese Possessions, or shall give less favorable treatment to the following articles being the product of Portugal or of her Possessions than that accorded to the like articles being the product of any other country not under the control of the United States, namely: argols, crude tartar or wine lees; coffee; cacao; wines, brandies; cork, raw or manufactured; sardines and anchovies preserved; and fruits, not preserved; but in respect to fruits the United States reserves the right to make special arrangements applicable to any of the West India Islands.

ARTICLE IV

This Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the provisions of Article I of this Agreement. From and after the date of such Proclamation this Agreement shall be in full force and effect, and shall continue in force for the term of five years thereafter, and if not then denounced by either Party shall continue in force until one year from the time when one of the Parties shall have notified the other of its intention to arrest the operation thereof.

Done at Washington the twenty-second day of May in the year one thousand eight hundred and ninety-nine.

JOHN A. KASSON [SEAL]
VISCONDE DE SANTO THYRSO [SEAL]

COMMERCE

Agreement signed at Washington November 19, 1902, amending agreement of May 22, 1899
Ratified by Portugal December 20, 1906
Proclaimed by the President of the United States January 24, 1907
Entered into force January 24, 1907
Terminated August 7, 1910 [1]

34 Stat. 3268; Treaty Series 457

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, finding it expedient to amend the Commercial Agreement between the two countries, signed at Washington on the 22nd day of May, 1899,[2] have named for this purpose their respective Plenipotentiaries, to wit:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States, and

His Most Faithful Majesty, the Viscount de Alte, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed upon the following additional and amendatory Articles to be taken as part of the said Agreement:

ARTICLE I

The High Contracting Parties mutually agree that the provisions of the said Agreement shall apply also to the Island of Porto Rico.

ARTICLE II

This Additional and Amendatory Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the same. From and after the date of such Proclamation this Agreement shall

[1] Pursuant to notice of termination given by the United States Aug. 7, 1909.
[2] TS 291, *ante*, p. 307.

take effect, and shall continue in force during the continuance in force of the said Commercial Agreement signed May 22, 1899.

Done in duplicate in English and Portuguese texts at Washington this nineteenth day of November, one thousand nine hundred and two.

JOHN HAY [SEAL]
VISCONDE DE ALTE [SEAL]

308-582—73——22

ARBITRATION

Convention signed at Washington April 6, 1908
Senate advice and consent to ratification April 17, 1908
Ratified by Portugal September 21, 1908
Ratified by the President of the United States November 6, 1908
Ratifications exchanged at Washington November 14, 1908
Entered into force November 14, 1908
Proclaimed by the President of the United States December 14, 1908
Extended by agreements of June 28, 1913; [1] *September 14, 1920;* [2] *and September 5, 1923* [3]
Expired November 14, 1928

35 Stat. 2085; Treaty Series 514

The Government of the United States of America and the Government of Portugal, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899; [4]

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

Have authorized the Undersigned to conclude the following arrangement:

Article I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of either of the two Contracting States, and do not concern the interests of third Parties.

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[1] TS 601, *post*, p. 329.
[2] TS 656, *post*, p. 336.
[3] TS 735, *post*, p. 338.
[4] TS 392, *ante*, vol. 1, p. 230.

ARTICLE II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States, such special agreements will be made by the President of the United States by and with the advice and consent of the Senate thereof.

ARTICLE III

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

ARTICLE IV

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Portugal in accordance with the constitutional laws of the Kingdom.

The ratifications of this Convention shall be exchanged at Washington as soon as possible, and it shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Portuguese languages at Washington, this 6th day of April, one thousand nine hundred and eight.

ELIHU ROOT [SEAL]
ALTE [SEAL]

EXTRADITION

Convention and exchange of notes signed at Washington May 7, 1908
Senate advice and consent to ratification May 22, 1908
Ratified by Portugal September 21, 1908
Ratified by the President of the United States October 26, 1908
Ratifications exchanged at Washington November 14, 1908
Entered into force November 14, 1908
Proclaimed by the President of the United States December 14, 1908

35 Stat. 2071; Treaty Series 512

Convention

The United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, having judged it expedient, with a view to the better administration of justice and to the prevention of crimes within their respective territories and jurisdictions, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I

It is agreed that the Government of the United States of America and the Government of His Most Faithful Majesty the King of Portugal and of the Algarves shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was

actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

Article II

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

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Bigamy.
5. Arson.
6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.
7. Crimes committed at sea:

(*a*) Piracy, as commonly known and defined by the law of Nations, or by Statute.

(*b*) Wrongfully sinking or destroying a vessel at sea or attempting to do so.

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

(*d*) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
9. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.
10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.
11. Forgery or the utterance of forged papers.
12. The forging or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or the equivalent in Portuguese currency.

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or the equivalent in Portuguese currency.

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

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or the equivalent in Portuguese currency.

18. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or the equivalent in Portuguese currency.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or the equivalent in Portuguese currency.

21. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

22. The extradition is also to take place for the participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

Article III

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a

political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

ARTICLE IV

No person shall be tried for any crime or offence other than that for which he was surrendered.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

If a fugitive, accused or criminal, claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII

Under the stipulations of this Convention, neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects.

ARTICLE IX

The expense of the arrest, detention, examination and transportation of the accused or criminal shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

Everything found in the possession of the fugitive, accused or criminal, at the time of his arrest, whether being the proceeds of the crime or offence,

or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

Article XI

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

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the Contracting Parties. In the event of the absence of such Agents from the country or its seat of Government, or where extradition is sought from a colonial possession of Portugal or from territory, included in the preceding paragraph, other than the United States, requisition may be made by superior Consular officers.

It shall be competent for such Diplomatic or superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

Article XII

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or

preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of the said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII

In every case of a request made by either of the two Contracting Parties for the arrest, detention or extradition of fugitives, criminal or accused, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Article XIV

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present convention shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 7th day of May, one thousand nine hundred and eight.

Elihu Root [seal]
Alte [seal]

Exchange of Notes

The Portuguese Minister to the Secretary of State

[TRANSLATION]

The undersigned Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and the Algarves has the honor to inform the Secretary of State of the United States that he has been instructed by His Excellency the Minister for Foreign Affairs of Portugal to place on record on behalf of the Portuguese Government, with reference to the Extradition Treaty which the Secretary of State and the undersigned have just signed, its understanding that the Government of the United States assures that the death penalty will not be enforced against criminals delivered by Portugal to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

Visconde d'Alte

Washington, *May 7, 1908*

His Excellency Elihu Root
Secretary of State of the United States of America
etc., etc., etc.

The Secretary of State to the Portuguese Minister

Washington, *May 7, 1908*

In signing to-day with the Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and of the Algarves the extradition treaty which was negotiated between the Government of the United States and that of Portugal, the undersigned Secretary of State has the honor to acknowledge and to take cognizance of the Minister's note of this day's date stating that he has been instructed by His Excellency the Minister for Foreign Affairs of Portugal to place on record, on behalf of the Portuguese Government, its understanding that the Government of the United States assures that the death penalty will not be enforced against criminals delivered by Portugal to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

In order to make this assurance in the most effective manner possible, it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for

the offense charged by the laws of the jurisdiction in which the charge is pending.

This agreement on the part of the United States will be mentioned in the ratifications of the treaty and will in effect form part of the treaty.

ELIHU ROOT

Visconde DE ALTE
Minister of Portugal

NATURALIZATION

Convention signed at Washington May 7, 1908
Senate advice and consent to ratification May 14, 1908
Ratified by Portugal September 21, 1908
Ratified by the President of the United States November 6, 1908
Ratifications exchanged at Washington November 14, 1908
Entered into force November 14, 1908
Proclaimed by the President of the United States December 14, 1908

35 Stat. 2082; Treaty Series 513

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of Portugal, and from the territories of Portugal to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

The President of the United States of America, Elihu Root, Secretary of State; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America;

Who have agreed to and signed the following articles:

Article I

Subjects of Portugal who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by Portugal to be American citizens and shall be treated as such. Reciprocally, citizens of the United States of America who become naturalized subjects of Portugal and shall have resided uninterruptedly within Portuguese territory five years shall be held by the United States to be Portuguese subjects and shall be treated as such.

Article II

A recognized citizen of the one party on returning to the territory of the other remains liable to trial and punishment for an action punishable by the

laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

The infraction of the legal provisions which in the country of origin regulate emigration shall not be held, for the purposes of this article, as pertaining to the emigration itself and, therefore, the transgressors of those provisions who return to the country of their origin are there liable to trial on account of any and whatever responsibility they may have incurred through such infraction.

Article III

If a Portuguese subject naturalized in America, renews his residence in Portugal, without intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Portugal renews his residence in the United States, without intent to return to Portugal, he shall be held to have renounced his naturalization in Portugal.

The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country.

Article IV

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications, but if neither party shall have given to the other six months previous notice of its intention to terminate the same, it shall continue in force till six months after one of the contracting parties shall have notified the other of its intention to do so.

The ratifications of the present Convention shall be exchanged at Washington, as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at Washington this seventh day of May one thousand nine hundred and eight.

Elihu Root [seal]
Alte [seal]

COMMERCIAL RELATIONS

Exchanges of notes at Washington June 28, 1910
Entered into force June 28, 1910
Modified by understanding of May 18 and August 26, 1946 [1]

Treaty Series 514 1/2

The Portuguese Minister to the Acting Secretary of State

[TRANSLATION]

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Portugal and of the Algarves, duly authorized to that effect by his Government, has the honour to notify His Excellency the Acting Secretary of State of the United States of America, that, in view of the issuance by the President of the United States of America of the proclamations of January 29th, 1910 [2] and of February 21st, 1910 [3] extending to imports into the United States of America from the Kingdom of Portugal and the Azores and Madeira islands and from the Portuguese possessions, the benefit of the complete minimum tariff of the United States of America, it having been ascertained that no undue discrimination was being exercised in the Kingdom of Portugal, the Azores and Madeira islands or the Portuguese possessions, against the United States of America or the products thereof, and the principle of special concessions by Portugal to Spain and Brazil having thus been recognized, the Portuguese Government has decided to grant the citizens, merchandise and ships of the United States of America the same treatment in Portugal and her possessions as that accorded to the citizens, merchandise and ships of the most favoured nation on the condition that the subjects, merchandise and ships of Portugal and of her possessions will likewise be treated in the United States of America in the same manner as those of the most favoured nations.

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[1] TIAS 1572, *post*, p. 360.
[2] 36 Stat. 2519.
[3] 36 Stat. 2543.

The undersigned avails himself of this opportunity in order to convey to the Honourable the Acting Secretary of State of the United States the renewed assurances of his highest consideration.

VISCOUNT D'ALTE

WASHINGTON, *June 28, 1910*

The Honorable HUNTINGTON WILSON
Acting Secretary of State
etc., etc., etc.

The Acting Secretary of State to the Portuguese Minister

The undersigned, Acting Secretary of State of the United States of America, has the honor to acknowledge the receipt of the note of today's date in which His Excellency the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Portugal and of the Algarves, has been good enough to inform him that:

> in view of the issuance by the President of the United States of America of the proclamations of January 29th, 1910, and of February 21st, 1910, extending to imports into the United States of America from the Kingdom of Portugal, the Azores and Madeira islands and from the Portuguese possessions, the benefit of the complete minimum tariff of the United States of America, it having been ascertained that no undue discrimination was being exercised in the Kingdom of Portugal, the Azores and Madeira islands or the Portuguese possessions, against the United States of America or the products thereof, and the principle of special concessions by Portugal to Spain and Brazil having thus been recognized, the Portuguese Government has decided to grant the citizens, merchandise, and ships of the United States of America the same treatment in Portugal and her possessions as that accorded to the citizens, merchandise, and ships of the most favoured nations on the condition that the subjects, merchandise, and ships of Portugal and of her possessions will likewise be treated in the United States of America in the same manner as those of the most favoured nations.

Taking note of this declaration the undersigned hastens to declare, in the name of the Government of the United States of America, that the subjects, merchandise, and ships of Portugal and of her possessions will be treated in the United States of America in the same manner as those of the most favoured nations.

The undersigned begs His Excellency the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Portugal and of the Algarves to accept the renewed assurances of his highest consideration.

HUNTINGTON WILSON
Acting Secretary of State

WASHINGTON, *June 28, 1910*

His Excellency the Envoy Extraordinary and
Minister Plenipotentiary of His Majesty the
King of Portugal and of the Algarves
etc., etc., etc.

The Acting Secretary of State to the Portuguese Minister

The undersigned, Acting Secretary of State of the United States of America, wishes to place it on record that, his attention having been called, on the occasion of the exchange of notes respecting the reciprocal concession of the most favoured nation treatment to the citizens, merchandise and ships of the two countries, by His Excellency the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Portugal and of the Algarves, to the final protocol annexed to the treaty of commerce recently concluded between Portugal and Germany whereby the names of "Porto" and "Madeira" are recognized as being strictly designations of origin and whereby it is agreed to prevent the sale in the German Empire under these names of wines not originally from the Portuguese districts of Douro and of the island of Madeira, he hastens, in relation to this subject, to declare that the Government of the United States of America will fully exercise the powers vested in it by law in order to protect in the United States of America the names "Porto" and "Madeira"; and that, with this end in view, it will apply strictly laws and rulings forbidding the labelling or branding of wine so as to deceive or mislead the purchaser concerning the nature or the origin of the product.

It is also understood that, should the Congress of the United States act on the recommendation of the President in regard to ship subsidies, the Government of the United States of America will favour the establishment of a subsidized line of steamships plying directly between the United States and Portugal.

The Acting Secretary of State of the United States of America begs His Excellency the Envoy Extraordinary and Minister Plenipotentiary of His

Majesty the King of Portugal and of the Algarves to accept the renewed assurances of his highest consideration.

HUNTINGTON WILSON
Acting Secretary of State

WASHINGTON, *June 28, 1910*

To His Excellency the Envoy Extraordinary and
Minister Plenipotentiary of His Majesty the
King of Portugal and of the Algarves

The Portuguese Minister to the Acting Secretary of State

[TRANSLATION]

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Portugal and of the Algarves, has the honour to acknowledge the receipt of the note of this date by which His Excellency the Acting Secretary of State of the United States of America is good enough to inform him that:

> his attention having been called, on the occasion of the exchange of notes respecting the reciprocal concession of the most favoured nation treatment to the citizens, merchandise and ships of the two countries, to the final protocol annexed to the treaty of commerce recently concluded between Portugal and Germany whereby the names of "Porto" and "Madeira" are recognized as being strictly designations of origin, and whereby it is agreed to prevent the sale in the German Empire under these names of wines not originally from the Portuguese districts of Douro and the island of Madeira, he hastens, in relation to this subject, to declare that the Government of the United States of America will fully exercise the powers vested in it by law in order to protect in the United States of America the names "Porto" and "Madeira", and that, with this end in view, it will apply strictly laws and rulings forbidding the labelling or branding of wine so as to deceive or mislead the purchaser concerning the nature or origin of the product; and that it is also understood that, should the Congress of the United States act on the recommendation of the President in regard to ship subsidies, the Government of the United States of America will favour the establishment of a subsidized line of steamships plying directly between the United States and Portugal.

The undersigned having taken due note, in the name of his Government, of these declarations of the Honourable the Acting Secretary of State of

the United States of America, avails himself of this opportunity in order to convey to His Excellency the renewed assurances of his highest consideration.

VISCOUNT D'ALTE

WASHINGTON, *June 28, 1910*

To His Excellency the Honourable
the Acting Secretary of State of the
United States of America,
etc., etc., etc.

ARBITRATION

Agreement signed at Washington June 28, 1913, extending convention of April 6, 1908
Senate advice and consent to ratification February 21, 1914
Ratified by the President of the United States April 14, 1914
Ratified by Portugal September 26, 1914
Ratifications exchanged at Washington October 24, 1914
Entered into force October 24, 1914; operative from November 14, 1913
Proclaimed by the President of the United States October 27, 1914
Expired November 14, 1918

38 Stat. 1851; Treaty Series 601

The Government of the United States of America and the Government of the Portuguese Republic, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on April 6, 1908,[1] is to remain in force, which period is about to expire, have authorized the undersigned to conclude the following agreement:

Article I

The Convention of Arbitration of April 6, 1908, between the Government of the United States of America and the Government of Portugal, the duration of which by Article III thereof was fixed at a period of five years from the day of the exchange of its ratifications, which period will terminate on November 14, 1913, is hereby extended and continued in force for a further period of five years from November 14, 1913.

Article II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Portuguese Republic, in accordance with the constitutional laws of the Republic, and it shall become effective upon the

[1] TS 514, *ante*, p. 312.

date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Portuguese languages, at Washington this 28th day of June one thousand nine hundred and thirteen.

WILLIAM JENNINGS BRYAN [SEAL]
ALTE [SEAL]

ADVANCEMENT OF PEACE

Treaty signed at Lisbon February 4, 1914
Senate advice and consent to ratification August 13, 1914
Ratified by Portugal September 26, 1914
Ratified by the President of the United States October 21, 1914
Ratifications exchanged at Washington October 24, 1914
Entered into force October 24, 1914
Proclaimed by the President of the United States October 27, 1914
Modified by agreement of November 16, 1915 [1]

38 Stat. 1847; Treaty Series 600

The President of the United States of America and the President of the Portuguese Republic, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America: His Excellency Colonel Thomas H. Birch, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Portuguese Republic;

The President of the Portuguese Republic: His Excellency Dr. António Caetano Macieira Júnior, Minister for Foreign Affairs;

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

Article I

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they

[1] TS 600–A, *post*, p. 334.

agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within six months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

Article IV

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Portuguese Republic in accordance with the constitutional laws of the Republic; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties have given notice to the other of an intention to terminate it.

In witness whereof the respective Plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in duplicate, in the english and portuguese languages, at Lisbon, this 4th day of February one thousand nine hundred and fourteen.

THOS. H. BIRCH [SEAL]
ANTONIO CAETANO MACIEIRA JUNIOR [SEAL]

ADVANCEMENT OF PEACE

Exchange of notes at Washington November 16, 1915, modifying treaty of February 4, 1914
Entered into force November 16, 1915
Expired April 24, 1916

Treaty Series 600–A

The Secretary of State to the Minister of Portugal

DEPARTMENT OF STATE
WASHINGTON, *November 16, 1915*

SIR:

The time specified in the Treaty of February 4, 1914,[1] between the United States and Portugal, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired, without the United States non-national Commissioner, the Portuguese Commissioners and the Joint Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from April 24, 1915 to April 24, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

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

ROBERT LANSING

Viscount DE ALTE
The Minister of Portugal

[1] TS 600, *ante*, p. 331.

The Portuguese Minister to the Secretary of State

LEGAÇÃO DE PORTUGAL
NOS ESTADOS UNIDOS
WASHINGTON, *November 16th, 1915*

SIR:

I have the honour to acknowledge the receipt of your note of today's date suggesting the extension from April 24, 1915, to April 24, 1916, of the time within which the organization of the International Commission provided for in the Treaty of February 4, 1914, between Portugal and the United States looking to the advancement of the general cause of peace, may be completed.

I have the honour to inform you that the Portuguese Government fully concur with the suggestion made by the American Government and that this exchange of notes will be regarded by them as sufficient to give effect to the extension.

I avail myself of this opportunity in order to convey to you, Sir, the renewed assurance of my highest consideration.

ALTE

The Honourable ROBERT LANSING
Secretary of State
etc., etc., etc.

308-582—73——23

ARBITRATION

Agreement signed at Lisbon September 14, 1920, extending convention of April 6, 1908, as extended
Senate advice and consent to ratification March 7, 1921
Ratified by the President of the United States March 22, 1921
Ratified by Portugal September 16, 1921
Ratifications exchanged at Lisbon September 29, 1921
Entered into force September 29, 1921; operative from November 14, 1918
Proclaimed by the President of the United States October 31, 1921
Expired November 14, 1923

42 Stat. 1937; Treaty Series 656

The Government of the United States of America and the Government of the Portuguese Republic, being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on April 6, 1908,[1] extended by the Agreement concluded between the two Governments on June 28, 1913,[2] shall remain in force, have authorized the undersigned, to wit:

The President of the United States of America:
His Excellency Colonel Thomas H. Birch, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Portuguese Republic,

The President of the Portuguese Republic:
His Excellency João Carlos de Melo Barreto, Minister for Foreign Affairs.

to conclude the following Agreement:

ARTICLE I

The Convention of Arbitration of April 6, 1908, between the Government of the United States of America and the Government of Portugal, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications of the said Convention on November 14, 1908, which period, by the Agreement of June 28, 1913, between the two

[1] TS 514, *ante*, p. 312.
[2] TS 601, *ante*, p. 329.

Governments, was extended for five years from November 14, 1913, is hereby renewed and continued in force for a further period of five years from November 14, 1918.

ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Portuguese Republic, in accordance with the constitutional laws of the Republic, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Lisbon as soon as possible.

Done in duplicate, in the english and portuguese languages, at Lisbon, this fourteenth day of September one thousand nine hundred and twenty.

THOS. H. BIRCH
JOÃO CARLOS DE MELLO BARRETO

ARBITRATION

Agreement and exchange of notes signed at Washington September 5, 1923, extending convention of April 6, 1908, as extended
Senate advice and consent to ratification January 7, 1924
Ratified by Portugal February 26, 1926
Ratified by the President of the United States April 8, 1926
Ratifications exchanged at Washington April 16, 1926
Entered into force April 16, 1926; operative from November 14, 1923
Proclaimed by the President of the United States April 16, 1926
Expired November 14, 1928

44 Stat. 2376; Treaty Series 735

AGREEMENT

The Government of the United States of America and the Government of the Portuguese Republic being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on April 6, 1908,[1] and extended by the Agreements concluded between the two Governments on June 28, 1913 [2] and September 14, 1920,[3] shall remain in force, have authorized the undersigned to conclude the following Agreement:

ARTICLE I

The Convention of Arbitration of April 6, 1908, between the Government of the United States of America and the Government of Portugal, the duration of which by Article III of the said Convention was fixed at a period of five years from the date of the exchange of ratifications thereof, which period, by the Agreement of June 28, 1913, between the two Governments, was extended for five years from November 14, 1913, and was further extended for a period of five years from November 14, 1918, by the Agreement concluded by the two Governments on September 14, 1920, is hereby renewed and continued in force for a further period of five years from November 14, 1923.

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[1] TS 514, *ante*, p. 312.
[2] TS 601, *ante*, p. 329.
[3] TS 656, *ante*, p. 336.

ARTICLE II

The present Agreement shall be ratified by the Government of the United States of America and by the Government of the Portuguese Republic in accordance with their respective constitutional methods, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Portuguese languages, at Washington, this 5th day of September one thousand nine hundred and twenty-three.

WILLIAM PHILLIPS [SEAL]
ALTE [SEAL]

EXCHANGE OF NOTES

The Acting Secretary of State to the Portuguese Minister

DEPARTMENT OF STATE
WASHINGTON, *September 5, 1923*

SIR:

In connection with the signing today of an agreement for the renewal of the Convention of Arbitration concluded between the United States and Portugal, April 6, 1908, and renewed from time to time, I have the honor, in pursuance of the note of July 26, 1923, of the Secretary of State, and your note of August 8, 1923, to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On February 24 last the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the Government of the Portuguese Republic will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

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

WILLIAM PHILLIPS
Acting Secretary of State

Viscount D'ALTE,
Minister of Portugal.

The Portuguese Minister to the Acting Secretary of State

[TRANSLATION]

LEGATION OF PORTUGAL TO THE
UNITED STATES

WASHINGTON, *September 5, 1923*

Mr. SECRETARY OF STATE:

Under instructions from His Excellency the Minister for Foreign Affairs of the Portuguese Republic, I have the honour to confirm your understanding of the attitude of the Government of the Republic with reference to the point mentioned in your note of this date and to state that, should the Senate of the United States approve the President's proposal the Government of the Portuguese Republic will be prepared to consider with the United States Government the conclusion of an agreement for the reference to the Permanent Court of International Justice of disputes mentioned in the Arbitration Convention between the two countries.

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

ALTE

His Excellency
WILLIAM PHILLIPS
Acting Secretary of State of
the United States of America
etc., etc., etc.

NARCOTIC DRUGS

Exchange of notes at Lisbon February 11, 1928, and February 22, 1929
Entered into force February 22, 1929

Department of State files

The American Minister to the Minister of Foreign Affairs

AMERICAN LEGATION
LISBON, PORTUGAL
February 11, 1928

No. 696

EXCELLENCY:

I have the honor to inform Your Excellency that my Government being concerned to bring about stricter control of the illicit traffic in narcotic drugs, desires to effect a closer co-operation between the competent administrative officials of the United States and of Portugal.

I, therefore, have the honor to ask that Your Excellency may very kindly help in this by arranging that the appropriate office of the Portuguese Government may exchange directly with the Treasury Department of the United States information and evidence in respect of persons engaged in the illicit traffic of narcotics. This exchange would include such information as photographs, criminal records, finger-prints, Bertillon measurements, description of methods which the persons in question had been found to use, the places from which they have operated, the partners they have worked with, etc., etc.

And also, for the direct and immediate forwarding by letter or cable of information as to suspected movement of narcotic drugs, or of those persons involved in smuggling such drugs where such movements might concern Portugal. And further, for mutual co-operation between Portuguese and American officials in detective and investigation work. Unless such information reaches its destination directly and speedily it is useless.

In case Your Excellency may, as I hope, be disposed to lend your powerful aid to the furthering of such a direct exchange between the competent officials of our two Governments, I have the honor to inform Your Excellency that the official of the Treasury Department who would have charge for the American Government of this co-operation in the suppressing of the illicit

traffic in narcotics, is Colonel L. G. NUTT, whose mail and telegraph address is:

Deputy Commissioner in Charge of Narcotics,
Treasury Department,
Washington, D.C.

If the proposed arrangement meets with the approval of Your Excellency's Government, I have the honor to ask to be informed of the name and designation of the Portuguese official with whom Colonel L. G. Nutt should communicate, which I am instructed by my Government to transmit by telegraph.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

FRED MORRIS DEARING

His Excellency
Dr. BETTENCOURT RODRIGUES
Minister for Foreign Affairs
Lisbon

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

S. d. N. Proc. No. 43
No. 188

LISBON, *February 22, 1929*

MR. MINISTER:

With reference to Your Excellency's Note No. 696 of February 11, 1928, I have the honor to inform Your Excellency that the Portuguese Government has decided with the greatest interest to accept the proposals of the Government of the United States of America, towards making a closer cooperation between the competent administrative authorities of Portugal and of the United States with a view to bringing about stricter control of the traffic in narcotic drugs.

I am only now in a position to bring to Your Excellency the acquiescence of the Portuguese Government to the proposals of the Government of the United States, because the services which it was necessary to organize for the efficient repression of that traffic are only now beginning to function. The Government of the Republic had not realized the necessity for the urgency for organizing those services, because the vice of narcotic drugs and the traffic therein, is practically non-existent in Portugal. It is a service which we organize more to follow the procedure of foreign entities and to cooperate with them, than for our own use, which happily will seldom be applied here. In these circumstances the Portuguese official with whom Colonel L. G. Nutt, Deputy Commissioner in Charge of Narcotics, Treasury Department, Washington, may directly correspond, is, in so far as it refers to the Continent of

Portugal, Professor Raul Lupi Nogueira, Chief Inspector of Pharmaceutical Practice, General Direction of Health, Ministry of the Interior, Lisbon. This official will endeavor in future to secure photographs, finger prints, and other information as requested in Your Excellency's Note under reference.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.

MANUEL CARLOS Q. MEYRELLES

ARBITRATION

Treaty signed at Washington March 1, 1929
Senate advice and consent to ratification May 22, 1929
Ratified by the President of the United States June 4, 1929
Ratified by Portugal August 5, 1929
Ratifications exchanged at Washington October 31, 1929
Entered into force October 31, 1929
Proclaimed by the President of the United States October 31, 1929

46 Stat. 2421; Treaty Series 803

The Government of the United States of America and the Government of the Republic of Portugal

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on April 6, 1908,[1] which expired by limitation on November 14, 1928, and for that purpose they have authorized the undersigned to conclude the following Articles:

Article I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Lisbon, February 4, 1914,[2] and which are justiciable in their nature

[1] TS 514, *ante*, p. 312.
[2] TS 600, *ante*, p. 331.

by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,[3] or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Portugal by the President of the Republic of Portugal after its enactment by law or by Decree with force of law.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Portugal in accordance with the Covenant of the League of Nations.[4]

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the Republic of Portugal after its enactment by law or by Decree with the force of law.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the undersigned have signed this treaty in duplicate in the English and Portuguese languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the first day of March in the year one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
ALTE [SEAL]

[3] TS 536, *ante*, vol. 1, p. 577.
[4] *Ante*, vol. 2, p. 48.

PROSECUTION OF THE WAR

Exchange of notes, agreement, and supplementary exchange of notes signed at Lisbon November 28, 1944
Entered into force November 28, 1944
Terminated June 2, 1946

[For text, see 2 UST 2124; TIAS 2338.]

OPERATION OF AIR TRANSPORT COMMAND THROUGH PORTUGUESE TERRITORY

Exchange of notes at Lisbon March 27, 1945, with text of agreement and annex
Entered into force March 27, 1945
Expired June 30, 1946

Department of State files

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

No. 971 LISBON, *March 27, 1945*

EXCELLENCY:

The Governments of the United States of America and of Portugal, having concluded an Agreement upon the terms for the operation through Portuguese territory in Europe of the Air Transport Command service, I have the honor, acting upon instructions from my Government, to confirm that the enclosed document and annex thereto constitute the above-mentioned Agreement which will take effect immediately upon this exchange of notes between us.

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

EDWARD S. CROCKER

His Excellency
Dr. ANTONIO DE OLIVEIRA SALAZAR
Minister for Foreign Affairs
Lisbon

[AGREEMENT]

Considering the terms of the request of January 25, 1945, whereby the Government of the United States seeks landing rights in Lisbon for A.T.C. aircraft in the European service;

Considering President Roosevelt's decree of 24 October 1944 in which he authorized those (A.T.C.) aircraft to augment its existing service by taking over civil transport under regulations similar to those applicable to

aircraft of private enterprises, for as long a period as these latter enterprises are unable to satisfy the necessities of commercial traffic; and

Considering, on the other hand, the Portuguese Government's pledge to aid, whenever the rendering of aid is possible in the prosecution of the policy it has always defended and supported, activities of relief or reconstruction in areas affected by the war and the reestablishment of economic or other activities disorganized by the war and which are necessary to the rapid restoration of normal peacetime conditions;

The Portuguese Government and the Government of the United States agree on the following:

1. A.T.C. aircraft coming from North America to Europe and returning, for the above ends, are permitted to fly over Portuguese territory on the European continent under the following terms:

1st) In flights over Portuguese territory in Europe planes must land in Lisbon;

2nd) They shall not discharge or load passengers or freight except at the request or with the consent of the Portuguese Government in each case;

3rd) They shall pay those charges established by Portuguese laws and regulations which correspond to the services utilized, on a non-discriminatory basis;

4th) They shall be unarmed and the crews shall be civilian.

2. Notwithstanding the stipulation in the existing agreement relative to the Santa Maria airport, which continues in full force, the Portuguese Government, in view of the very special governmental character of the service entrusted to A.T.C. which is the object of the present agreement, gives its consent during the life of the latter that the aircraft referred to in the preceding article which have to land in the Azores and are intended eventually to form connections through Europe with the orient may by special exception utilize that airport.

3. Recognizing, for the execution of this agreement, the necessity of constructing certain repair shop or spare parts storage facilities, installing certain equipment, or making certain general improvements, the Portuguese Government shall, in the shortest possible time, meet these requirements.

For the utilization of these installations there shall be levied such charges or rents as may be established by the Portuguese Government on a non-discriminatory basis.

For the execution of the work outlined in the first paragraph of this article, the United States Government agrees to render all aid necessary to the Portuguese Government for the acquisition of the required machinery, equipment and materials.

4. The protective services of radio and meteorology shall be Portuguese under the conditions as set forth in the preceding article; the United States

Government agrees to authorize the Portuguese Government to contract such specialized technical personnel as may be considered necessary, both for the installation and subsequent operation of the required equipment.

5. Spare parts and, in general, all material inherent to aircraft will remain in customs bond since they are not for national use.

6. Transit traffic, since it does not leave the zone of customs control, will not be subject to the payment of customs duties; as for police formalities there will be accorded a special system of facilities.

7. The A.T.C. will be authorized to employ its own ground service crews who will be subject to the general airport discipline rules.

8. This accord will remain in force until 30 June 1946 unless the traffic can be turned over to private enterprises before this date.

If the traffic is returned to private enterprise before that date, this accord shall terminate as of date of such return.

LISBON, *March 27, 1945*

ANNEX TO AGREEMENT

In view of the transitory and exceptional nature of this service, the Portuguese Government shall agree with the United States Government to safeguard the security of the equipment furnished, in accordance with its classification, and of the communications which are to be used only for the service of A.T.C. aircraft.

All meteorological data that can be released without prejudice to security will be furnished currently and promptly to the appropriate Portuguese authority.

All communications equipment not of a strictly secret character which has not been already acquired by the Portuguese Government in accordance with Articles 3 and 4 of the Agreement will be turned over to the Portuguese Government upon the termination of this Agreement at a reasonable cost price to be fixed by the two Governments. During the life of this Agreement, Portuguese technicians will be given full instructions with reference to the use and operation of such equipment.

LISBON, *March 27, 1945*

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

LISBON, *March 27, 1945*

MR. CHARGÉ D'AFFAIRES:

The Governments of Portugal and the United States having, pursuant to the request submitted by the latter, concluded an agreement upon the terms on

which the project of the Air Transport Command may be carried out across Portuguese territory in Europe, I inform Your Excellency that, on the part of the Portuguese Government, the above-mentioned agreement is contained in the enclosed document and the note annexed thereto, which are to take effect on the date of the present note and another identical one from Your Excellency in the name of the United States Government.

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

ANTONIO DE OLIVEIRA SALAZAR [SEAL]

Mr. E. S. CROCKER
Chargé d'Affaires ad interim
of the United States of America
Lisbon

[For text of agreement and annex, see U.S. note, above.]

AIR TRANSPORT SERVICES

Agreement, with annex and exchange of notes, signed at Lisbon December 6, 1945
Entered into force December 6, 1945
Annex amended by agreements of June 28, 1947,[1] *November 11, 1952,*[2] *and May 30, 1970* [3]

59 Stat. 1846; Executive Agreement Series 500

Air Transport Agreement Between the United States of America and Portugal

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

Article 1

The contracting parties grant the rights specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date, as established in paragraph (b) of Article 2.

Article 2

(a) Subject to the other provisions of this agreement, each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 7 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airline so designated may be required to qualify before the competent aeronautical authorities of the contracting

[1] TIAS 1656, *post*, p. 362.
[2] 3 UST 5263; TIAS 2722.
[3] 21 UST 2027; TIAS 6946.

party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement.

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

ARTICLE 3

The terms and conditions of operating rights which may have been granted previously by either contracting party to the other contracting party or to an airline of such other contracting party shall not be abrogated by the present agreement, except for any provisions included in the agreement conferring such operating rights which would prevent any airline designated under Article 2 above from operating under the present agreement.

ARTICLE 4

In order to prevent discriminatory practices and to assure equality of treatment, it is agreed that:

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

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 5

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

ARTICLE 6

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

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

ARTICLE 7

Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either party to this agreement, or in case of failure of an airline to comply with the laws of the State over which it operates, as described in Article 6 hereof, or to perform its obligations under this agreement.

ARTICLE 8

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

ARTICLE 9

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

ARTICLE 10

This agreement or any of the rights for air transport services granted thereunder may, without prejudice to Article 3 above, be terminated by either contracting party upon giving one year's notice to the other contracting party.

ARTICLE 11

This agreement including the provisions of the Annex thereto, will come into force on the day it is signed.

Done at Lisbon in duplicate in the English and Portuguese languages, each of which shall be of equal authenticity, this 6th day of December, 1945.

For the Government of the United States of America
HERMAN B. BARUCH [SEAL]

For the Government of Portugal
OLIVEIRA SALAZAR

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND PORTUGAL [4]

A. Airlines of the United States of America authorized under the present agreement are accorded rights of transit and non-traffic stop in Portuguese territory. The right to pick up and discharge international traffic in passengers, cargo and mail at the Azores, Lisbon and Macao is granted on the following routes:

1. United States to the Azores to Lisbon and beyond to (a) London and (b) Barcelona and points beyond; in both directions.
2. United States to Lisbon (the airline operating this route will have the right of non-traffic stop at the Azores) thence to Madrid and points beyond; in both directions.
3. United States via intermediate points in the Pacific to Macao thence to Hong Kong (and/or Canton); in both directions.

B. Airlines of Portugal authorized under the present agreement are accorded rights of transit and non-traffic stop in the territory of the United States, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at New York, on the following route:

1. Lisbon via the Azores and Bermuda to New York; in both directions.

December 6, 1945

EXCHANGE OF NOTES

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
LISBON, *December 6, 1945*

EXCELLENCY:

I have the honor to refer to the Air Transport Agreement between the United States and Portugal which was concluded today and in connection

[4] For amendments to annex see agreements of June 28, 1947 (TIAS 1656, *post*, p. 362), and Nov. 11, 1952 (3 UST 5263; TIAS 2722).

therewith to inform Your Excellency that my Government understands that all American aircraft flying over the territory of metropolitan Portugal will be required to land at Lisbon, unless consent to overfly in special cases has been obtained in advance by the air carrier from the Portuguese Government.

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

HERMAN B. BARUCH

His Excellency
Dr. ANTONIO DE OLIVEIRA SALAZAR
Minister for Foreign Affairs
Lisbon

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

LISBON, *December 6, 1945*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note of this date, communicating to me the following:

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

Taking due note of the communication referred to, I likewise inform Your Excellency that the "national treatment" mentioned in the Agreement which we signed today on air navigation is not to be less favorable than the treatment granted to the most-favored nation, but in a contrary case the treatment which would be most favorable would be applicable to the United States of America.

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

OLIVEIRA SALAZAR

His Excellency
HERMAN BARUCH
etc., etc., etc.

SUPPLIES OF PORTUGUESE COLONIAL SISAL

Exchange of notes at Lisbon, May 17, 1946
Entered into force May 17, 1946; operative June 1, 1946
Expired June 30, 1947

Treaties and Other International
Acts Series 1590

The American Ambassador to the President of the Council of Ministers

EMBASSY OF THE
UNITED STATES OF AMERICA
LISBON, *May 17, 1946*

EXCELLENCY:

I have the honor to transmit to Your Excellency herewith a proposal in accordance with which quantities of Portuguese colonial sisal will be supplied to the United States Government during the period running from June 1, 1946 to June 30, 1947.

This proposal has been agreed upon in the negotiations which have just been concluded between representatives of the Portuguese Government and of the United States Government. Accordingly I have the honor to suggest that if the proposal set forth in the enclosure to the present Note meets with the approval of the Portuguese Government, Your Excellency's reply in that sense, together with my Note, should be regarded as constituting an agreement between our two Governments.

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

HERMAN B. BARUCH

Enclosure:
Proposal, as stated.

His Excellency
Dr. ANTONIO DE OLIVEIRA SALAZAR
President of the Council of Ministers
Lisbon

PROGRAM OF SUPPLIES OF PORTUGUESE COLONIAL SISAL TO THE UNITED STATES GOVERNMENT

1) The Portuguese Government will make available to the United States Government during the thirteen months from June 1, 1946 to June 30,

1947 sisal from the Portuguese colonies of Angola and Mozambique on the following basis, granting export licenses for sisal in accordance therewith:

a) The entire output in both colonies of all plantations at present operated by German or German-affiliates, irrespective of any changes in ownership which may take place during the period of this program. This production (hereinafter referred to as "German-produced sisal") is estimated at approximately 14,000 metric tons for the calendar year 1946. The Portuguese Government will prevent illicit diversion of such sisal during the period of this program;

b) 40% of the total production of the Portuguese (national) producers in Mozambique.

2) The requirements of continental Portugal, set at 3,000 metric tons per annum, will take precedence over any commitment made under the present program.

3) The United States Government confirms the understanding of the Portuguese Government that all sisal procured under this program will be imported into the United States and processed there.

4) The Portuguese Government, through the respective colonial authorities, is willing to take all measures that it considers necessary to ensure maximum production and likewise, through the intermediary of the competent corporative organizations, to take appropriate steps to prevent hoarding which might make difficult the delivery of sisal. It will also similarly cooperate in the endeavor to see to it that the movement of sisal to the United States be as regular and expeditious as possible.

5) The prices to be paid for the sisal made available to the United States under this program shall be on the basis of $220 per metric ton f.o.b. ocean-going vessel Mozambique ports for all sisal produced in that colony and $180 per metric ton f.o.b. ocean-going vessel Angola ports for German-produced sisal in that colony. The foregoing stated dollar prices refer only to the top grade of line sisal. For the various lower grades of sisal the prices paid will be appropriately adjusted so that the already previously established dollar differentials between the respective grades will continue to apply.

6) In conjunction with this program and upon request of the Portuguese authorities, the United States Government will render such assistance as is compatible with its general policies, laws and regulations to the Portuguese Government in obtaining deliveries of equipment and supplies which the Portuguese Government or its nationals, primarily those engaged in the production or delivery of sisal, wish to purchase or have purchased from the United States Government or suppliers in the United States.

7) Detailed commercial arrangements will be made between the Junta de Exportacao in each of the colonies and representatives of the United States Government for the purpose of carrying out the intent of this pro-

gram. These will include any special arrangements by which the transactions in German-produced sisal in both colonies are to be regulated.

8) This program may be modified at any time after March 31, 1947, at the request of either party upon advance notice of 90 days. In the event that agreement with respect to a requested modification cannot be reached within the 90 days' period referred to, the program will lapse upon the expiration of that period.

The President of the Council of Ministers to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
GENERAL ADMINISTRATION OF
ECONOMIC AND CONSULAR AFFAIRS

Proc° 47 (s)
N° 14

LISBON, *May 17, 1946*

MR. AMBASSADOR,

With reference to Your Excellency's note, of today's date, which accompanied the proposal for the furnishing of sisal from the Portuguese Colonies to the Government of the United States during the period to run from June 1, 1946 to June 30, 1947, a proposal concerning which agreement was reached in the negotiations between the representatives of the Portuguese Government and the Government of the United States now concluded, I have the honor to confirm the approval by the Portuguese Government of the aforementioned proposal.

In conformity with this, and in agreement with the suggestion made by Your Excellency in your note, I agree that that note and the present reply, accompanied by the Portuguese text of the proposal, constitute the agreement with respect to this matter arranged between the two Governments.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

A D'O SALAZAR

His Excellency
Mr. HERMAN BARUCH
Ambassador of the United States of America
Lisbon

AIR TRANSIT FACILITIES IN THE AZORES

Exchange of notes at Lisbon May 30, 1946
Entered into force May 30, 1946; operative June 2, 1946
Expired December 2, 1947

[For text, see 2 UST 2201; TIAS 2345.]

SPECIAL TARIFF POSITION OF PHILIPPINES

Exchange of notes at Washington May 18 and August 26, 1946, modifying agreement of June 28, 1910
Entered into force August 26, 1946

61 Stat. 2447; Treaties and Other International Acts Series 1572

The Acting Secretary of State to the Portuguese Ambassador

DEPARTMENT OF STATE
WASHINGTON
May 18, 1946

EXCELLENCY:

With reference to the forthcoming independence of the Philippines on July 4, 1946, my Government considers that provision for a transitional period for dealing with the special tariff position which Philippine products have occupied for many years in the United States is an essential accompaniment to Philippine independence. Accordingly, under the Philippine Trade Act approved April 30, 1946,[1] goods the growth, produce or manufacture of the Philippines will enter the United States free of duty until 1954, after which they will be subject to gradually and regularly increasing rates of duty or decreasing duty-free quotas until 1974 when general rates will become applicable and all preferences will be completely eliminated.

Since the enactment of the Philippine Independence Act approved March 24, 1934,[2] my Government has foreseen the probable necessity of providing for such a transitional period and has since then consistently excepted from most-favored-nation obligations which it has undertaken toward foreign governments advantages which it might continue to accord to Philippine products after the proclamation of Philippine independence. Some thirty instruments in force with other governments, for example, permit the continuation of the exceptional tariff treatment now accorded by my Government to Philippine products, irrespective of the forthcoming change in the Commonwealth's political status.

With a view, therefore, to placing the relations between the United States and Portugal upon the same basis, with respect to the matters involved, as

[1] 60 Stat. 141.
[2] 48 Stat. 456.

the relations existing under the treaties and agreements referred to in the preceding paragraph, I have the honor to propose that the provisions of the Commercial Arrangement between the United States of America and Portugal effected by an exchange of notes signed June 28, 1910,[3] shall not be understood to require the extension to Portugal of advantages accorded by the United States to the Philippines.

In view of the imminence of the inauguration of an independent Philippine Government, I should be glad to have the reply of Your Excellency's Government to this proposal at an early date.

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

DEAN ACHESON
Acting Secretary of State

His Excellency
Dr. JOAO ANTONIO DE BIANCHI
Ambassador of Portugal

The Portuguese Ambassador to the Acting Secretary of State

EMBAIXADA DE PORTUGAL
WASHINGTON
August 26, 1946

Proc. 11
No.—108

SIR:

With reference to Your Excellency's note of 18 May, 1946, I have the honour to inform Your Excellency, under instructions, that the Portuguese Government agrees to the proposal set out in Your Excellency's note quoted above, according to which the provisions of the Commercial Arrangement between Portugal and the United States of America effected by an exchange of notes signed June 28, 1910, shall not be understood to require extension to Portugal of advantages accorded by the United States to the Philippines, during the transitional period covered by the Philippine Trade Act approved April 30, 1946.

I avail myself of this opportunity to convey to you, Sir, the renewed assurances of my highest consideration.

J. BIANCHI

The Honourable DEAN ACHESON
Acting Secretary of State
etc., etc., etc.

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[3] TS 514½, *ante*, p. 324.

AIR TRANSPORT SERVICES

Exchanges of notes at Lisbon June 28, 1947, amending agreement of December 6, 1945
Entered into force June 28, 1947

61 Stat. 3185; Treaties and Other International Acts Series 1656

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
LISBON, *June 28, 1947*

EXCELLENCY:

I have the honor to confirm that it is mutually agreed by the Governments of the United States of America and of Portugal that the Annex to the Air Transport Agreement, between the two Governments, concluded on December 6, 1945,[1] shall be amended to read as follows:

SECTION I

A. Airlines of the United States of America authorized under the present agreement are accorded rights of transit and non-traffic stop in Portuguese territory. The right to pick up and discharge international traffic in passengers, cargo and mail at the Azores, Lisbon and Macao is granted on the following routes via intermediate points in both directions:

1. The United States to the Azores and thence (a) to London and beyond, on a route without stops in the Iberian Peninsula, and (b) to Lisbon and thence (a,) to London and (b,) to Barcelona and points beyond.
2. The United States to Lisbon (the airline operating this route will have the right of non-traffic stop at the Azores) thence to Madrid and points beyond.
3. The United States to the Azores and points beyond to the Union of South Africa.
4. The United States via intermediate points in the Pacific to Macao thence to Hong-Kong (and/or Canton).

In addition to the routes enumerated above, airlines of the United States of America are accorded the right of non-traffic stop at the Azores on trans-

[1] EAS 500, *ante*, p. 351.

Atlantic routes between the United States and the Continent of Europe, including the British Isles, on routes without stops in the Iberian Peninsula.

B. Airlines of Portugal authorized under the present agreement are accorded rights of transit and non-traffic stop in the territory of the United States as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at New York, Boston and Miami on the following routes via intermediate points in both directions:

1. Lisbon via the Azores (a) to Bermuda, New York City and Boston, or (b) to Gander, Boston and New York City.
2. Lisbon via the Azores and Bermuda to Miami and beyond.

SECTION II

The contracting parties agree on the following:

1. That the air transport facilities available to the travelling public should bear a close relationship to the requirements of the public for such transport.
2. There shall be a fair and equal opportunity for the airlines of the two nations to operate on any route between their respective territories covered by the Agreement and this Annex.
3. That, in the operation by the air carriers of either Government of the trunk services described in this Annex, the interest of the air carriers of the other Government shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.
4. It is understood by both Governments that services provided by a designated airline under the Agreement and this Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in this Annex shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity should be related:

(a) To traffic requirements between the country of origin and the countries of destination;

(b) To requirements of through airline operation; and

(c) To the traffic requirements of the area through which the airline passes after taking account of local and regional services.

Accept, Excellency, the assurances of my highest consideration.

JOHN C. WILEY

His Excellency
Dr. JOSÉ CAEIRO DA MATA
Minister of Foreign Affairs
Lisbon

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

LISBON, *June 28, 1947*

MR. AMBASSADOR:

I have the honor to confirm to Your Excellency that it has been mutually agreed between the Governments of Portugal and the United States of America that the Annex to the Air Transport Agreement between the two Governments, signed on December 6, 1945, shall be amended to read as follows:

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

I avail myself of the opportunity to present to Your Excellency the assurances of my highest consideration.

JOSÉ CAEIRO DA MATA

His Excellency
JOHN COOPER WILEY,
Ambassador of the United States of America

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
LISBON, *June 28, 1947*

EXCELLENCY:

It is mutually agreed by the Governments of the United States of America and of Portugal that, in addition to the routes described in the Annex to the Air Transport Agreement between the United States of America and Portugal, dated December 6, 1945, airlines of the United States of America operating on the following route are accorded the rights of transit and non-traffic stop in Portuguese territory:

A. The United States via the East Coast of South America and intermediate points to Johannesburg and Capetown.

It is equally agreed that airlines of Portugal operating on the following route are accorded the rights of transit and non-traffic stop in United States territory:

B. Lisbon, via the Azores and/or Gander to Montreal.

I avail myself of this opportunity to express to Your Excellency the assurances of my high consideration.

JOHN C. WILEY

His Excellency
Dr. JOSÉ CAEIRO DA MATA
Minister of Foreign Affairs
Lisbon

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

LISBON, *June 28, 1947*

MR. AMBASSADOR:

It is mutually agreed between the Governments of Portugal and the United States of America that, in addition to the routes described in the Annex to the Air Transport Agreement between Portugal and the United States of America, signed on December 6, 1945, rights of transit and non-traffic stop in Portuguese territory shall be granted to airlines of the United States which operate the following route:

A. United States via the east coast of South America and intermediate points, to Johannesburg and Capetown.

It is likewise agreed that rights of transit and non-traffic stop in the territory of the United States shall be granted to airlines of Portugal which operate the following route:

B. Lisbon via the Azores and/or Gander to Montreal.

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

JOSÉ CAEIRO DA MATA

His Excellency

JOHN COOPER WILEY

Ambassador of the United States of America

AIR TRANSIT FACILITIES IN THE AZORES

Exchange of notes at Lisbon February 2, 1948
Entered into force February 2, 1948; operative from December 2, 1947
Terminated by agreement of September 6, 1951 [1]

[For text, see 2 UST 2266; TIAS 2351.]

[1] 5 UST 2263; TIAS 3087.

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

Exchange of notes at Lisbon September 28, 1948
Entered into force September 28, 1948
Expired in accordance with its terms

62 Stat. 2845; Treaties and Other International Acts Series 1817

The American Ambassador to the Minister of Foreign Affairs

EXCELLENCY:

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

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany and the Free Territory of Trieste, the Government of Portugal will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Commercial Agreement signed June 28, 1910,[1] or for such time as the Governments of the United States of America and Portugal may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947,[2] the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Commercial Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

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[1] TS 514½, *ante*, p. 324.
[2] TIAS 1700, *ante*, vol. 4, p. 639.

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2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Portugal.

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

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

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

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

LINCOLN MACVEAGH

LISBON, *September 28, 1948*

His Excellency
Dr. JOSÉ CAEIRO DA MATTA
Minister for Foreign Affairs
Lisbon

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[3] Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941–49* (U.S. Government Printing Office, 1950), p. 391.

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

LISBON, *September 28, 1948*

MR. AMBASSADOR:

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

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

I avail myself of the opportunity to renew to Your Excellency, Mr. Ambassdor, the assurances of my highest consideration.

JOSÉ CAEIRO DA MATA

His Excellency
LINCOLN MACVEAGH
Ambassador of the United States of America
at Lisbon, Portugal,
etc., etc., etc.

ECONOMIC COOPERATION

Agreement signed at Lisbon September 28, 1948, with annex
Entered into force September 28, 1948
Amended by agreements of February 14, 1950; [1] *May 17, 1951;* [2] *and March 9 and 18, 1953* [3]

62 Stat. 2856; Treaties and Other International Acts Series 1819

Economic Cooperation Agreement Between the United States of America and Portugal

PREAMBLE

The Governments of the United States of America and Portugal:

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

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

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

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

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[1] 1 UST 169; TIAS 2033.
[2] 2 UST 1298; TIAS 2279.
[3] 4 UST 1437; TIAS 2801.

Considering also that, in furtherance of these principles the Government of the United States of America has enacted the Economic Cooperation Act of 1948,[4] providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

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

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

Have agreed as follows:

ARTICLE I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to cooperate with the Government of Portugal in furthering the purposes set forth in the Preamble by facilitating the acquisition by Portugal of such commodities as it may require from the United States of America in carrying out the joint program for European recovery, and as may be agreed from time to time by the two Governments. This undertaking on the part of the Government of the United States of America is subject to all the terms, conditions and termination provisions of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder.

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

[4] 62 Stat. 137.

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

ARTICLE II

(General Undertakings)

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

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

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

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

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation;

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

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

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

ARTICLE III

(Guaranties)

1. The Governments of the United States of America and Portugal will, upon the request of either Government, consult respecting projects in Portugal proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111(b) (3) of the Economic Cooperation Act of 1948.

2. The Government of Portugal agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any escudos, or credits in escudos, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

ARTICLE IV

(Access to Materials)

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

2. The Government of Portugal, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to

further the objectives of paragraph 1 of this Article in respect of materials originating outside of Portugal.

ARTICLE V

(Travel Arrangements and Relief Supplies)

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

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

ARTICLE VI

(Consultation and Transmittal of Information)

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

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

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

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

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

3. The Government of Portugal will assist the Government of the United States of America to obtain information relating to the materials

originating in Portugal referred to in Article IV which is necessary to the formulation and execution of the arrangements provided for in that Article.

Article VII

(Publicity)

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

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

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

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

Article VIII

(Missions)

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

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

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

ARTICLE IX

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Portugal agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures taken by the Government of the United States of America concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Portugal pursuant to this paragraph is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946.[5]

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

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

4. The provisions of this Article shall be in all respects without prejudice to other rights of access, if any, of either Government, to the International Court of Justice or other arbitral tribunal or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

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[5] TIAS 1598, *ante*, vol. 4, p. 140.

Article X

(Definitions)

As used in this Agreement:

a) Portugal means the Republic of Portugal, (including the Azores Islands and the Madeira Islands), together with dependent areas under its administration, including the Cape Verde Islands, Portuguese Guinea, the fortress of Sao Joao Baptista de Ajuda, Sao Tome and Principe, Angola, Mozambique, Portuguese India (comprising Goa, Damao, Diu), Macao and Portuguese Timor.

b) The term "participating country" means

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

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

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

Article XI

(Entry into Force, Amendment, Duration)

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

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

subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate six months after the date of such notice of intention to terminate; provided, however, that Article IV and paragraph 3 of Article VI shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

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

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

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

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

DONE at Lisbon, in duplicate, in the English and Portuguese languages, both texts authentic, this 28th day of September, 1948.

LINCOLN MACVEAGH [SEAL]
JOSÉ CAEIRO DA MATTA [SEAL]

ANNEX

Interpretative Notes

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

2. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

c) discriminating against particular enterprises;

d) limiting production or fixing production quotas;

e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

f) extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

g) such other practices as the two Governments may agree to include.

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

4. It is understood that the phrase in Article IV "after due regard for the reasonable requirements of Portugal for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article IV might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[6] in the event that stockpiles are liquidated.

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

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

7. It is understood that if the Government of Portugal should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article IX with provisions along the following lines: "It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited

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[6] Unperfected. Art. 32(3) of the Havana Charter reads as follows:

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

by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court."

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

SETTLEMENT OF CERTAIN WAR CLAIMS

Exchange of notes at Washington October 3, 1947, and February 21, May 3 and 20, and August 4, 1949
Entered into force August 4, 1949
Terminated upon payment of claims [1]

[For text, see 3 UST 4914; TIAS 2664.]

[1] Payment of claims authorized and money appropriated by Act of Congress approved Dec. 21, 1950 (64 Stat. 1117). For final settlement, see Whiteman's *Digest of International Law,* vol. 11, p. 209.

Romania

RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

Convention signed at Bucharest June 17, 1881
Senate advice and consent to ratification April 3, 1882
Ratified by the President of the United States April 6, 1882
Ratified by Romania March 4, 1883
Ratifications exchanged at Bucharest June 13, 1883
Entered into force June 13, 1883
Proclaimed by the President of the United States July 9, 1883
Articles XI and XII abrogated by the United States July 1, 1916 [1]
Revived (after World War II) February 26, 1948,[2] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [3]

23 Stat. 711; Treaty Series 297

The United States of America and His Majesty the King of Roumania, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

The United States of America, Eugene Schuyler, their Chargé d'Affaires and Consul General;

His Majesty the King of Roumania: Mr. D. Bratiano, President of His Council of Ministers, His Minister of Foreign Affairs, etc., etc., who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

Article I

Each of the high contracting parties agrees to receive from the other, consuls-general, consuls, vice-consuls and consular agents, in all its ports,

[1] In accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).
[2] *Department of State Bulletin,* Mar. 14, 1948, p. 356.
[3] TIAS 1649, *ante,* vol. 4, p. 403.

cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

Article II

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges, and immunities granted by this convention.

Article III

Consuls-general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions.

This exemption shall not, however, apply to consuls-general, consuls, vice-consuls, or consular agents engaged in any profession, business, or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

Article IV

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul, or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favour, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Roumania in the like cases.

Article V

Consuls-general, consuls, vice-consuls, and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice Consulate, or Consulate Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

Article VI

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

Article VII

In the event of the death, incapacity, or absence of consuls-general, consuls, vice-consuls, and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Article VIII

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports, and places within their consular jurisdiction. These agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles 3 and 4.

Article IX

Consuls-general, consuls, vice-consuls, and consular agents, shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Roumania, of the State, the district or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

Article X

Consuls-general, consuls, vice-consuls, and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls, and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Roumania.

Article XI[4]

The respective consuls-general, consuls, vice-consuls, and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquility and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the consuls and vice-consuls or consular agents, if they are re-

[4] Abrogated by the United States July 1, 1916, in accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).

quested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

Article XII [4]

The respective consuls-general, consuls, vice-consuls, and consular agents may cause to be arrested the officers, sailors, and all other persons making part of the crews, in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they again be arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offense shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

Article XIII

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

Article XIV

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian vessels wrecked

upon the coasts of the United States, shall be directed by the consuls-general, consuls, and vice-consuls of the two countries respectively, and until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property.

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

It is understood that such merchandize is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XV

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls-general, consuls, vice-consuls, and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

Article XVI

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Bucarest as soon as possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Bucarest the 5–17 day of June in the year one thousand eight hundred and eighty one.

EUGENE SCHUYLER [SEAL]
D. BRATIANO [SEAL]

TRADEMARKS

Convention signed at Bucharest March 31, 1906
Senate advice and consent to ratification May 4, 1906
Ratified by the President of the United States May 10, 1906
Ratified by Romania June 20, 1906
Ratifications exchanged at Bucharest June 21, 1906
Proclaimed by the President of the United States June 25, 1906
Entered into force June 25, 1906
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]

34 Stat. 2901; Treaty Series 451

The United States of America and His Majesty the King of Roumania being desirous of securing a complete and effective protection of the manufacturing industry of the citizens and subjects of the two countries, the undersigned, being duly authorized to that effect, have agreed upon the following provisions:

ARTICLE I

The citizens and subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same rights as are given to native citizens or subjects in matters relating to trade-marks.

ARTICLE II

In order to secure to their marks the protection stipulated for by the preceding article, American citizens in the Kingdom of Roumania and Roumanian subjects in the United States of America, must fulfil the formalities prescribed to that effect by the laws and regulations of the country in which the protection is desired.

ARTICLE III

The present Convention shall take effect from the date of its official publication in the two countries and shall remain in force until the expira-

[1] *Department of State Bulletin*, Mar. 4, 1948, p. 356.
[2] TIAS 1649, *ante*, vol. 4, p. 403.

tion of twelve months immediately following a denunciation made by one or the other of the contracting parties.

In witness whereof, the undersigned have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Bucharest, March 18/31, 1906.

J. W. Riddle [seal]
General J. N. Lahovary [seal]

EXTRADITION

Treaty and related note signed at Bucharest July 23, 1924
Senate advice and consent to ratification February 10, 1925
Ratified by Romania February 24, 1925
Ratified by the President of the United States February 26, 1925
Ratifications exchanged at Bucharest April 7, 1925
Entered into force April 7, 1925
Proclaimed by the President of the United States April 14, 1925
Supplemented by treaty of November 10, 1936 [1]
Revived (after World War II) February 26, 1948, [2] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [3]

44 Stat. 2020; Treaty Series 713

Treaty

The United States of America and His Majesty the King of Rumania desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Mr. Peter Augustus Jay, Envoy Extraordinary and Minister Plenipotentiary of the United States in Rumania: and

His Majesty, the King of Rumania, Mr. I. G. Duca, Minister for Foreign Affairs:

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

Article I

It is agreed that the Government of the United States and the Government of Rumania shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present

[1] TS 916, *post*, p. 423.
[2] *Department of State Bulletin*, Mar. 14, 1948, p. 356.
[3] TIAS 1649, *ante*, vol. 4, p. 403.

Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify commitment for trial if the crime or offense had been there committed.

Article II

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

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:

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

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

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

(d) Assault on board ship upon the high seas with intent to do bodily harm.

9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.

13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Rumanian equivalent.

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Rumanian equivalent.

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

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Rumanian equivalent.

19. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Rumanian equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Rumanian equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children.[4]

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such

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[4] For an addition to list of crimes, see supplementary treaty of Nov. 10, 1936 (TS 916), *post*, p. 423.

participation be punishable by imprisonment by the laws of both the High Contracting Parties.

Article III

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

Article IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

Article V

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

Article VI

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

Article VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

Article VIII

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

ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

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

ARTICLE XI

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

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of Government, or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Rumania, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made in accordance with the laws of the country demanded, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Rumania, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

Article XII

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

Article XIII

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place as soon as possible.

Article XIV

The present Treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Bucharest, this twenty-third day of July, nineteen hundred and twenty-four.

Peter A. Jay [seal]
I. G. Duca [seal]

Related Note

The American Minister to the Minister of Foreign Affairs

No. 78 Bucharest, *July 23, 1924*

In signing today with His Excellency Mr. I. G. Duca, the Minister for Foreign Affairs of His Majesty the King of Rumania, the Treaty of Extradition which has been negotiated between the Government of the United States of America and the Royal Rumanian Government, the undersigned, Minister Plenipotentiary and Envoy Extraordinary of the United States of America at Bucharest, provided with full powers from his Government for the conclusion of this Treaty, has the honor to confirm by this Note to the Royal Rumanian Government the assurance that the death penalty will not be enforced against criminals delivered by Rumania to the United States of America for any of the crimes enumerated in the said Treaty, and that such assurance is, in effect, to form part of the Treaty and shall be mentioned in the ratifications of the Treaty.

In order to make this assurance in the most effective manner possible, it is agreed by the Government of the United States that no person charged with crime shall be extraditable from Rumania to the United States, upon whom the death penalty can be inflicted for the offense charged by the laws of the country where the trial is pending.

This agreement on the part of the United States will be mentioned in the ratifications of the Treaty and will, in effect, form part of the Treaty.

Peter A. Jay
American Minister

His Excellency
Mr. I. G. Duca
Minister for Foreign Affairs
of His Majesty the King of
Rumania

DEBT FUNDING

Agreement signed at Washington December 4, 1925
Operative from June 15, 1925
Ratified by Romania March 17, 1926
Approved by Act of Congress of May 3, 1926 [1]
Modified July 1, 1931, by agreement of June 11, 1932 [2]
Revived (after World War II) February 26, 1948,[3] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [4]

Treasury Department print

AGREEMENT,

Made the fourth day of December, 1925, at the City of Washington, District of Columbia, between THE KINGDOM OF RUMANIA, hereinafter called RUMANIA, party of the first part, and THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part

WHEREAS, Rumania is indebted to the United States as of June 15, 1925, upon obligations in the aggregate principal amount of $36,128,494.94, together with interest accrued and unpaid thereon; and

WHEREAS, Rumania desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Rumania upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. *Amount of Indebtedness.* The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Rumania and the credit set out below, is $44,590,000, which has been computed as follows:

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[1] 44 Stat. 385.
[2] *Post*, p. 420.
[3] *Department of State Bulletin*, Mar. 14, 1948, p. 356.
[4] TIAS 1649, *ante*, vol. 4, p. 403.

Principal amount of indebtedness to be funded	$36,128,494.94
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per cent a year	5,365,806.08
Total indebtedness as of December 15, 1922	$41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per cent a year	3,112,072.59
	$44,606,373.61
Credits allowed by War Department for material, together with interest thereon	11,922.07
Total net indebtedness as of June 15, 1925	$44,594,451.54
To be paid in cash upon execution of agreement	4,451.54
Total indebtedness to be funded into bonds	$44,590,000.00

2. *Payment.* In order to provide for the payment of the indebtedness thus to be funded Rumania will issue to the United States at par bonds of Rumania dated June 15, 1925, in the principal amounts and maturing serially on the several dates fixed in the following schedule:

June 15—		June 15—	
1926	$200,000.00	1958	$800,000.00
1927	300,000.00	1959	828,000.00
1928	400,000.00	1960	857,000.00
1929	500,000.00	1961	887,000.00
1930	600,000.00	1962	918,000.00
1931	700,000.00	1963	950,000.00
1932	800,000.00	1964	984,000.00
1933	1,000,000.00	1965	1,018,000.00
1934	1,200,000.00	1966	1,053,000.00
1935	1,400,000.00	1967	1,090,000.00
1936	1,600,000.00	1968	1,129,000.00
1937	1,800,000.00	1969	1,168,000.00
1938	2,000,000.00	1970	1,209,000.00
1939	2,200,000.00	1971	1,252,000.00
1940	430,560.43	1972	1,295,000.00
1941	445,000.00	1973	1,341,000.00
1942	462,000.00	1974	1,387,000.00
1943	478,000.00	1975	1,436,000.00
1944	494,000.00	1976	1,486,000.00
1945	512,000.00	1977	1,539,000.00
1946	529,000.00	1978	1,592,000.00
1947	548,000.00	1979	1,648,000.00
1948	567,000.00	1980	1,706,000.00
1949	587,000.00	1981	1,765,000.00
1950	608,000.00	1982	1,827,000.00
1951	629,000.00	1983	1,891,000.00
1952	651,000.00	1984	1,957,000.00
1953	673,000.00	1985	2,026,000.00
1954	697,000.00	1986	2,097,000.00
1955	722,000.00	1987	2,172,000.00
1956	747,000.00		
1957	773,000.00	Total	$66,560,560.43

PROVIDED, HOWEVER, That Rumania, at its option, upon not less than ninety days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided after June 15,

1939, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Rumania shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. *Form of Bond.* All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Rumania by its Envoy Extraordinary and Minister Plenipotentiary at Washington, or by its other duly authorized representative. The bonds issued for the first fourteen annual payments shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A", shall be issued in fourteen pieces in the principal amounts fixed in the preceding schedule, maturing annually on June 15 of each year up to and including June 15, 1939, and shall not bear interest before maturity. The bonds maturing subsequent to June 15, 1939, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B", and shall be issued in 48 pieces with maturities and in denominations as hereinabove set forth and shall bear interest at the rate of 3½% per annum from June 15, 1939, payable semiannually on June 15 and December 15 of each year until the principal of such bonds shall be paid.

4. *Method of Payment.* All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Rumania, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Rumania on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. *Exemption from Taxation.* The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future,

imposed by or under authority of Rumania or any political or local taxing authority within the Kingdom of Rumania, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania.

6. *Payments before Maturity.* Rumania, at its option, on June 15 or December 15 of any year, upon not less than ninety days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Rumania at the time of the payment.

7. *Exchange for Marketable Obligations.* Rumania will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Rumania will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within thirty days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Rumania, will first offer them to Rumania for purchase at par and accrued interest, if any, and Rumania shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Rumania agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Rumania or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing

of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

8. *Cancellation and Surrender of Obligations.* Upon the execution of this Agreement, the delivery to the United States of the $66,560,560.43 principal amount of bonds of Rumania to be issued hereunder, together with satisfactory evidence of authority for the execution of this Agreement by the representatives of Rumania and for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Rumania at the Treasury of the United States in Washington, the obligations of Rumania held by the United States.

9. *Notices.* Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States, shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Rumania at Washington or at the office of the Ministry of Finance in Rumania; and any notice, request, or election from or by Rumania shall be sufficient if delivered to the American Legation at Bucharest or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. *Compliance with Legal Requirements.* Rumania represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Rumania and in conformity therewith.

11. *Counterparts.* This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF Rumania has caused this Agreement to be executed on its behalf by N. Titulescu, Envoy Extraordinary and Minister Plenipotentiary to his Brittanic Majesty and President of the Rumanian Debt Funding Commission at Washington, thereunto duly authorized, subject, however, to ratification by Rumanian Parliament, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury as Chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the Act of Congress approved February 9, 1922,[5] as amended by

[5] 42 Stat. 363.

the Act of Congress approved February 28, 1923,[6] and as further amended by the Act of Congress approved January 21, 1925,[7] all on the day and the year first above written.

The Kingdom of Rumania
By
N. Titulescu

The United States of America
For the World War Foreign Debt Commission
By
A. W. Mellon
Secretary of the Treasury and
Chairman of the Commission

Approved:
Calvin Coolidge
President

EXHIBIT A

(Form of Bond)

The Kingdom of Rumania

$ No.

The Kingdom of Rumania, hereinafter called Rumania, for value received, promises to pay to the Government of the United States of America, herinafter called the United States, or order, on June 15, 19 , the sum of Dollars ($). This bond is payable in gold coin of the United States of America of the present standard of value, or, at the option of Rumania, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within Rumania, whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania. This bond is payable at the Treasury of the United States in Washington, D.C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an Agreement dated December 4, 1925, between Rumania and the United States, to which Agreement this bond is subject and to which reference is hereby made.

IN WITNESS WHEREOF, Rumania has caused this bond to be executed in its behalf by its
at the City of Washington, District of Columbia, thereunto duly authorized, as of June 15, 1925.

The Kingdom of Rumania
By

[6] 42 Stat. 1325.
[7] 43 Stat. 763.

EXHIBIT B

(Form of Bond)

THE KINGDOM OF RUMANIA

$ No.

The Kingdom of Rumania, hereinafter called Rumania, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19 , the sum of Dollars ($), and to pay interest upon said principal sum from June 15, 1939, at the rate of 3½% per annum, payable semiannually on the 15th day of December and June in each year, until the principal hereof has been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Rumania, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within the Kingdom of Rumania, whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D.C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an Agreement dated December 4, 1925, between Rumania and the United States, to which Agreement this bond is subject and to which reference is hereby made.

IN WITNESS WHEREOF, Rumania has caused this bond to be executed in its behalf by its
at the City of Washington, District of Columbia, thereunto duly authorized, as of June 15, 1925.

THE KINGDOM OF RUMANIA
By

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Bucharest February 26, 1926
Entered into force February 26, 1926
Terminated September 1, 1930 [1]

Treaty Series 733

The American Minister to the Minister of Foreign Affairs

AMERICAN LEGATION
BUCHAREST, RUMANIA
February 26, 1926

No. 16

MR. MINISTER:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Bucharest on behalf of the Government of the United States and the Government of Rumania with reference to the treatment which the United States shall accord to the commerce of Rumania and which Rumania shall accord to the commerce of the United States.

These conversations have disclosed a mutual understanding between the two Governments which is that in respect of import and export duties and other duties and charges affecting commerce, as well as in respect of transit, warehousing and other facilities, and the treatment of commercial travelers' samples, the United States will accord to Rumania, and Rumania will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports and exports, each country, so far as it at any time maintains such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

It is understood that

No higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the

[1] Pursuant to notice of termination given by Romania June 30, 1930. (Romania gave notice of termination Nov. 29, 1929, but in notes dated Feb. 24, Apr. 17, and June 30, 1930, asked for continuation first until May 1, then until July 1, and finally until Sept. 1, 1930.)

produce or manufacture of Rumania than are or shall be payable on like articles the produce or manufacture of any foreign country;

No higher or other duties shall be imposed on the importation into or disposition in Rumania of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country;

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

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Rumania, by law, proclamation, decree or commercial treaty or agreement, to the products of any third country will become immediately applicable without request and without compensation to the commerce of Rumania and of the United States and its territories and possessions, respectively;

Provided that this understanding does not relate to

(1) The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions or to the commerce of its territories or possessions with one another.

(2) Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The present arrangement shall become operative on the day of signature, and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

I shall be glad to have your confirmation of the accord thus reached.

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

W. S. CULBERTSON

His Excellency
MR. I. G. DUCA
Minister for Foreign Affairs, Bucharest

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTER FOR FOREIGN AFFAIRES
No. 12006

BUCHAREST, *February 26, 1926*

MR. MINISTER:

I have the honor to send you the following statement concerning the agreement reached through recent conversations held at Bucharest on behalf of the Government of the United States and the Government of Rumania with reference to the treatment which the United States shall accord to the commerce of Rumania and which Rumania shall accord to the commerce of the United States.

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

I shall be glad to have your confirmation of the accord thus reached.

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

I. G. DUCA
Minister

His Excellency
Monsieur WILLIAM SMITH CULBERTSON
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America

ARBITRATION

Treaty signed at Washington March 21, 1929
Senate advice and consent to ratification May 22, 1929
Ratified by the President of the United States June 4, 1929
Ratified by Romania June 20, 1929
Ratifications exchanged at Washington July 22, 1929
Entered into force July 22, 1929
Proclaimed by the President of the United States July 22, 1929
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]

46 Stat. 2336; Treaty Series 794

The President of the United States of America and His Majesty the King of Rumania

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Rumania:

Mr. Georges Cretziano, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

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[1] *Department of State Bulletin,* Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante,* vol. 4, p. 403.

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,[3] or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Rumania in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(*a*) is within the domestic jurisdiction of either of the High Contracting Parties,

(*b*) involves the interests of third Parties,

(*c*) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(*d*) depends upon or involves the observance of the obligations of Rumania in accordance with the Covenant of the League of Nations.[4]

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Rumania in accordance with the Constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It

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[3] TS 536, *ante*, vol. 1, p. 577.

[4] *Ante*, vol. 2, p. 48.

shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of March one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
G. CRETZIANO [SEAL]

CONCILIATION

Treaty signed at Washington March 21, 1929
Senate advice and consent to ratification May 22, 1929
Ratified by the President of the United States June 4, 1929
Ratified by Romania June 20, 1929
Ratifications exchanged at Washington July 22, 1929
Entered into force July 22, 1929
Proclaimed by the President of the United States July 22, 1929
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]

46 Stat. 2339; Treaty Series 795

The President of the United States of America and His Majesty the King of Rumania,

Being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Rumania:

Mr. Georges Cretziano, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

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

Article I

Any disputes arising between the Government of the United States of America and the Government of Rumania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High

[1] *Department of State Bulletin*, Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante*, vol. 4, p. 403.

Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

Article IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Rumania in accordance with the provisions of the Rumanian Constitution.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of March, one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
G. CRETZIANO [SEAL]

NARCOTIC DRUGS

Exchange of notes at Bucharest February 4, 1928, and April 17, 1929
Entered into force April 17, 1929
Revived (after World War II) February 26, 1948,[1] pursuant to article 10 of treaty of peace signed at Paris February 10, 1947 [2]

Department of State files

The American Minister to the Minister of Foreign Affairs

[TRANSLATION]

No. 11 BUCHAREST, *February 4, 1928*

MR. MINISTER:

In an endeavor to bring about stricter control of the illicit traffic in narcotic drugs, the Treasury Department of the United States of America would like to establish closer cooperation between the appropriate administrative officials of my country and those of Rumania. Upon the request of the Treasury Department I have been directed by my Government to transmit to you, for consideration and approval of the Royal Government, the following proposals:

1. The direct exchange between the Treasury Department and the appropriate authorities of Rumania of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc.

2. The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern the other country. Unless such information as this reaches its destination directly and speedily it is useless.

3. Mutual cooperation in detective and investigating work.

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[1] *Department of State Bulletin,* Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante,* vol. 4, p. 403.

The officer of the Treasury Department who would have charge, on behalf of my Government, of the cooperation in the suppression of the illicit traffic in narcotics is Colonel L. G. Nutt, whose mail and telegraph address is Deputy Commissioner in Charge of Narcotics, Treasury Department, Washington, D.C.

In case the proposed arrangement meets with the approval of the Royal Government, I have been instructed by my Government to report by telegram, giving the name and the title of the Rumanian Government official with whom Colonel Nutt should communicate. I have the honor, therefore, to request Your Excellency to kindly send me as soon as possible the reply of the Royal Government to the above proposals of the Government of the United States.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

W. S. Culbertson
Minister of the United States of America

His Excellency
Mr. Ion G. Duca
Minister for Foreign Affaires, ad interim
Etc., Etc., Etc.
Bucharest

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
No. 22683

Bucharest, *April 17, 1929*

Mr. Minister,

Referring to Note No. 38 of March 12th, which Your Excellency was so kind as to send me, I have the honor to inform you that the Royal Government fully shares the point of view of the Treasury Department of the United States of America as to the necessity of a stricter control of harmful drugs by means of the establishment of closer relations between the administrative authorities of the two countries by facilitating the exchange of information concerning such illegal trafficking.

The Direction of Public Security (La Direction Générale de la Sûreté de l'Etat) has been directed, therefore, to transmit directly to Colonel L. G. Nutt of the Treasury Department all information and facts which it possesses concerning the question of narcotics in Rumania and to cooperate with the

American administrative authorities with the view to curtailing the illegal operations of those who traffic in drugs.

For the Minister,
G. Gafencu

His Excellency
Mr. Charles Wilson
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America

COMMERCE: MOST-FAVORED-NATION TREATMENT

Provisional agreement signed at Bucharest August 20, 1930
Entered into force September 1, 1930
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]
Terminated July 27, 1951 [3]

47 Stat. 2593; Executive Agreement Series 8

Provisional Commercial Agreement Between the United States of America and Rumania

[translation]

The Undersigned,

Mr. Charles S. Wilson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Rumania, and Mr. Al. Vaida-Voevod, Minister for Foreign Affairs ad interim of Rumania, desiring to confirm and make a record of the understanding which they have reached in the course of recent conversations in the names of their respective Governments with reference to the treatment which the United States shall accord to the commerce of Rumania and which Rumania shall accord to the commerce of the United States, have signed this Provisional Agreement:

Article I

The nationals and enterprises having juridical personality, of each of the two countries, shall enjoy in the territory of the other for their persons and for their property, the most-favored-nation treatment in everything concerning establishment, the exercise of their commerce or industry, as well as concerning taxes and other charges.

The natural or manufactured products of each country, in everything concerning importation, exportation, warehousing, transportation, transit, and in general all sorts of commercial operations, shall also enjoy in the

[1] *Department of State Bulletin,* Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante,* vol. 4, p. 403.
[3] Pursuant to notice of termination given by the United States June 27, 1951.

territories of the other country the treatment accorded the most favored nation. Likewise, the vessels of each country in everything concerning navigation in the ports and territorial waters of the other country, shall enjoy most-favored-nation treatment.

Consequently each of the two High Contracting Parties undertakes to extend to the other, immediately and without compensation, every favor, privilege, or decrease in duties which it has already extended, or which it may in the future extend, in any of the respects mentioned, to any third Power.

Article II

The most-favored-nation treatment shall apply also to the amount and the collection of import duties and other duties, as well as to the customs formalities and their application, to procedure, to the conditions of payment of customs duties and other duties, to the classification of goods, to the interpretation of customs tariffs and to the methods of analysis of goods.

Article III

The High Contracting Parties will reciprocally grant most-favored-nation treatment in the matter of prohibitions and restrictions of imports and exports.

Article IV

The most-favored-nation treatment is not applicable in cases which concern:

(*a*) Special favors which have been, or shall be granted to bordering countries to facilitate frontier traffic.

(*b*) The special system of importation intended to facilitate the financial settlements arising from the war of 1914–1918.

(*c*) The rights and privileges accorded or which shall be accorded in the future to one or more bordering states in economic or customs union with either contracting party.

(*d*) The stipulations of this agreement do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded between the United States and Cuba on December 11, 1902,[4] or the provisions of any other commercial convention which hereafter may be concluded between the United States and Cuba. Such stipulations, moreover, do not extend to the treatment which is accorded to the commerce between the United States and the Panama Canal Zone or any other dependency of the United States, or to the commerce of the dependencies of the United States with one another under existing or future laws.

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[4] TS 427, *ante*, vol. 6, p. 1106, CUBA.

(*e*) Nothing in this agreement shall be construed as a limitation of the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

ARTICLE V

The present agreement shall enter into force on September first, 1930, and unless sooner terminated by mutual agreement shall continue in force for six months and thereafter until thirty days after notice of its termination shall have been given by either party. Should either Government be prevented by future action of its Legislature from carrying out the terms of this agreement, the obligations thereof shall thereupon lapse.

Signed at Bucharest this 20th day of August, nineteen hundred and thirty.

CHARLES S. WILSON [SEAL]
ALEX. VAIDA VOEVOD [SEAL]

DEBT FUNDING

Agreement signed at Washington June 11, 1932, modifying agreement of December 4, 1925
Operative from July 1, 1931
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]

Treasury Department print

AGREEMENT,

Made the 11th day of June, 1932, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE KINGDOM OF RUMANIA, hereinafter called RUMANIA, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part

WHEREAS, under the terms of the debt funding agreement between Rumania and the United States, dated December 4, 1925,[3] there is payable by Rumania to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Rumania to the United States, the principal amount of $800,000; and

WHEREAS, a Joint Resolution of the Congress of the United States, approved December 23, 1931,[4] authorizes the Secretary of the Treasury, with the approval of the President, to make on behalf of the United States an agreement with Rumania on the terms hereinafter set forth, to postpone the payment of the amount payable by Rumania to the United States during such year in respect of its bonded indebtedness to the United States; and

WHEREAS, Rumania hereby gives assurance to the satisfaction of the President of the United States, of the willingness and readiness of Rumania to make with the Government of each country indebted to Rumania in respect of war, relief, or reparation debts, an agreement in respect of the payment of the amount or amounts payable to Rumania with respect to such debt or debts during such fiscal year, substantially similar to this Agreement authorized by the Joint Resolution above mentioned;

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[1] *Department of State Bulletin,* Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante,* vol. 4, p. 403.
[3] *Ante,* p. 398.
[4] 47 Stat. 3.

Now, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Payment of the amount of $800,000, payable by Rumania to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Rumania to the United States, according to the terms of the agreement of December 4, 1925, above mentioned, is hereby postponed so that such amount, together with interest thereon at the rate of 4 per centum per annum from July 1, 1933, shall be paid by Rumania to the United States in ten equal annuities of $97,500.16 each, payable in twenty equal installments, the first to be paid on January 2, 1934, the second on June 15, 1934, and the remainder to be paid successively on December 15 and June 15 of each fiscal year beginning with the fiscal year beginning July 1, 1934 and ending June 30, 1935, and concluding with the fiscal year beginning July 1, 1942 and ending June 30, 1943. The bond numbered 7 dated June 15, 1925 and maturing June 15, 1932, in the principal amount of $800,000 delivered by Rumania to the United States under the agreement of December 4, 1925, shall be retained by the United States until the annuities due under this Agreement shall have been paid.

2. Except so far as otherwise expressly provided in this Agreement, payments of annuities under this Agreement shall be subject to the same terms and conditions as payments under the agreement of December 4, 1925, above mentioned. The proviso in paragraph 2 of such agreement, authorizing the postponement of payments on account of principal, after June 15, 1939 and the option of Rumania provided for in paragraph 4, to pay in obligations of the United States, shall not apply to annuities payable under this Agreement.

3. The agreement of December 4, 1925, between Rumania and the United States, above mentioned, shall remain in all respects in full force and effect except so far as expressly modified by this Agreement.

4. Rumania and the United States, each for itself, represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Rumania and the United States, respectively, and in conformity therewith.

5. This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF, Rumania has caused this Agreement to be executed on its behalf by its Envoy Extraordinary and Minister Plenipotentiary at Washington, thereunto duly authorized, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of the President, pursuant to a Joint Reso-

lution of Congress approved December 23, 1931, all on the day and year first above written.

The Kingdom of Rumania
By
DAVILA
Envoy Extraordinary and Minister Plenipotentiary

The United States of America
By
OGDEN L. MILLS
Secretary of the Treasury

Approved:
HERBERT HOOVER
President

EXTRADITION

Treaty signed at Bucharest November 10, 1936, supplementing treaty of July 23, 1924
Senate advice and consent to ratification April 27, 1937
Ratified by the President of the United States May 19, 1937
Ratified by Romania July 7, 1937
Ratifications exchanged at Bucharest July 27, 1937
Entered into force July 27, 1937
Proclaimed by the President of the United States July 30, 1937
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]

50 Stat. 1349; Treaty Series 916

The United States of America and The Kingdom of Rumania judging it necessary to conclude an additional treaty to the treaty of extradition signed at Bucharest on July 23, 1924,[3] to complete the cases in which extradition is granted between the two States, have appointed for this purpose as plenipotentiaries as follows:

The President of the United States of America:
Mr. Leland Harrison, Envoy Extraordinary and Minister Plenipotentiary of the United States in Rumania; and

His Majesty The King of Rumania:
Mr. Victor Badulescu, Under Secretary for Foreign Affairs;

Who, after having exchanged their credentials, recognized in due and good form, have agreed to the following provisions:

ARTICLE I

The crimes and offenses which follow are added to Article II of the above mentioned treaty, for which extradition may be granted, that is:

24. Crimes and offenses against the bankruptcy laws.

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[1] *Department of State Bulletin*, Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante*, vol. 4, p. 403.
[3] TS 713, *ante*, p. 391.

ARTICLE II

The present treaty will be considered as forming an integral part of the treaty of July 23, 1924, and, consequently, the list in Article II shall be so completed that point 24 of the principal treaty shall become point 25.

ARTICLE III

The present treaty shall be ratified by the High Contracting Parties according to their respective constitutional provisions and will come into force on the day of exchange of ratifications, which will take place at Bucharest as soon as possible.

ARTICLE IV

The present treaty will be in force for the duration of enforcement of the treaty of July 23, 1924, and their application will cease at the same time.

In witness whereof the above-named plenipotentiaries have signed the present treaty, drawn up in the English language and in the French language, and have hereunto affixed their seals.

Done in duplicate, at Bucharest, the tenth day of the month of November 1936.

LELAND HARRISON [SEAL]
VICTOR BADULESCU [SEAL]

REDUCTION OF VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Washington August 25, 29, and 30, 1939
Operative September 1, 1939
Revived (after World War II) February 26, 1948,[1] *pursuant to article 10 of treaty of peace signed at Paris February 10, 1947* [2]
Superseded by agreement of April 25, 1969 [3]

54 Stat. 2487; Executive Agreement Series 197

The Romanian Minister to the Secretary of State

ROYAL LEGATION OF ROMANIA
Washington, D. C.

The Minister of Romania presents his compliments to the Honorable the Secretary of State, and, with reference to the Secretary's note of March 18, 1939 (No. 811.11101 Waivers 71), has the honor to advise him that the Romanian Government agrees to the reciprocal reduction of the present passport visa fees, under the following conditions:

The fee for the issuance of a passport visa, valid for a period of one year and for an unlimited number of entries, is reciprocally established by the Romanian Government and the Government of the United States at $3.75, the application fee being included in this sum; this fee or its equivalent in other currency is to be collected in the cases of nationals of either Government, including citizens of the Philippine Islands, entering the territory of the other, including the Philippine Islands, temporarily for business or pleasure.

The Romanian Government further agrees that the new fees go into effect on September 1, 1939, after which date they are to remain in force until the agreement should be terminated by either Government, upon six months' notice to the other.

August 25, 1939.

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[1] *Department of State Bulletin*, Mar. 14, 1948, p. 356.
[2] TIAS 1649, *ante*, vol. 4, p. 403.
[3] 20 UST 699; TIAS 6677.

The Secretary of State to the Romanian Minister

The Secretary of State presents his compliments to the Honorable the Minister of Rumania and has the honor to refer to his note no. 3021/C–110 of August 25, 1939 and previous correspondence concerning the reduction of fees for nonimmigrant visas issued to citizens of the United States and Rumania.

The Department is pleased to note that the Government of Rumania agrees to the reciprocal reduction of passport visa fees under the following conditions, to which the Government of the United States also agrees:

"The fee for the issuance of a passport visa, valid for a period of one year and for an unlimited number of entries, is reciprocally established by the Romanian Government and the Government of the United States at $3.75, the application fee being included in this sum; this fee or its equivalent in other currency is to be collected in the cases of nationals of either Government, including citizens of the Philippine Islands, entering the territory of the other, including the Philippine Islands, temporarily for business or pleasure.

"The Romanian Government further agrees that the new fees go into effect on September 1, 1939, after which date they are to remain in force until the agreement should be terminated by either Government, upon six months' notice to the other."

American diplomatic and consular officers are being appropriately informed by cable regarding the conclusion of this agreement in order that it may take effect beginning September 1, 1939.

Although it is noted that no reference is made in the Legation's note to transit visas, it is the Department's understanding that the Rumanian Government will continue to collect a fee of 34 Lei for the application for a transit visa and 34 Lei for the issuance of such a visa. American diplomatic and consular officers will continue to issue transit certificates to citizens of Rumania without fee.

Department of State
Washington, *August 29, 1939*

The Romanian Minister to the Secretary of State

Royal Legation of Romania
Washington, D. C.

The Romanian Minister presents his compliments to The Honorable, The Secretary of State, and has the honor to acknowledge receipt of his note No.

811.11101 Waivers 71, of August 29, 1939, concerning the reduction of non-immigrant visa fees, with which the Romanian Government is in complete accord.

August 30, 1939.

WAR GRAVES REGISTRATION AND ASSOCIATED MATTERS

Exchange of notes at Bucharest June 19 and 28, 1946
Entered into force June 28, 1946

61 Stat. 4042; Treaties and Other International Acts Series 1796

The American Representative in Romania to the Minister of Foreign Affairs

THE UNITED STATES MISSION
BUCHAREST, RUMANIA

JUNE 19, 1946

SIR:

My Government desires to conclude with your Government a bilateral agreement upon war graves registration and associated matters. I am attaching a suggested text of such an agreement upon which I shall appreciate your comments. If you find this text acceptable, I suggest that the agreement can be concluded by an exchange of notes.

I desire to emphasize that it is now the intention of my Government to arrange only for the right of temporary burial, and that permanent arrangements now in existence or contemplated with regard to the establishment of cemeteries will be cancelled under instructions sent to the United States Military Representative by the United States War Department.

I shall be grateful if this matter is given your prompt consideration.

Very truly yours,

BURTON Y. BERRY
Representative of the United States
In Rumania

His Excellency
GHEORGHE TATARESCU
The Royal Minister
For Foreign Affairs

[SUGGESTED TEXT OF AGREEMENT]

"The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the United States and/or who served or

who accompanied the Armed Forces of the United States and are now buried in Rumania or any possession or territory now or hereafter subject to the control of the Rumanian Government.

"1. The United States, through its duly designated representatives shall have the following rights, privileges and prerogatives:

"A. The Government of the United States shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into other cemeteries abroad; and may move bodies from other countries into and/or through Rumania and its territories and possessions for interment and/or trans-shipment.

"B. The Government of the United States shall be exempt from all national, local or other laws and/or regulations relating to the permits for disinterments; sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health; and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of graves.

"C. The Government of the United States shall have the right of free entrance and exit for all personnel, supplies, transportation (air, mail, animal, motor, and water) serving or belonging to the United States and the use of air fields or port facilities, warehousing, living quarters, office space, rail and water transportation and the right to employ labor in Rumania, its territory and possessions, essential to the accomplishment of its mission upon payment of just compensation therefor.

"D. The Government of the United States shall have the unrestricted rights of search for the remains of members of its Armed Forces and/or its citizens.

"E. The Government of the United States shall have the unrestricted right to examine and copy all records, military or civilian, which may be of assistance in locating the graves, or identifying the remains of its deceased military or civilian personnel.

"F. The Government of the United States shall have the right to question and examine citizens of Rumania and to take affidavits in furtherance of its search for, and identification of remains of members of its Armed Forces and/or its citizens.

"2. The Government of Rumania will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the United States, and upon demand and the furnishing of a proper receipt will turn over to representatives of the United States all effects so located and secured.

"3. If in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Rumania, the Rumanian

Government will exercise its power of eminent domain to acquire title to such sites and grant to the United States the right to use therein in perpetuity upon payment by the United States of just compensation therefor. Any sites acquired including improvements thereto and buildings constructed thereon shall be exempt from any and all form of taxation, direct or indirect. The provisions of paragraphs 1A, B and C will apply for the period of the agreement, [to] the construction and maintenance of such permanent cemeteries and memorials as may be desired."

The Secretary General of the Ministry for Foreign Affairs to the American Representative in Romania

[TRANSLATION]

ROYAL MINISTRY
FOR FOREIGN AFFAIRS

No. 24.152 BUCHAREST, *June 28, 1946*

SIR:

I have the honor to acknowledge the receipt of your letter of June 19 and of the following text proposed by you for a bilateral agreement with regard to war graves and matters relating to these graves:

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

In answer to this letter I have the honor to inform you that the Rumanian Government accepts your proposal, that it hereby considers the bilateral agreement proposed in the foregoing terms, as definitively concluded and that it will take immediate steps for its application by its authorities in agreement with the delegate or delegates designated by you.

Very sincerely yours

B. STOICA
Ambassador
Secretary General of the
Ministry of Foreign Affairs

His Excellency
BURTON Y. BERRY
Representative of the United States in Rumania

RELIEF ASSISTANCE

Exchanges of notes at Washington February 18 and 24, 1947, and at Bucharest February 20 and 22, 1947
Entered into force February 22, 1947
Terminated upon fulfillment of its terms

Department of State files

The Secretary of State to the Romanian Minister

FEBRUARY 18, 1947

The Secretary of State presents his compliments to the Honorable the Minister of Rumania, and, with reference to recent conversations between the Minister and various officials of the United States Government concerning emergency famine conditions in Rumania, has the honor to transmit herewith a copy of a statement which has been released to the press by the President of the United States.

The United States representative in Bucharest is being instructed to inform the Rumanian Government of this action and to request that, in view of the urgency of the matter, the Rumanian Government furnish the assurances desired by the United States Government within forty-eight hours. The nature of the assurances the United States seeks, some of which have already been made known to the Minister orally, may be recapitulated as follows:

In the first instance, the United States Government wishes an expression of the willingness of the Rumanian Government to furnish to the Rumanian Red Cross such facilities and assistance as that organization will require in effecting the immediate handling and distribution, under supervision of the American Red Cross, of 4,500 tons of rations and 2,500 tons of beans to the starving people of Moldavia without delay and without political, racial, social, or religious discrimination. Secondly, with regard to allocations of cereal grains for purchase by Rumania and in order that such allocations, as well as remaining indigenous food, may be utilized effectively to prevent the recurrence of the present emergency situation, the United States Government requests that it be assured, with equal urgency, that so long as the existing famine continues:

308-582—73——29

1) Rumania will not employ any grain for the payment of reparations.

2) Rumania will not export or permit the export of any grain from Rumania for the repayment of grain loans from other countries, for trade purposes, or for any other reasons.

3) United States representatives in Rumania will be free to observe, in such manner as they see fit, the distribution within Rumania of grain from United States sources, which distribution will likewise be effected without political, racial, religious, or social discrimination, and

4) any seed grains from United States sources shall be used for their intended purpose within Rumania.

If these assurances are forthcoming, the United States contemplates supplementing the allocations of 17,000 tons of corn and 24,500 tons of seed grains already granted by the International Emergency Food Council for March with additional quantities of 17,000 tons monthly of corn in succeeding months until conditions in Rumania ameliorate.

DEPARTMENT OF STATE,
WASHINGTON, *February 18, 1947*

The Romanian Minister to the Secretary of State

ROYAL LEGATION OF ROMANIA
Washington, D.C.

The Minister of Romania presents his compliments to the Honorable Secretary of State and, with reference to recent conversations between the Minister and various officials of the United States Government, concerning famine emergency conditions in Romania, and in answer to the State Department's note of February 18, 1947, has the honor to inform the Honorable Secretary of State that he has been authorized to transmit Him the assurances desired by the Government of the United States of America to be granted by the Royal Romanian Government.

These assurances run as follows:

1. Romania undertakes not to export or allow any quantity of grain to be exported from Romania for the payment of reparations or loans in grain made in any other country, for trade or any other purposes, as long as the existing famine conditions continue.

2. The Romanian Government will supply the representatives of the United States in Romania with all statistical data and information concerning the distribution of the grain sent by the United States, as well as with a daily situation of this distribution, on the basis of a procedure established by common agreement.

The distribution of the grain will be carried out without any political, social, racial or religious discrimination.

3. All grain seed sent by the United States will be used within Romania.

4. In order to obtain the credits required for the purchase of grain and to settle definitively all claims on German gold made by any countries concerned, the Romanian Government agrees to hand over to the United States, as mandatory of the aforesaid countries, the quantity of fifteen thousand kilograms of gold of German origin.

The Minister of Romania avails himself of this opportunity to renew to the Honorable the Secretary of State the expression of His highest consideration.

WASHINGTON D.C., *February 24, 1947*

The American Mission to the Ministry for Foreign Affairs

THE UNITED STATES MISSION
BUCHAREST, RUMANIA

FEBRUARY 20, 1947

The United States Mission presents its compliments to the Royal Ministry for Foreign Affairs and has the honor to refer to recent conversations between the Rumanian Minister at Washington and various officials of the United States Government concerning emergency famine conditions in Rumania and to transmit a copy of the statement released to the press by the President of the United States.

The Mission has been instructed to inform the Rumanian Government of the action taken by the President of the United States and to request that, in view of the urgency in the matter, the Rumanian Government furnish the assurances desired by the United States Government within 48 hours.

The nature of the assurances which the American Government seeks may be recapitulated as follows:

Firstly, the United States Government wishes an expression of the willingness of the Rumanian Government to furnish to the Rumanian Red Cross such facilities and assistance as that organization will require in effecting the immediate handling and distribution under the supervision of the American Red Cross, of 4,500 tons of rations and 2,500 tons of beans to the starving people of Moldavia without delay and without political, racial, social or religious discrimination.

Secondly, with reference to cereal grain allocations for purchase by Rumania and in order that such allocations, as well as remaining indigenous food, may be utilized effectively to prevent the recurrence of the present emer-

gency situation, the United States Government requests that it be assured, with equal urgency, that, so long as the existing famine continues

(1) Rumania will not employ any grain for the payment of reparations;

(2) Rumania will not export or permit the export of any grain from Rumania for the repayment of grain loans from other countries, for trade purposes, or for any other reason;

(3) United States representatives in Rumania will be free to observe, in such manner as they see fit, the distribution within Rumania of grain from United States sources, which distribution will likewise be effected without political, racial, religious or social discrimination, and

(4) Any seed grain from United States sources shall be used for their intended purposes within Rumania.

If these assurances are forthcoming, the United States contemplates supplementing the allocations of 17,000 tons of corn and 24,500 tons of seed grains already granted by the International Emergency Food Council for March with additional quantities of 17,000 tons monthly of corn in succeeding months until conditions in Rumania are ameliorated.

THE ROYAL MINISTRY
FOR FOREIGN AFFAIRS
Bucharest

The Ministry for Foreign Affairs to the American Mission

ROYAL MINISTRY
FOR FOREIGN AFFAIRS

The Royal Ministry for Foreign Affairs presents its compliments to the United States Mission and in reference to its note of February 20, 1947, has the honor to inform it that the Roumanian Government wishes in the first place to express all its gratitude to the United States Government for the assistance which the American people are unhesitatingly lending to the Roumanian people at one of their most difficult hours.

With respect to the guarantees that the United States Government demands of the Roumanian Government, the Royal Ministry for Foreign Affairs informs the United States Mission that already on February 20, 1947, it has authorized the Roumanian Minister in Washington to make the following statement to the Department of State:

Roumania undertakes not to export or to permit the export from Roumania of any quantity of cereal grain in payment of reparations or of grain loans procured from any other country for commercial purposes or toward any other end, as long as the present famine continues.

The Roumanian Government will hold at the disposal of the United

States representatives in Roumania all data or information as well as an up-to-date survey of distributions of grain originating in the United States, under a procedure settled by mutual agreement. Such distribution will be effected without any political, social, racial or religious discrimination.

Any seed grain originating from the United States will be used within Roumania.

With a view to obtaining the necessary credit for the purchase of cereal grain and for the final liquidation of claims to German gold of any of the nations concerned, the Roumanian Government agrees to cede to the United States, as mandatory of such States, a quantity of 15 tons of gold of German origin.

BUCHAREST, *February, the 22, 1947*

To the UNITED STATES MISSION
In Bucharest

The American Mission to the Ministry for Foreign Affairs

THE UNITED STATES MISSION
BUCHAREST, RUMANIA

The Mission of the United States of America presents its compliments to the Royal Ministry for Foreign Affairs and with reference to the announcement by the President of the United States of February 17, 1947, concerning the dispatch of relief supplies for the people of Moldavia, has the honor, on instructions from the Government of the United States, to bring the following to the attention of the Royal Ministry.

The American Red Cross, upon whom responsibility rests for the distribution of these supplies, will require on the part of the Rumanian Government a guarantee that the Government will provide immediate and adequate handling at the port of unloading as well as proper warehousing and protection, all necessary transportation being made available through the Rumanian Red Cross. The American Red Cross will also require on the part of the Rumanian Government a waiver of customs duties on these relief supplies and approval of the immediate entry into Rumania of a small additional staff of Red Cross representatives to assist in the supervision of the distribution of the supplies.

The Mission would appreciate receiving from the Royal Ministry an urgent indication of its concurrences with the above requests.

BUCHAREST, *February 20, 1947*

THE ROYAL MINISTRY
FOR FOREIGN AFFAIRS
Bucharest

The Ministry for Foreign Affairs to the American Mission

ROYAL MINISTRY
FOR FOREIGN AFFAIRS

BUCHAREST, *February 22, 1947*

The Royal Ministry for Foreign Affairs presents its compliments to the United States Mission and in relation to its note of February 20, 1947, regarding the statement of February 17, of the President of the United States and the sending of relief for the population in Moldavia, has the honor to inform it that as soon as it had taken note of the assistance of the United States Government, that has been organized through the American Red Cross, the Roumanian Government has not failed to take urgent steps in order that the mission in Roumania of the American Red Cross may be accomplished in accordance with the specifications contained in the note of February 20.

The Royal Ministry for Foreign Affairs wishes to mention that the President of the Council of Ministers has attended personally to the solution of this matter.

To the UNITED STATES MISSION
In Bucharest

Samoa

FRIENDSHIP AND COMMERCE

Treaty signed at Washington January 17, 1878
Senate advice and consent to ratification, with amendments, January 30, 1878 [1]
Ratified by the President of the United States, with amendments, February 8, 1878 [1]
Ratified by Samoa February 11, 1878
Ratifications exchanged at Washington February 11, 1878
Entered into force February 11, 1878
Proclaimed by the President of the United States February 13, 1878
Terminated by treaty of December 2, 1899, between the United States, Germany, and Great Britain [2]

20 Stat. 704; Treaty Series 312

The Government of the United States of America and the Government of the Samoan Islands, being desirous of concluding a treaty of friendship and commerce, the President of the United States has for this purpose conferred full powers upon William M. Evarts, Secretary of State; and the Government of the Samoan Islands has conferred like powers upon MK. Le Mamea, its Envoy Extraordinary to the United States. And the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles.

Article I

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

[1] The U.S. amendments called for two changes in the first sentence of art. IV: (1) addition after the word "Samoa" of the phrase "under such regulations and limitations as the United States may provide"; and (2) substitution of the word "officer" for "officers." The text printed here is the amended text as proclaimed by the President.

[2] TS 314, *ante*, vol. 1, p. 276.

Article II

Naval vessels of the United States shall have the privilege of entering and using the port of Pagopago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those Islands, whether natives or foreigners, or to barter them for the products of the Islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire arms and munitions of war in the Islands shall be subject to regulation by that Government.

Article III

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the ports of the Samoan Islands and no other than a tonnage duty of one half of one per cent. per ton actual measurement, shall be charged on the entrance of such vessels.

Article IV

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offences or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those Islands, shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offences in cases where citizens of the United States may be convicted, shall be punished according to the laws of their country; and in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws and by the authorities of that country.

Article V

If unhappily, any differences should have arisen or shall hereafter arise, between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

Article VI

The Government of Samoa agrees to allow to the Government and citizens of the United States, free and equal participation in any privileges that

may have been or may hereafter be granted to the Government, citizens or subjects of any other nation.

Article VII

The present treaty shall remain in force for ten years from its date. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

Article VIII

The present treaty shall be ratified and the ratifications exchanged as soon as possible.

In faith whereof, the Plenipotentiaries have signed and sealed this treaty at Washington, the seventeenth day of January, one thousand eight hundred and seventy-eight.

WILLIAM MAXWELL EVARTS [SEAL]
MK. LE MAMEA [SEAL]

San Marino

EXTRADITION

Treaty signed at Rome January 10, 1906
Ratified by San Marino February 19, 1906
Senate advice and consent to ratification April 17, 1908
Ratified by the President of the United States May 7, 1908
Ratifications exchanged at Rome June 8, 1908
Proclaimed by the President of the United States June 12, 1908
Entered into force July 8, 1908
Supplemented by convention of October 10, 1934 [1]

35 Stat. 1971; Treaty Series 495

Treaty Between the United States of America and the Republic of San Marino for the Mutual Extradition of Fugitive Criminals

The United States of America and the Republic of San Marino having judged it expedient with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitive from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, His Excellency, Henry White, Ambassador Extraordinary and Plenipotentiary to the Kingdom of Italy;

The Captains-Regent of the Republic of San Marino, His Excellency, Senator Cavaliere Gaspare Finali, Cavaliere of the Supreme Order of the

[1] TS 891, *post*, p. 446.

S.S. Annunziata, etc. etc. Political Counsellor of the Republic of San Marino:

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

ARTICLE I

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

ARTICLE II

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

1. Murder, comprehending the crime of parricide, assassination, poisoning and infanticide.
2. The attempt to commit murder.
3. Rape, or attempt to commit rape. Bigamy. Abortion.
4. Arson.
5. Piracy, or mutiny on shipboard whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.
6. Larceny; the crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the penal code of San Marino under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly, and thefts committed with violence or by means of threats.
7. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign, or governmental acts.
8. The fabrication or circulation of counterfeit money either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or in general anything being a title or instrument of

credit; the counterfeiting of seals and dies, impressions, stamps, and marks of State and public administrations, and the utterance thereof.

9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.

10. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and the amount of money or the value of the property embezzled is not less than two hundred dollars or one thousand francs.

11. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

12. Obtaining money, valuable securities or other property by false pretences, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained is not less than two hundred dollars or one thousand francs.

13. Kidnapping of minors.

14. Reception of articles obtained by means of one of the crimes or offences provided for by the present Convention.[2]

Extradition may also be granted for the attempt to commit any of the crimes above enumerated when such attempt is punishable by the laws of both contracting parties.

Article III

A person surrendered under this Convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offence not provided for by the present Convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He shall moreover not be tried or punished for any crime or offence provided for by this Convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article VII, of this convention.

The consent of that government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within

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[2] For an addition to the list of crimes, see supplementary convention of Oct. 10, 1934 (TS 891), *post*, p. 446.

the space of one month above specified the territory of the country to which he has been surrendered.

ARTICLE IV

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in Article II, shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

ARTICLE V

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI

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

ARTICLE VII

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these, from the country or its seat of government, they may be made by superior consular officers.

If the person, whose extradition may be asked for, shall have been convicted of a crime or offence, a copy of the sentence of the judicial authority, by whom he may have been convicted, authenticated under its seal, and attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of San Marino respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State stat-

ing that a request has been made by the Government of San Marino for the provisional arrest of a person convicted or accused of the commission therein of a crime or offence extraditable under the provisions of this convention, and upon complaint duly made that such crime or offence has been so committed, to issue his warrant for the apprehension of such person. But if the demand for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Government of San Marino will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure in conformity with law the provisional arrest of persons convicted or accused of the commission therein of crimes or offences extraditable under this Convention. But if the demand for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

Article VIII

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State, in whose name the extradition is sought; Provided, that the demanding Government shall not be compelled to bear any expense for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

Article IX

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article X

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XI

The present convention shall take effect thirty days after the exchange of ratifications and shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratifications shall be exchanged at Rome as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and Italian languages, and they have hereunto affixed their seals.

Done, in duplicate, at Rome, Italy, this 10th day of January, 1906.

HENRY WHITE [SEAL]
GASPARE FINALI [SEAL]

EXTRADITION

Convention signed at Washington October 10, 1934, supplementing treaty of January 10, 1906
Senate advice and consent to ratification February 6, 1935
Ratified by the President of the United States February 25, 1935
Ratified by San Marino April 10, 1935
Ratifications exchanged at Washington June 28, 1935
Entered into force June 28, 1935
Proclaimed by the President of the United States July 2, 1935

49 Stat. 3198; Treaty Series 891

The United States of America and the Republic of San Marino, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Convention concluded between the United States of America and San Marino on January 10, 1906,[1] with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Cordell Hull, Secretary of State of the United States of America; and

The Captains-Regent of the Republic of San Marino, J. Robert Hewitt, Consul General of the Republic of San Marino in the city of New York, and Count Alfonso Facchetti Guiglia, Counselor of the Republic of San Marino;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I

The following crimes are added to the list of crimes numbered 1 to 14 in Article II of the said Convention of January 10, 1906, on account of which extradition may be granted, that is to say:

15. Crimes and offenses against the laws for fraudulent bankruptcy and those of fraud or breach of guaranty by a banker, agent, factor, trustee,

[1] TS 495, *ante*, p. 440.

executor, administrator, guardian, director or officer of any company or corporation or by any person having a legal fiduciary position.

ARTICLE II

The present Convention shall be considered as an integral part of said Extradition Convention of January 10, 1906, and Article II of the last-mentioned Convention shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 15 in the first Article of the present Convention.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

IN WITNESS WHEREOF, the above-named Plenipotentiaries have signed the present Convention in the English and Italian languages and have hereunto affixed their seals.

DONE, in duplicate, at Washington this 10th day of October, 1934.

CORDELL HULL [SEAL]
J. ROBERT HEWITT [SEAL]
ALFONSO FACCHETTI GUIGLIA [SEAL]

Sardinia

COMMERCE AND NAVIGATION

Treaty and separate article signed at Genoa November 26, 1838
Ratified by Sardinia December 1, 1838
Senate advice and consent to ratification March 2, 1839
Ratified by the President of the United States March 8, 1839
Ratifications exchanged at Washington March 18, 1839
Entered into force March 18, 1839
Proclaimed by the President of the United States March 18, 1839
Superseded by agreement of February 26, 1871,[1] *between the United States and Italy*

8 Stat. 512; Treaty Series 316 [2]

Treaty

The United States of America and His Majesty the King of Sardinia, desirous of consolidating the relations of good understanding which have hitherto so happily subsisted between their respective States and of facilitating and extending the commercial intercourse between the two countries, have agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Nathaniel Niles, their Special Agent near His Sardinian Majesty, and His Majesty the King of Sardinia has conferred like powers on the Count Clement Solar de la Marguerite, Grand Cross of the Military and Religious Order of S. Maurice and S. Lazarus, of Isabella the Catholic of Spain, and Knight of the Order of Christ, his First Secretary of State for the Foreign Affairs;

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

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[1] TS 177, *ante*, vol. 9, p. 82, ITALY.
[2] For a detailed study of this treaty, see 4 Miller 161.

ARTICLE I

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States, shall mutually have liberty to enter the ports and commercial places of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ARTICLE II

Sardinian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the dominions of His Sardinian Majesty, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the fees and perquisites of public officers and other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

ARTICLE III

All kind of merchandise and articles of commerce either the produce of the soil or the industry of the United States of America or of any other country, which may be lawfully imported into the ports of the dominions of Sardinia in Sardinian vessels, may also be so imported in vessels of the United States of America without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian vessels. And reciprocally all kind of merchandise and articles of commerce, either the produce of the soil, or of the industry of the dominions of Sardinia or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Sardinian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in vessels of United States of America.

ARTICLE IV

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full

extent applicable to Sardinian vessels and their cargoes arriving in the ports of the United States of America, and reciprocally to vessels of the said States and their cargoes arriving in the ports of the dominions of Sardinia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

Article V

All kind of merchandise and articles of commerce, which may lawfully be exported from the ports of the United States of America in national vessels, may also be exported therefrom in Sardinian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally all kind of merchandise and articles of commerce which may be lawfully exported from the ports of the Kingdom of Sardinia in national vessels may also be exported therefrom in vessels of the United States of America without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Sardinian vessels.

Article VI

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Sardinia, and no higher or other duties shall be imposed on the importation into the Kingdom of Sardinia of any article the produce or manufacture of the United States, than are or shall be payable on the same article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce of or the manufacture of the United States or of Sardinia, to or from the ports of the United States, or to or from the ports of the Kingdom of Sardinia, which shall not equally extend to all other nations.

Article VII

It is expressly understood and agreed that the preceding articles do not apply to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

Article VIII

No priority or preference shall be given directly or indirectly by either of the high contracting parties, nor by any company, corporation, or agent acting in their behalf, or under their authority, in the purchase of any article of

commerce lawfully imported on account of, or in reference to, the character of the vessel, whether it be of the one party or the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

Article IX

If either party shall hereafter grant to any other nation any particular favor in commerce or navigation, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same or an equivalent compensation, when the grant is conditional.

Article X

Vessels of either of the high contracting parties arriving on the coasts of the other, but without the intention to enter a port, or having entered not wishing to discharge the whole or any part of their cargoes, shall enjoy in this respect the same privileges and be treated in the same manner as the vessels of the most favored nations.

Article XI

When any vessel belonging to either of the contracting parties or to their citizens or subjects, shall be wrecked, foundered, or otherwise suffer damage on the coasts or within the dominions of the other, there shall be given to such vessel and all persons on board every aid and protection, in like manner as is usual and customary to vessels of the nation where such shipwreck or damage happens; and such shipwrecked vessel, its merchandise, and other effects, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled to receive them, upon the payment of such costs of salvage as would have been paid by national vessels in the same circumstances.

Article XII

Sardinian merchant-vessels being forced from stress of weather or other unavoidable causes to enter a port of the United States of America, and reciprocally merchant-vessels of the said States entering the ports of His Sardinian Majesty from similar causes, shall be exempt from port charges and all other duties levied to the profit of the Government, in case the causes which have rendered such entry necessary are real and evident, provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandise, it being understood, nevertheless, that the unloading and reloading rendered necessary for the repair of the said vessel shall not be considered an act of commerce affording ground for the payment of duties, and provided also that the said vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.

Article XIII

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel, belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not however be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

Article XIV

All articles of commerce the growth or manufacture of the United States of America, and the products of their fisheries, with the exception of salt, gunpowder, and tobacco manufactured for use, shall be permitted to pass in transitu from the free port of Genoa through the territories of His Sardinian Majesty to any point of the inland frontier of the said territories; and, vice versa, all articles of commerce coming from any one point of the Sardinian inland frontier, destined for the United States, shall be permitted to pass the territories of His Sardinian Majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling, which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of commerce are imported by the vessels of the one or of the other of the high contracting parties. But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify to the Government of the United States such determination six months before any such transit duty shall be exacted. It is also understood that all articles of commerce imported directly from the United States of America shall be taken and considered as the products of the said States, and shall be entitled equally and in like manner, with the exceptions above mentioned in the present article, to a free transit through the territories of His Sardinian Majesty.

Article XV

The two high contracting parties reciprocally grant to each other the liberty of having each in the ports and other commercial places of the other,

Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges, powers, and exemptions as those of the most favored nations. But if any of such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or citizens of the most favored nations are subject in the same places, in respect to their commercial transactions.

Article XVI

It is especially understood that whenever either of the two contracting parties shall select for a consular agent to reside in any port or commercial place of the other party a subject or citizen of this last, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a subject or citizen of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions, or affect the inviolability of the consular archives.

Article XVII

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and emprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation thus substantiated, the surrender shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause. If, however, the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case should be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

Article XVIII

The citizens and subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other,

by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or by others acting for them and dispose of the same at will, paying such taxes and dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And, in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawfull owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation and without paying to the profit of the respective Governments any other dues, taxes, or charges than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

Article XIX

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced to the other by an official notification its intention to arrest the operation of the said treaty, it shall remain obligatory one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever is the time at which it may take place.

Article XX

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sardinia; and the ratifications shall be exchanged in the city of Washington within ten months from the date of the signature thereof, or sooner if possible.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty, and thereto affixed their respective seals.

Done at Genoa this 26th November, 1838.

Nathaniel Niles [seal]
Solar de la Marguerite [seal]

Separate Article

Circumstances of a peculiar nature rendering it necessary for His Sardinian Majesty to continue for a time differential duties, to the disadvantage of foreign flags, on grain, olive-oil, and wine, imported directly from the Black Sea, the ports of the Adriatic, and of those of the Mediterranean, as far as Cape Trafalgar, notwithstanding the general provisions of the articles No. 2, 3, and 4 of the present treaty, it is distinctly understood and agreed by the high contracting parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian flag, in case the existing or any other differential duties on the said articles shall be continued in force, to the disadvantage of the flag of the United States of America, by His Sardinian Majesty, beyond a period of four years, counting from the day of the exchange of the ratifications of the present treaty and separate article, but all countervailing differential duties on the said articles shall cease to be exacted from the time the United States Government shall have been informed officially of the discontinuance or differential duties on the part of His Sardinian Majesty.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified in the same time.

In faith whereof we, the undersigned, by virtue of our full powers, have signed the present separate article, and thereto affixed our respective seals.

Done at Genoa the 26th November, 1838.

Nathaniel Niles [seal]
Solar de la Marguerite [seal]

Saudi Arabia

DIPLOMATIC AND CONSULAR REPRESENTATION; JURIDICAL PROTECTION; COMMERCE AND NAVIGATION

Provisional agreement signed at London November 7, 1933
Entered into force November 7, 1933

48 Stat. 1826; Executive Agreement Series 53

PROVISIONAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SAUDI ARABIA IN REGARD TO DIPLOMATIC AND CONSULAR REPRESENTATION, JURIDICAL PROTECTION, COMMERCE AND NAVIGATION

The Undersigned,

Mr. Robert Worth Bingham, Ambassador Extraordinary and Plenipotentiary of the United States of America at London, and Sheikh Hafiz Wahba, Minister of the Kingdom of Saudi Arabia at London, desiring to confirm and make a record of the understanding which they have reached in the course of recent conversations in the names of their respective Governments in regard to diplomatic and consular representation, juridical protection, commerce and navigation, have signed this Provisional Agreement:

ARTICLE I

The diplomatic representatives of each country shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law. The consular representatives of each country, duly provided with exequatur, will be permitted to reside in the territories of the other in the places wherein consular representatives are by local laws permitted to reside; they shall enjoy the honorary privileges and the immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any other foreign country.

ARTICLE II

Subjects of His Majesty the King of the Kingdom of Saudi Arabia in the United States of America, its territories and possessions, and nationals of the United States of America, its territories and possessions, in the Kingdom of Saudi Arabia shall be received and treated in accordance with the requirements and practices of generally recognized international law. In respect of their persons, possessions and rights, they shall enjoy the fullest protection of the laws and authorities of the country, and they shall not be treated in regard to their persons, property, rights and interests, in any manner less favorable than the nationals of any other foreign country.

ARTICLE III

In respect of import, export and other duties and charges affecting commerce and navigation, as well as in respect of transit, warehousing and other facilities, the United States of America, its territories and possessions, will accord to the Kingdom of Saudi Arabia, and the Kingdom of Saudi Arabia will accord to the United States of America, its territories and possessions, unconditional most-favored-nation treatment. Every concession with respect to any duty, charge or regulation affecting commerce or navigation now accorded or that may hereafter be accorded by the United States of America, its territories and possessions, or by the Kingdom of Saudi Arabia to any foreign country will become immediately applicable without request and without compensation to the commerce and navigation of the Kingdom of Saudi Arabia and of the United States of America, its territories and possessions, respectively.

ARTICLE IV

The stipulations of this Agreement shall not extend to the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the Commercial Convention concluded between the United States and Cuba on December 11, 1902,[1] or the provisions of any other commercial convention which hereafter may be concluded between the United States of America and Cuba. Such stipulations, moreover, shall not extend to the treatment which is accorded to the commerce between the United States of America and the Panama Canal Zone or any of the dependencies of the United States of America or to the commerce of the dependencies of the United States of America with one another under existing or future laws.

Nothing in this Agreement shall be construed as a limitation of the right of either Government to impose, on such terms as it may see fit, prohibitions

[1] TS 427, *ante*, vol. 6, p. 1106, CUBA.

or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Nothing in this Agreement shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either Government to enact such statutes.

Article V

The present stipulations shall become operative on the day of signature hereof and shall remain respectively in effect until the entry in force of a definitive treaty of commerce and navigation, or until thirty days after notice of their termination shall have been given by the Government of either country, but should the Government of the United States of America be prevented by future action of its legislature from carrying out the terms of these stipulations, the obligations thereof shall thereupon lapse.

Article VI

The English and Arabic texts of the present agreement shall be of equal validity.

Signed at London this seventh day of November, one thousand nine hundred and thirty-three.

Robert Worth Bingham [seal]
[Signature and seal of Sheikh Hafiz Wahba]

South Africa[1]

RECOGNITION OF CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT

Exchange of notes at Pretoria October 12 and December 1, 1931
Entered into force December 1, 1931
Superseded by agreement of October 29, 1954, and February 22, 1955 [2]

47 Stat. 2687; Executive Agreement Series 28

The American Minister to the Minister of External Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
PRETORIA, *October 12, 1931*

No. 68

SIR:

I have the honor to communicate the text of the arrangement between the United States of America and the Union of South Africa providing for the acceptance by the one country of certificates of airworthiness for aircraft imported from the other country as merchandise, as understood by me to have been agreed to in the negotiations which have just been concluded between the Legation and your Ministry.

"1. The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to the Union of South Africa; and to civil aircraft constructed in the Union of South Africa and exported to continental United States of America, exclusive of Alaska.

2. The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the Government of the United States in respect of aircraft subsequently registered in the Union of South Africa

[1] Certain agreements between the United States and the United Kingdom were, or are, also applicable to South Africa. See *post*, vol. 12, UNITED KINGDOM.
[2] 6 UST 657; TIAS 3200.

as if they had been issued under the regulations in force on the subject in the Union of South Africa provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities in respect of the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of the Union of South Africa in respect of aircraft subsequently registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

3. The above arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes.

4. The present arrangement may be terminated by either Government on sixty days' notice given to the other Government. In the event, however, that either Government should be prevented by future action of its legislature from giving full effect to the provisions of this arrangement it shall automatically lapse."

If you inform me that it is the understanding of your Government that the arrangement agreed upon is as herein set forth, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

I have the honor to be, Sir,

Your obedient servant,

RALPH J. TOTTEN
Envoy Extraordinary and Minister Plenipotentiary of the United States of America

THE HONORABLE
J. B. M. HERTZOG,
Minister of External Affairs,
Pretoria.

The Minister of External Affairs to the American Minister

P.M. 66/80. PRETORIA, *1 Dec. 1931*

SIR,

With reference to your letter No. 68 of the 12th October, 1931, regarding the arrangement between the Union of South Africa and the United States of America providing for the reciprocal acceptance by the competent authorities of the respective Governments of certificates of airworthiness for aircraft imported from the one country into the other as merchandise, I have the honour to inform you that His Majesty's Government in the Union of South

Africa are in accord with the terms of the arrangement, which reads word for word as follows:

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

This arrangement will be operative from the date of this note.

I have the honour to be, Sir,

Your obedient servant,

J. B. M. Hertzog
Minister of External Affairs

The Envoy Extraordinary
and Minister Plenipotentiary
of the United States of America,
Pretoria.

AIR NAVIGATION

Exchange of notes at Pretoria March 17 and September 20, 1933, with text of arrangement
Entered into force September 20, 1933

48 Stat. 1828; Executive Agreement Series 54

The American Minister to the Minister of External Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
PRETORIA, *March 17, 1933*

No. 166

SIR:

I have the honor to communicate the text of the arrangement between the United States of America and the Union of South Africa providing for navigation by aircraft of each country in the territory of the other, as understood by me to have been agreed to in the negotiations which have just been concluded between the Legation and your Ministry, as evidenced by your note of March 13, 1933 (File No. P.M. 66/1/1).

AIR NAVIGATION ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA

ARTICLE 1

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

ARTICLE 2

The present arrangement shall apply to Continental United States of America, exclusive of Alaska, and to the Union of South Africa, including the adjacent territorial waters of the two countries.

ARTICLE 3

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used

exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4

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

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the Parties within the territory of the other Party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other Party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall, while within the territory of the other Party, be subject to the general legislation in force in that territory, as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their

cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

ARTICLE 6

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

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

ARTICLE 7

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

ARTICLE 8

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

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

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

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

The certificate of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall

have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

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

ARTICLE 9

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

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

ARTICLE 10

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

ARTICLE 11

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

ARTICLE 12

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

such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

ARTICLE 13

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

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14

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

ARTICLE 15

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

ARTICLE 16

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

ARTICLE 17

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

ARTICLE 18

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

ARTICLE 19

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

If you inform me that it is the understanding of your Government that the arrangement agreed upon is as herein set forth, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

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

RALPH J. TOTTEN
Envoy Extraordinary and Minister Plenipotentiary of the United States of America

The Honorable
J. B. M. HERTZOG,
Minister for External Affairs,
Pretoria.

The Minister of External Affairs to the American Minister

DEPARTMENT OF EXTERNAL AFFAIRS
P.M. 66/1/1 PRETORIA, *20th September, 1933*

SIR,

I have the honour to refer to your letter No. 166 of the 17th March last regarding the arrangement between the Union of South Africa and the United States of America providing for navigation by aircraft of each country in the territory of the other and to inform you that His Majesty's Gov-

ernment in the Union of South Africa are in accord with the terms of the arrangement which is, word for word, as follows:

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

It is further agreed that the arrangement will be operative as from the date of this note.

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

J. B. M. Hertzog
Minister of External Affairs

The Envoy Extraordinary and
Minister Plenipotentiary
of the United States of America,
Pretoria.

PILOT LICENSES TO OPERATE CIVIL AIRCRAFT

Exchange of notes at Pretoria March 17 and September 20, 1933, with text of arrangement
Entered into force September 20, 1933

48 Stat. 1837; Executive Agreement Series 55

The American Minister to the Minister of External Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
PRETORIA, *March 17, 1933*

No. 167

SIR:

I have the honor to communicate the text of the arrangement between the United States of America and the Union of South Africa providing for the issuance by each country of licenses to nationals of the other country authorizing them to pilot civil aircraft, as understood by me to have been agreed to in the negotiations which have just been concluded between the Legation and your Ministry, as evidenced by your note of March 13, 1933 (File No. P.M. 66/1/1).

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA PROVIDING FOR THE ISSUANCE BY EACH COUNTRY OF LICENSES TO NATIONALS OF THE OTHER COUNTRY AUTHORIZING THEM TO PILOT CIVIL AIRCRAFT

ARTICLE 1

The present arrangement between the United States of America and the Union of South Africa relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

(*a*) The Department of Defence of the Union of South Africa will issue pilots' licenses to American nationals upon a showing that they are

qualified under the regulations of that Department covering the licensing of pilots.

(*b*) The Department of Commerce of the United States of America will issue pilots' licenses to nationals of the Union of South Africa upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

(*a*) Pilots' licenses issued by the Department of Commerce of the United States of America to nationals of the Union of South Africa shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(*b*) Pilots' licenses issued by the Department of Defence of the Union of South Africa to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to nationals of the Union of South Africa.

ARTICLE 4

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6

(*a*) Nationals of the Union of South Africa shall while holding valid pilot licenses issued by the Department of Defence of the Union of South Africa be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Department of Defence of the Union of South Africa, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Continental United States of America. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such

period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(*b*) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in the Union of South Africa for non-industrial and non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Department of Defence of the Union of South Africa. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered the Union of South Africa. No person to whom this paragraph applies shall be allowed to operate civil aircraft in the Union of South Africa for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Department of Defence of the Union of South Africa in the manner provided for in this arrangement.

(*c*) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country, as provided for in this article, shall be as stipulated in the air navigation arrangement in force between the parties to this arrangement for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7

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

If you inform me that it is the understanding of your Government that the arrangement agreed upon is as herein set forth, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

I have the honor to be, Sir,

Your obedient servant,

RALPH J. TOTTEN
Envoy Extraordinary and Minister Plenipotentiary of the United States of America

The Honorable
J. B. M. HERTZOG,
Minister for External Affairs,
Pretoria.

308-582—73——32

The Minister of External Affairs to the American Minister

DEPARTMENT OF EXTERNAL AFFAIRS
P.M. 66/1/1 PRETORIA, *20th September, 1933*

SIR,

I have the honour to refer to your letter No. 167 of the 17th March last regarding the proposed arrangement between the Union of South Africa and the United States of America providing for the issuance by each country of licenses to Nationals of the other country authorizing them to pilot civil aircraft, and to inform you that His Majesty's Government in the Union of South Africa are in accord with the terms of the arrangement which is, word for word, as follows:

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

It is further agreed that the arrangement will be operative as from the date of this note.

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

J. B. M. HERTZOG
Minister of External Affairs

The Envoy Extraordinary and
Minister Plenipotentiary
of the United States of America,
Pretoria.

REDUCTION OF VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Capetown March 24, 1937, with text of agreement
Operative April 1, 1937
Made obsolete by agreement of March 28 and April 3, 1956 [1]

Department of State files

The American Minister to the Minister of External Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
CAPETOWN, *March 24, 1937*

SIR,

I HAVE the honour to communicate the text of the arrangement between the United States of America and the Union of South Africa providing for the reciprocal reduction of non-immigrant passport visa fees for nationals of the two countries.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA FOR THE REDUCTION OF NON-IMMIGRANT PASSPORT VISA FEES

ARTICLE 1

This agreement shall cover only visa fees and shall relate only to non-immigrant visa applicants.

ARTICLE 2

Such applicants shall continue to be subject to the usual laws and regulations of each country for establishing qualifications to receive a visa, and for establishing admissibility at the port or place of entry, including a general requirement that the travel document of the applicant shall be valid for at least 60 days beyond the period of the desired sojourn in the other country.

ARTICLE 3

It is agreed that the fee for the visa of the passports of non-immigrant nationals of the United States of America, including Philippine citizens, and

[1] 7 UST 631; TIAS 3544.

for nationals of the Union of South Africa, shall be 2.00 dollars United States currency or an equivalent sum in South African currency.

ARTICLE 4

The passport visa shall be valid for a maximum period of one year from the date of the visa, provided that the passport itself continues to be valid in accordance with Article 2 above.

ARTICLE 5

The passport visa shall be valid for any number of entries during the period of its validity.

ARTICLE 6

The fee for a transit visa shall be 0.20 dollar in United States currency or the equivalent of that sum in South African currency.

ARTICLE 7

The transit visa shall, subject to the validity of the passport, be valid for one year from the date of its issuance and may be used for any number of journeys in transit during the period of its validity.

ARTICLE 8

This agreement shall terminate upon three months' notice to that effect having been given by either Government.

If you inform me that it is the understanding of your Government that the arrangement agreed upon is as herein set forth, the arrangement will be considered to be operative as from the 1st April, 1937.

I have, &c.

RALPH J. TOTTEN
Envoy Extraordinary and Minister Plenipotentiary of the United States of America

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The Minister of External Affairs to the American Minister

DEPARTMENT OF EXTERNAL AFFAIRS
CAPETOWN, *March 24, 1937*

MR. MINISTER,

I have the honour, with reference to your note of the 24th March, 1937, to inform you that the Union Government are prepared to conclude an agreement with the Government of the United States of America providing

for the reduction of passport visa fees of non-immigrants for nationals of the two countries as follows:

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

Your note under reference, and this, my reply, will be regarded as an agreement between our two Governments in the matter, with effect from the 1st April, 1937.

I have, &c.

J. B. M. Hertzog
Minister of External Affairs

ADVANCEMENT OF PEACE

Treaty signed at Washington April 2, 1940
Ratified by the United Kingdom in respect to South Africa October 18, 1940
Senate advice and consent to ratification November 26, 1940
Ratified by the President of the United States December 20, 1940
Ratifications exchanged at Washington March 11, 1941
Entered into force March 11, 1941
Proclaimed by the President of the United States March 18, 1941

55 Stat. 1130; Treaty Series 966

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, acting for the Union of South Africa, being desirous, in view of the present constitutional position and international status of the Union of South Africa as an independent State, to amend in their application to the Union of South Africa certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914,[1] have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:
Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the Union of South Africa:
Mr. Ralph William Close, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa at Washington;

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

Article I

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United

[1] TS 602, *post*, vol. 12, UNITED KINGDOM.

Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, is hereby superseded in respect of the Union of South Africa by the following:

Insofar as concerns disputes arising in the relations between the United States of America and the Union of South Africa, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from the Union of South Africa by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of the Union of South Africa, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the United States of America and the Union of South Africa in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

Article II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to the Union of South Africa.

Article III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the United States of America and the Union of South Africa as if all such stipulations were literally herein embodied.

Article IV

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of the Union of South Africa. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after

one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty the said Treaty of September 15, 1914, shall in respect of the Union of South Africa cease to have effect.

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

Done in duplicate at the City of Washington this second day of April, one thousand nine hundred and forty.

CORDELL HULL [SEAL]
RALPH W. CLOSE [SEAL]

MILITARY SERVICE

Exchange of notes at Washington March 31, June 9, August 12, and October 7 and 31, 1942
Entered into force June 11, 1942
Terminated March 31, 1947 [1]

56 Stat. 1921; Executive Agreement Series 310

The Acting Secretary of State to the South African Minister

DEPARTMENT OF STATE
WASHINGTON
March 31, 1942

SIR:

I have the honor to inform you that the Selective Training and Service Act of 1940,[2] as amended, provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of 18 and 65 shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in

[1] Upon termination of functions of U.S. Selective Service System (60 Stat. 341).
[2] 54 Stat. 885.

the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments.

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the Union of South Africa upon the receipt from you of a note stating that your government desires to participate in it and

agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

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

SUMNER WELLES
Acting Secretary of State

The Honorable
RALPH WILLIAM CLOSE, K.C.,
Minister of the Union of South Africa.

The South African Minister to the Secretary of State

LEGATION OF THE
UNION OF SOUTH AFRICA
WASHINGTON, D.C.
9th June, 1942

32/4

SIR,

I have the honour to refer to your Note of 31st March, 1942, and to inform you on instructions of my Government that the Government of the Union of South Africa are desirous of participating in the procedure under which certain classes of aliens are permitted on conditions outlined in your note, to elect for service in their own national armed forces in lieu of service in the United States armed forces as provided by the Selective Service Act of 1940.

I am also directed to say that the Government of the Union of South Africa agrees to the stipulations set forth in the lettered paragraphs A, B and C of your note.

In accepting the procedure and the conditions which govern it the Union Government proposes as a further proviso that all Union Nationals who may be affected by the arrangement should be attested as volunteers by this Legation before they leave the U.S.A.

Although the Union Government do not specifically indicate the reason for this proviso it is clear that such attestation is necessary in order that nullification of the procedure on the part of the Union Nationals concerned may be obviated, inasmuch as compulsory military service is not applicable in the Union of South Africa. As you may be aware the Union's armed forces are composed of volunteers only.

I shall be glad to learn as soon as possible whether the proviso indicated above is acceptable to the United States Government, and if that is the case, on what date the procedure can be regarded as taking effect.

I shall also be glad to receive in due course such practical details for carrying out of the procedure, as may be available.

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

RALPH W. CLOSE
Minister

The Honourable the SECRETARY OF STATE,
Department of State,
Washington, D.C.

The Secretary of State to the South African Minister

DEPARTMENT OF STATE
WASHINGTON
August 12, 1942

SIR:

I have the honor to refer to your note no. 32/4 of June 9, 1942, in which you refer to the Department's note of March 31, 1942, on the subject of arrangements between the Union of South Africa and this Government concerning the services of the nationals of one country in the armed forces of the other. You state that the Government of the Union of South Africa agrees to the stipulations set forth in paragraphs (a), (b) and (c) of the Department's note, and proposes as a further proviso that all Union Nationals who may be affected by the arrangement should be attested as volunteers by the Legation of the Union of South Africa before they leave the United States.

I have the honor to inform you that the appropriate authorities of this Government consider your note to contain satisfactory assurances, and that, accordingly, the arrangement may become effective at any time.

The Selective Service System has indicated that it assumes that all arrangements relating to this matter will be identical with those now in effect in the case of Canada, which are outlined in the Memorandum to All State Directors, a copy of which is attached for your information.[3] The Director of Selective Service also desires to stress that it is important that the persons to be taken into the armed forces of South Africa under the arrangement should actually be accepted as such by the Government of the Union of South Africa before the time of their departure.

I shall be pleased to receive from you an indication as to whether your Government agrees to the proviso made by the Selective Service System.

[3] Not printed here.

If so, it is suggested that your Government indicate the date on which it is desired that the arrangement become effective.

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

For the Secretary of State:
G. Howland Shaw

Enclosure:
Memorandum to All State Directors (I–422)

The Honorable
Ralph William Close, K.C.,
Minister of the Union of South Africa.

The South African Minister to the Secretary of State

Legation of the
Union of South Africa
Washington, D.C.
7th October, 1942

Sir,

I have the honour to refer to your note of August 12th, 1942, on the subject of arrangements between the United States and the Union of South Africa under which the nationals of one country, residing in the territory of the other, may elect to serve in their own national armed forces.

You state that the Director of Selective Service desires to stress that it is important that the persons to be taken into the armed forces of the Union of South Africa should actually be accepted as such by the Government of the Union of South Africa, before the time of their departure. I am directed by my Government to give the assurance that volunteers attested by the Legation will be so accepted by the Government of the Union of South Africa.

You state also that the Selective Service System assumes that the procedure relating to the transfer of registrants to the armed forces of the Union of South Africa will be identical with that now in effect in the case of Canada, which is outlined in Selective Service System Memorandum No. 1–422 dated May 2nd, 1942.

With the exception of paragraphs 6(a) and 7, it is agreed that the procedure outlined in the Memorandum may be conveniently applied to the Union of South Africa. In view of the fact that there may be delays in obtaining transportation for persons accepted by the Government of the Union of South Africa, it would be appreciated if modifications in procedure, on lines similar to those applied for the United Kingdom, could be

accepted. The modifications contemplated for the Union of South Africa are to the following effect:

(a) that instead of endorsing the time and place of reporting and instead of enclosing meal and transportation vouchers in returning the forms, as required by paragraph 6(a), the Legation endorse Form 503 to the effect that the registrant will be directly notified as to time and place for reporting for induction and will then be provided with transportation and subsistence vouchers by the Legation.

(b) that the procedure outlined in paragraph 7 be so modified that if the registrant does report, the Legation will complete Form 503 "Report of Induction", by entering as the place of induction the "Port of Embarkation".

I shall be glad to learn whether these modifications in procedure are acceptable to the United States Government. If so, the Government of the Union of South Africa would be prepared to make the proposed arrangements effective immediately upon receipt of your note in reply.

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

RALPH W. CLOSE

The Honourable the SECRETARY OF STATE,
Department of State,
Washington, D.C.

The Secretary of State to the South African Minister

WASHINGTON
October 31, 1942

SIR:

I have the honor to acknowledge the receipt of your note of October 7, 1942, in further reference to the proposed arrangement between the United States and the Union of South Africa concerning the services of nationals of one country in the armed forces of the other country. You state that your Government gives the assurance that persons desiring to opt for service in the South African forces under the arrangement will be accepted by your Government prior to their departure.

I am pleased to state that this Government considers that your Government has given all the necessary assurances. Accordingly, the arrangement with the Union of South Africa is now regarded as being in effect, and the appropriate authorities of this Government are being informed accordingly.

In this connection, I also take pleasure in informing you that the War Department is prepared to discharge, for the purpose of transferring to the

armed forces of their own country, nondeclarant South African nationals now serving in the United States forces who have not heretofore had an opportunity of electing to serve in the forces of their own country, under the same conditions existing for the transfer of American citizens from the South African forces.

In regard to the various questions of procedure contained in your note under acknowledgment, I may state that these matters may be discussed directly between officials of the Legation and officers of the Selective Service System and of the War Department. Major Sherrow G. Parker of the Selective Service System, and Major V. L. Sailor of the Recruiting and Induction Section of the War Department, will be available to discuss with representatives of the South African Legation all matters relating to the practical details of the arrangement. I do not doubt that mutually satisfactory arrangements can be made in regard to the points mentioned in your note.

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

For the Secretary of State:
G. Howland Shaw

The Honorable,
Ralph William Close, K.C.,
Minister of the Union of South Africa.

LEND-LEASE SETTLEMENT

Exchange of notes at Washington April 17, 1945
Entered into force April 17, 1945

60 Stat. 1576; Treaties and Other International Acts Series 1511

The South African Chargé d'Affaires ad interim to the Secretary of State

LEGATION OF THE
UNION OF SOUTH AFRICA
WASHINGTON, D.C.
17th April, 1945

SIR,

With reference to the memorandum dated May 8th from the State Department and recent discussions between representatives of the Union of South Africa and those of the State Department and the Foreign Economic Administration concerning the proposal that all forms of mutual aid provided by either the Government of the Union of South Africa or of the United States to the other should be financed by cash payments as from February 15, 1944, I am directed to inform you that the Union Government agrees to the application of such a cash basis in its relations with the United States Government.

(2) The Union Government is accordingly prepared to accept liability for all combat material, aircraft and other goods shipped on and after 15th February, 1944, and supplied direct by the Government of the United States, or by means of retransfer from other Governments, on orders placed by the Union Government. This would include equipment for coastal defence undertaken by the Union Government in agreement with the Government of the United Kingdom, but would not include the provisions of aircraft and equipment for the Flying Boat Squadron No. 262 at present based on Durban, which is, by agreement with the United Kingdom, a liability of the latter government, in so far as the procurement of aircraft, spares and related equipment is concerned.

(3) The basis of the foregoing proposal is that liability for goods supplied should follow the authority responsible for the issue of the order of procurement. The Union Government would, therefore, be liable solely for goods received in accordance with the provisions of the preceding paragraph and it

would not be liable for any goods which the United Kingdom Government may supply for the temporary or intermittent use of the Union Forces under United Kingdom operational control outside the boundaries of the Union of South Africa in compliance with the terms of the financial arrangements in existence between the two governments.

(4) If the Government of the United States of America concurs in the foregoing, I would suggest that the present note and your reply to that effect be regarded as placing on record the understanding of our two Governments in this matter.

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

J. R. Jordaan
Chargé d'Affaires ad interim

The Honourable E. R. Stettinius,
Secretary of State of the United States,
Department of State,
Washington, D.C.

ANNEX

It is the understanding of the Government of the Union of South Africa that the following interpretations apply to the provisions of this note:

(1) The word "shipped" in the first sentence of paragraph (2) denotes the actual placing of goods on board ship; or in the case of other goods, such as aircraft and stores carried on them, the time at which the Government of the United States transfers such goods to the Union Government;

(2) The words "on orders placed by the Union Government", in the first sentence of paragraph (2) cover the case of any goods retransferred by any Government and accepted by the Union Government.

(3) Certain squadrons were formed and equipped in the Union of South Africa with Lend-Lease aircraft and, for a considerable period, carried out operations from Union bases. Subsequently these squadrons, complete with aircraft and equipment, proceeded for operational work in the Mediterranean. Such aircraft and equipment furnished prior to 15th February, 1944, which have subsequently been transferred to the Mediterranean Theatre and later returned to the Union will be regarded as Lend-Lease material supplied to the Union Government before 15th February, 1944.

(4) For so far as the Joint Air Training Scheme in the Union of South Africa is concerned, it is the understanding of the Union Government that they will not be required to pay for aircraft and equipment which the United Kingdom is obligated to supply for the scheme and which are used solely for that purpose.

(5) Goods are frequently landed in the Union by mistake e.g. when they arrive without shipping documents and ships have to be cleared with-

out delay. It is the understanding of the Union Government that such goods will not be regarded as "accepted" by them, although they may be stored by the responsible authorities for security purposes pending a directive from the United States Government as to their disposition.

The Secretary of State to the South African Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
April 17, 1945

SIR:

I acknowledge receipt of your note of today's date concerning the financing by cash payments as from February 15, 1944 of all forms of mutual aid provided by either the Government of the Union of South Africa or of the United States to the other.

I am glad to advise you that the Government of the United States shares the understanding of the Government of the Union of South Africa as expressed in that note and in the Annex thereto. I agree that your note and this reply thereto should be regarded as placing on record the understanding of our two Governments in this matter.

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

E. R. STETTINIUS, JR.

J. R. JORDAAN, Esquire,
Chargé d'Affaires ad interim of
The Union of South Africa.

POSTWAR ECONOMIC SETTLEMENTS

Exchange of notes at Washington April 17, 1945
Entered into force April 17, 1945

60 Stat. 1579; Treaties and Other International Acts Series 1512

The Secretary of State to the South African Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
April 17, 1945

SIR:

I set forth below my understanding of the conclusions reached in conversations which have taken place from time to time during the past year between representatives of the Government of the United States and the Government of the Union of South Africa with regard to post-war economic settlements.

Our two Governments are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a just and enduring world peace securing order under law to themselves and all nations. They are in agreement that post-war settlements must be such as to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations.

To that end the Governments of the United States of America and of the Union of South Africa are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941 by the President of the United States of America and the Prime Minister of the United Kingdom.[1]

Our Governments have in large measure similar interests in post-war international economic policy. They undertake to enter at an early convenient date into conversations between themselves and with representatives of other

[1] EAS 236, *ante*, vol. 3, p. 686.

United Nations with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by agreed action on the part of our two Governments and other like-minded Governments.

If the Government of the Union of South Africa concurs in the foregoing statement of conclusions, I would suggest that the present note and your reply to that effect should be regarded as placing on record the understanding of our two Governments in this matter.

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

E. R. Stettinius, Jr.

J. R. Jordaan, Esquire,
Chargé d'Affaires ad interim of
the Union of South Africa.

The South African Chargé d'Affaires ad interim to the Secretary of State

Legation of the
Union of South Africa
Washington, D.C.
17th April, 1945

Sir,

I have the honour to refer to your note of today's date setting forth your understanding of the conclusions reached in conversations between representatives of the Government of the Union of South Africa and the Government of the United States with regard to post-war economic settlements. That understanding is as follows:

Our two Governments are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

Our Governments have in large measure similar interests in post-war international economic policy. They undertake to enter at an early convenient date into conversations between themselves and with representatives of other United Nations with a view to determining, in the light of governing

economic conditions, the best means of attaining the above-stated objectives by agreed action on the part of our two Governments and other like-minded Governments.

I am instructed to inform you that the Government of the Union of South Africa concurs in the foregoing statement of conclusions and agrees to your suggestion that your note of today's date, and this reply should be regarded as placing on record the understanding of our two Governments in this matter.

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

J. R. JORDAAN
Chargé d'Affaires ad interim

The Honourable E. R. STETTINIUS,
Secretary of State of the United States,
Department of State,
Washington, D.C.

DOUBLE TAXATION: TAXES ON INCOME

Convention signed at Pretoria December 13, 1946
Supplemented by protocol of July 14, 1950
Senate advice and consent to ratification, with a reservation and an understanding, September 17, 1951
Ratified by the President of the United States, with a reservation and an understanding, December 14, 1951
Ratified by South Africa June 18, 1952
Ratifications exchanged at Washington July 15, 1952
Entered into force July 15, 1952
Proclaimed by the President of the United States August 19, 1952

[For text of convention and supplementary protocol, see 3 UST 3821; TIAS 2510.]

LEND-LEASE SETTLEMENT

Exchange of notes at Washington March 21, 1947, with text of agreement and schedule
Entered into force March 21, 1947

61 Stat. 2640; Treaties and Other International Acts Series 1593

The Acting Secretary of State to the South African Minister

DEPARTMENT OF STATE
WASHINGTON
March 21, 1947

SIR:

Representatives of the Governments of the United States of America and the Union of South Africa have now finished their discussions concerning the settlement of Lend-Lease, Reciprocal Aid, Surplus War Property and Claims. Accord has been reached on all points as set forth in the accompanying document, which gives complete terms of the overall settlement accepted by both sides.

The Government of the United States of America hereby signifies its acceptance of the terms and conditions of settlement set forth in the accompanying document entitled "Agreement between the Government of the United States of America and the Government of the Union of South Africa on Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property, and Claims" and suggests that this note and your reply indicating acceptance by the Government of the Union of South Africa be regarded as placing on record the agreement of our two Governments in this matter, to take effect on this date.

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

DEAN ACHESON
Acting Secretary of State

Enclosure:
Agreement between the Government of the United States of America and the Government of the Union of South Africa

The Honorable
H. T. ANDREWS,
Minister of the Union of South Africa.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA ON SETTLEMENT FOR LEND-LEASE, RECIPROCAL AID, SURPLUS WAR PROPERTY, AND CLAIMS

The Government of the United States of America and the Government of the Union of South Africa have reached agreement as set forth below regarding settlement for all lend-lease and reciprocal aid, for the surplus war property specified herein, and for the financial claims of each Government against the other arising as the result of World War II. This settlement is complete and final. Both Governments, in arriving at this settlement, have taken full cognizance of the benefits already received by them in the defeat of their common enemies, and of the aid furnished by each Government to the other in the course of the war. No further benefits will be sought as consideration for lend-lease or reciprocal aid, for the surplus war property specified herein, or for the settlement of claims or other obligations arising out of the war, except as herein specifically provided.

In reaching this agreement, the two Governments, pursuant to the general obligations assumed by them in the exchange of notes dated April 17, 1945,[1] in Washington, D.C., reaffirm their intention to cooperate in formulating a program of agreed action, open to participation by all countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers. To this end, the two governments have reached substantial mutual accord on agreements relating to air transportation, telecommunications and the avoidance of double estate and income taxation.

1. (a) The term "lend-lease article" as used in this Agreement means any article transferred by the Government of the United States of America under the Act of March 11, 1941;[2]

(i) to the Government of the Union of South Africa, or

(ii) to any other Government and retransferred to the Government of the Union of South Africa.

(b) The term "reciprocal aid article" as used in this Agreement means any article transferred by the Government of the Union of South Africa to the Government of the United States of America under reciprocal aid.

2. The net sum due from the Union of South Africa to the Government of the United States of America, over and above any payments heretofore made, for the settlement of lend-lease and reciprocal aid, for acquisition of surplus war property specified herein, and for settlement of net outstanding

[1] TIAS 1512, *ante*, p. 489.
[2] 55 Stat. 31.

claims covered by this Agreement, shall be One Hundred Million United States dollars, one-half of this sum being payable within thirty (30) days, the remaining half within one hundred eighty (180) days, from the date on which this Agreement becomes effective.

3. The Government of the Union of South Africa hereby acquires full title, without qualification as to disposition or use, to all lend-lease articles in the possession of the Government of the Union of South Africa, its agents or transferees, on the date of this Agreement, except vessels covered by paragraph 6 of this Agreement; provided that the Government of the Union of South Africa hereby agrees not to transfer to any third country, without the prior consent of the Government of the United States of America and without payment of any proceeds to the Government of the United States of America, any lend-lease article held by it in the categories of arms, ammunition and lethal weapons. The Government of the Union of South Africa, upon completion of the necessary formalities, shall receive full title, without qualification as to disposition or use, to items of property listed in the Schedule attached hereto.

4. The Government of the United States of America hereby acquires full title, without qualification as to disposition or use, to all reciprocal aid articles in the possession of the Government of the United States of America, its agents or transferees, on the date of this Agreement.

5. This Agreement does not cover articles of lend-lease origin, regardless of their present location, with respect to which the Government of the Union of South Africa has not acknowledged responsibility or accountability to the Government of the United States of America (even if such articles are now in the physical possession of the Government of the Union of South Africa, its agents or transferees) except as such articles may be listed in the Schedule attached hereto.

6. The Government of the Union of South Africa will, unless otherwise agreed, return as soon as possible after receiving notice of the request for return all vessels procured or constructed out of funds appropriated to the United States Navy Department or the United States Maritime Commission and transferred to it under lend-lease.

7. (a) The Government of the Union of South Africa hereby assumes responsibility for the settlement and payment of all claims against the Government of the United States of America or members of the United States Armed Forces arising from acts or omissions occurring before June 30, 1946, in the course of military duties of members of the United States Armed Forces in the Union of South Africa.

(b) All financial claims whatsoever of one Government against the other which (i) arose out of lend-lease or reciprocal aid, or (ii) otherwise arose on or after September 3, 1939 and prior to September 2, 1945, out of or incidental to the conduct of World War II are hereby waived, and neither Government will hereafter raise or pursue any such claims against the other.

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The foregoing waiver shall not be applicable to claims of the Government of the United States of America against the Government of the Union of South Africa arising out of cash reimbursement orders for lend-lease articles filed by the Union of South Africa; however, such portion of the sum of $100 million payable under paragraph 2 above as may be necessary to discharge the obligations of the Government of the Union of South Africa in connection with these existing arrangements shall be used for this purpose and no additional payment of any kind shall be required. The foregoing waiver shall also not be applicable to claims submitted in accordance with the practice whereby one Government espouses a claim of one of its nationals and presents it through diplomatic channels to the other Government.

8. In consideration of the mutual undertakings of this Agreement, the two Governments hereby waive all claims whatsoever of one Government against the other arising out of all disposals made by the War Stores Disposal Board of the Union of South Africa of articles title to which is acquired by the Union of South Africa under this Agreement.

9. In connection with property acquired under this Agreement, the Government of the Union of South Africa will observe and will call the attention of any transferee to the regulations of the United States Department of State which prohibit, except in certain cases, the importation into the United States of America of surplus property sold in foreign areas.

10. Both Governments, when they dispose of articles acquired pursuant to the terms of this Agreement, will use their best endeavors to avoid discrimination against the legitimate interests of the manufacturers or producers of such articles, or their agents or distributors, in each country.

11. This Agreement shall take effect on the date of its acceptance by both Governments.

SCHEDULE

Property to which the Union of South Africa shall receive full title on a "where is, as is" basis upon completion of the necessary formalities of transfer.

A. This category comprises property located in the Union of South Africa noted as "B L/L Material Held by U. K. Government" on a list headed "Lend Lease Material on hand in South Africa which Union Government is prepared to consider purchasing." handed the United States negotiators by the South African negotiators on August 7, 1946 and consists of items thereon as follows:

(vii)	25	C–47 Aircraft.
(viii)	25	Vega P. V. 1. Aircraft.
(ix)	120	Harvard Aircraft.
(x)	60	Spare P. & W. Engines for Harvard Aircraft.
(xi)		Spares to maintain 80 Harvards and their engines.
(xii)	60	P. & W. Engines (R 1830–90 C) and American Propeller and instrument equipment installed in 15 Sunderland Aircraft.
(xiii)	14	P. & W. Engines R 1830–90 C (spares for Sunderland).

B. This category comprises property consent to the retransfer of which from U.K. Military Holdings in Italy to the South African Forces in Italy is given in letter from the Lend Lease Administrator, State Department to British Army Staff dated January 3, 1947 and consists of property listed below. It should be noted that the consent to retransfer of January 3, 1947 specifically does not cover any items which might no longer have been available at the time and that, therefore, the quantities listed below are subject to revision to that effect.

Tank Sherman 1BM4 (105mm)	15
" " 11A M4A1 (76mm)	67
" " 1C M4 (17 pr)	15
" ARV T/5 M32B1	1
GMC 3-in M10 (SP)	24
Tank Amn (to match the above)	
76–mm H.E.	89, 000
76–mm A.P.	34, 500
76–mm Smoke	13, 500
105–mm H.E.	20, 000
105–mm A.P.	7, 500
105–mm Smoke	3, 000
Car 5 cwt 4 x 4	2
Trailer 5 cwt 2 wh Amphibian GS	2
Tractors Gun 5.5 in (Mack)	9
Tractors Gun 3.7 in H.A.A. (Mack)	2
Lorry 3 ton 4/6 wh Machy GMC	3
Lorry 5 ton 4/6 wh Tech Machy Shop GMC	2
Lorry 3 ton 4/6 wh Instruments Wksp GMC	1
Lorry 3 ton 4/6 wh Welding GMC	1
Lorry 3 ton 4/6 wh Machy type Z GMC	2
6 x 6 Wrecker B/D Ward la France	6
Tractor tracked D4 Bulldozer Caterpillar	4
Tractor tracked D7 Bulldozer Caterpillar	1
Tractor tracked D8 Caterpillar	2
Tractor 6 x 4 B/D Diamond T	4
Tractor 6 x 4 B/D Mack	5
Tractor 6 x 6 B/D Diamond T	1
Tptr 20 ton 6 x 4–4 Semi trailer Federal	2
Tractor 6 x 4 for 40 ton Tptr trailer Diamond T	8
Trailer 40 ton 24 wh Tptr Rogers	2
Compressors Ingersoll Rand K160 Truck Mtd	2
" " " " Portable	12
" " " K210 "	2
" Le Roi K160 Truck Mtd	6
" " " " Portable	1
" Chicago Pneumatic K210 Truck Mtd	6
" " " K500 Portable	2
" Davey D160 Portable	7
Compressor Davey CD 14 Portable	1
Compressors Gardner Denver BUG4010 Stationary	1
Compressors Curtiss 50 cu/ft/min approx Stationary	3
" Curtiss 210 cu/ft/min approx Stationary	1
" Sullivan 160 cu/ft/min Stationary	1
Bulldozers with PCU Caterpillar D8	2
" " " " D7	3
" " " " D6	3
" " Hysterwinch Caterpillar D4	1
" Cable operated Caterpillar D7	2
" W/out PCU Caterpillar D6	1
" " " " D4	2
Angledozers with PCU Caterpillar D8	6
" " " " D7	3
" " " " D6	3
" " " " D4	3

Angledozers with Hyster winch Caterpillar D8	1
" W/out PCU Caterpillar D8	1
" " " " D4	5
Tractors Solo Caterpillar D8	1
" " " D4	3
" With PCU Caterpillar D8	4
" " " " D7	5
Tptr Tractors wh M/30 Caterpillar	1
Tptr Tractors Diamond T	4
Tptr Tractors Federal	4
Tptr Tractors Mack 10 ton	4
Tptr Tractors Mack 6 ton	1
Trailers Rogers 40 ton	6
Trailers Rogers 30 ton	4
Trailers Rogers 10 ton	1
Trailers Federal	4
Trailers 8 wh Tech Mob Wksp Freuhauf	1
Trailers Machy Freuhauf	1
Trailers 8 wh Stores Freuhauf	2
Truck 6 x 6 Tech Mob Wksp USA GMC	1
Excavators Michigan Truck Mtd	2
Excavators Quickway Truck Mtd	1
Motor Graders Caterpillar 12	9
Motor Graders Caterpillar Auto 112	6
Motor Graders Galion 101 Pet	1
Graders Caterpillar 66 drawn blade	5
Graders Adams drawn blade	1
Crane D4 Caterpillar	1
Crane Truck Mtd type "E" Quickway	1
Crane T61 Michigan	1
Crane WH P and H 8 ton	1
Scrapers 8 cu yd Tourneau Carryall	3
Scrapers 6 cu yd Tourneau Carryall	4
Rooters Le Tourneau S8	1
" " " K30	2
Rippers Le Tourneau	3
Timte Trailer with following accessories for Quickway Crane, Clamshell and Dragline	2
Machine Spray Painting Curtiss	4
Plant Spray Painting Aerograph	2
Welding Plants Electric Hobart	17
Welding Plants Dual Arc	2
Welding Plants Electric Portable	4
Welding Plants Electric Arc	1
Pillar Drilling Machine Pollard Corna	1
Milling Machine Milwaukee	1
Grinder Pedestal	1
Furnace Heat Treatment	1
Machine Drilling Sets Pollard	1
Generator Set 50 Kva Caterpillar D8/D4	4
Pipe Screwing Machine Osler	1
Press Straightening Machine Weaver	1
Bandsaw	1
Generating Sets "Buddha" 31.2 kva 220/380v	2
Rifle No. 4 MK–1 "T" Snipers	60

C. This category comprises property shipped to South Africa under requisition filed by the British Admiralty Delegation and consists of the following:

11 Miami 63 ft. Aircraft Rescue Boats

The Government of the Union of South Africa shall offer these boats for return to the Government of the United States after which title shall be

transferred to the Union of South Africa in accordance with procedures for the disposal of surplus property.

The South African Minister to the Acting Secretary of State

LEGATION OF THE
UNION OF SOUTH AFRICA
WASHINGTON, D.C.
21st March, 1947

SIR,

I have the honour to acknowledge the receipt of your Note of today's date concerning the discussions which have taken place between representatives of our two Governments on the subject of the settlement of Lend-Lease and related matters, and setting forth terms and conditions which are acceptable to the Government of the United States of America in a document attached thereto entitled, "Agreement between the Government of the United States of America and the Government of the Union of South Africa on Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property, and Claims".

At the direction of my Government, I have the honour to state that the terms and conditions contained in the document which accompanied your Note are acceptable to the Government of the Union of South Africa.

The Government of the Union of South Africa agrees that your Note and this reply shall be regarded as placing on record the Agreement of our two Governments in this matter, and that the Agreement shall take effect on this date.

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

H. T. ANDREWS

The Honourable
DEAN ACHESON,
Acting Secretary of State
of the United States of America,
Department of State,
Washington, D.C.

DOUBLE TAXATION: ESTATE TAXES

Convention signed at Cape Town April 10, 1947
Supplemented by protocol of July 14, 1950
Senate advice and consent to ratification, with an understanding, September 17, 1951
Ratified by the President of the United States, with an understanding, December 14, 1951
Ratified by South Africa June 18, 1952
Ratifications exchanged at Washington July 15, 1952
Entered into force July 15, 1952
Proclaimed by the President of the United States August 19, 1952

[For text of convention and supplementary protocol, see 3 UST 3792; TIAS 2509.]

AIR TRANSPORT SERVICES

Agreement with annex, schedules, and exchange of notes signed at Cape Town May 23, 1947
Entered into force May 23, 1947
Amended by agreements of July 21 and November 2, 1953,[1] *and June 28, 1968* [2]

61 Stat. 3057; Treaties and Other International Acts Series 1639

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES

The Government of the United States of America and the Government of the Union of South Africa, considering—

that the possibilities of commercial aviation as a means of transport have greatly increased, and

that it is desirable to organize the international air services in a safe and orderly manner and to further as much as possible the development of international co-operation in this field,

have appointed their representatives, who duly authorized, have agreed upon the following:

ARTICLE I

The contracting parties grant to each other the rights specified in the annex hereto for the establishment of the international air services set forth in that annex, (hereinafter referred to as the "agreed services").

ARTICLE II

(A) The agreed services may be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted, on condition that—

(1) the contracting party to whom the rights have been granted shall have designated an air carrier or carriers for the specified route or routes;

[1] 4 UST 2205; TIAS 2870.
[2] 19 UST 5193; TIAS 6512.

(2) the contracting party which grants the rights shall have given the appropriate operating permission to the air carrier or carriers concerned pursuant to paragraph (B) of this article which (subject to the provisions of Article VI) it shall do with the least possible delay.

(B) The designated air carrier or carriers may be required to satisfy the aeronautical authorities of the contracting party granting the rights that it or they is or are qualified to fulfil the conditions prescribed by or under the laws and regulations normally applied by those authorities to the operations of commercial air carriers.

Article III

(A) The charges which either contracting party may impose or permit to be imposed on the designated air carrier or carriers of the other contracting party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by its national aircraft employed in similar international air services.

(B) Fuel, lubricating oils and spare parts introduced into, or taken on board aircraft in the territory of one contracting party by, or on behalf of, any designated air carrier of the other contracting party and intended solely for use by the aircraft of such carrier shall be accorded, with respect to customs duties, inspection fees and other charges imposed by the former contracting party, treatment not less favourable than that granted to national air carriers engaged in international air services or such carriers of the most favoured nation.

(C) Aircraft of the designated airline of one contracting party operating on the agreed services on a flight to, from or across the territory of the other contracting party shall be admitted temporarily free from customs duties subject otherwise to the customs regulations of such other contracting party. Supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of any designated air carrier of one contracting party shall be exempt in the territory of the other contracting party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights within that territory.

Article IV

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party and still in force shall be recognized as valid by the other contracting party for the purpose of operation of the agreed services. Each contracting party reserves the right, however, to refuse to recognize for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another state.

Article V

(A) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in interna-

tional air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(B) The laws and regulations of each contracting party as to the admission to, sojourn in and departure from its territory of passengers, crew and cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall be observed.

ARTICLE VI

Each contracting party reserves the right to withhold or revoke a certificate or permit to an air carrier designated by the other contracting party in the event that it is not satisfied that substantial ownership and effective control of such carrier are vested in nationals of the other contracting party, or in case of failure by that carrier to comply with the laws and regulations referred to in Article V hereof, or otherwise to fulfil the conditions under which the rights are granted in accordance with this agreement and its annex.

ARTICLE VII

(A) In a spirit of close collaboration, the aeronautical authorities of the two contracting parties will consult regularly with a view to assuring the observance of the principles and the implementation of the provisions outlined in this the present agreement and its annex.

(B) In the event of the aeronautical authorities of either contracting party failing or ceasing to publish information in relation to the agreed services on lines similar to that included in the Airline Traffic Surveys (Station to Station and Origination and Destination) now published by the Civil Aeronautics Board and failing or ceasing to supply such data of this character as may be required by the International Civil Aviation Organization, the aeronautical authorities of such contracting party shall supply, on the request of the aeronautical authorities of the other contracting party, such information of that nature as may be requested.

ARTICLE VIII

For the purpose of the present agreement and its annex—

(A) the term "territory" as applied to each contracting party shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate, or trusteeship of such contracting party;

(B) the term "aeronautical authorities" shall mean in the case of the Union of South Africa the Minister in Charge of Civil Aviation, and in the case of the United States the Civil Aeronautics Board, and in both cases any

person or body authorized to perform the functions presently exercised by the aeronautical authorities as defined herein;

(C) the term "international air services" shall have the meaning specified in Article 96 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944.[3]

Article IX [4]

Except as otherwise provided in this agreement or its annex, any dispute between the contracting parties relative to the interpretation or application of this agreement or its annex, which cannot be settled through consultation, shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each contracting party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either contracting party. Each of the contracting parties shall designate an arbitrator within two months of the date of delivery by either party to the other party of a diplomatic note requesting arbitration of a dispute; and the third arbitrator shall be agreed upon within one month after such period of two months. If the third arbitrator is not agreed upon, within the time limitation indicated, the vacancy thereby created shall be filled by the appointment of a person, designated by the president of the council of ICAO, from a panel of arbitral personnel maintained in accordance with the practice of ICAO. The executive authorities of the contracting parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each party.

Article X

This agreement and all relative contracts shall be registered with the International Civil Aviation Organization.

Article XI

(A) This agreement, including the provisions of the annex thereof, will come into force on the day it is signed.

(B) Either contracting party may at any time request consultation with the other with a view to initiating any amendments of this agreement or its annex which may be desirable in the light of experience. If a multilateral air convention enters into force in relation to both contracting parties, such consultation shall take place with a view to amending the present agreement or its annex so as to conform to the provisions of such a convention.

(C) Except as otherwise provided in this agreement or its annex, if either of the contracting parties considers it desirable to modify the terms of the annex to this agreement it may request consultation between the aeronautical authorities of both contracting parties, such consultation to

[3] TIAS 1591, *ante*, vol. 3, p. 969.

[4] For an understanding regarding art. IX, see exchange of notes, p. 510.

begin within a period of sixty days from the date of the request. Any modification in the annex agreed to by said aeronautical authorities shall come into effect when it has been confirmed by an exchange of diplomatic notes.

(D) When the procedure for a consultation provided for in paragraph (B) of the present article has been initiated, either contracting party may at any time give notice to the other of its desire to terminate this agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization.

This agreement shall terminate one year after the date of receipt of the notice to terminate by the other contracting party unless the notice is withdrawn by agreement before the expiration of this period. In the absence of acknowledgment of receipt by the other contracting party, notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

Done at Cape Town this 23rd day of May, 1947, in duplicate in the English and Afrikaans languages, each of which shall be of equal authenticity.

For the Government of the United States of America:
T. Holcomb [seal]

For the Government of the Union of South Africa:
J. C. Smuts [seal]

Annex

Section I

The Government of the United States of America grants to the Government of the Union of South Africa the right to conduct air transport services by one or more air carriers of South African nationality designated by the latter country on the routes, specified in Schedule I attached, which transit or serve commercially the territory of the United States of America.

Section II

The Government of the Union of South Africa grants to the Government of the United States of America the right to conduct air transport services by one or more carriers of United States nationality designated by the latter country on the routes, specified in Schedule II attached, which transit or serve commercially territory of the Union of South Africa.

Section III

One or more air carriers designated by each of the contracting parties under the conditions provided in this agreement will enjoy, in the territory of the other contracting party, rights of transit, of stops for non-traffic

purposes and of commercial entry and departure for international traffic in passengers, cargo and mail at the points enumerated and on each of the routes specified in the schedules attached at all airports open to international traffic.

SECTION IV

It is agreed between the contracting parties—

(A) that the two governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and ensuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries;

(B) that the designated airlines of the two contracting parties operating on the routes described in this annex shall enjoy fair and equal opportunity for the operation of the agreed services. If the designated airline of one contracting party is temporarily unable, as a result of the war to take advantage of such opportunity, the contracting parties shall review the situation with the object of assisting the said airline to take full advantage of the fair and equal opportunity to participate in the agreed services;

(C) that in the operation by the air carriers of either contracting party of international services described in the present annex, the interests of the air carriers of the other country shall, however, be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same route;

(D) that the total air transport services offered by the carriers of both countries should bear a close relationship to the requirements of the public for such services;

(E) that the services provided by a designated air carrier under this agreement and its annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic;

(F) that the right of the air carriers of either country to embark and to disembark at points in the territory of the other country international traffic destined for or coming from third countries at a point or points on the routes specified in the schedules attached shall be applied in accordance with the general principles of orderly development to which both governments subscribe and shall be subject to the general principle that capacity shall be related—

(1) to traffic requirements between the country of origin and the countries of destination;

(2) to the requirements of through airline operation; and

(3) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

SECTION V

(A) The determination of rates in accordance with the following paragraphs shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other carriers, as well as the characteristics of each service.

(B) The rates to be charged by the air carriers of either contracting party between points in the territory of the United States and points in the territory of the Union of South Africa referred to in this annex shall, consistent with the provisions of the present agreement and its annex, be subject to the approval of the aeronautical authorities of the contracting parties, who shall act in accordance with their obligations under the present annex, within the limits of their legal powers.

(C) The Civil Aeronautics Board of the United States having approved the traffic conference machinery of the International Air Transport Association (hereinafter called "IATA"), for a period of one year beginning in February, 1947, any rate agreements concluded through this machinery during this period and involving United States air carriers will be subject to approval by the Board.

(D) Any rate proposed by the air carrier or carriers of either contracting party shall be filed with the aeronautical authorities of both contracting parties at least thirty days btfore the proposed date of introduction; provided that this period of thirty days may be reduced in particular cases if so agreed by the aeronautical authorities of both contracting parties.

(E) The contracting parties agree that the procedure described in paragraphs (F), (G) and (H) of this section shall apply—

(1) if, during the period of the Civil Aeronautics Board's approval of the IATA traffic conference machinery, either any specific rate agreement is not approved within a reasonable time by either contracting party or a conference of IATA is unable to agree on a rate; or

(2) if at any time no IATA machinery is applicable; or

(3) if either contracting party at any time withdraws or fails to renew its approval of that part of the IATA traffic conference machinery relevant to this section.

(F) In the event that power is conferred by law upon the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services and to suspend proposed rates in a manner comparable to that in which the Civil Aeronautics Board at present is empowered to act with respect to such rates for

the transport of persons and property by air within the United States, each of the contracting parties shall thereafter exercise its authority in such manner as to prevent any rate or rates proposed by one of its carriers for services from the territory of one contracting party to a point or points in the territory of the other contracting party from becoming effective, if in the judgment of the aeronautical authorities of the contracting party whose air carrier or carriers is or are proposing such rate, that rate is unfair or uneconomic. If one of the contracting parties on receipt of the notification referred to in paragraph (D) above is dissatisfied with the rate proposed by the air carrier or carriers of the other contracting party, it shall so notify the other contracting party prior to the expiry of the first fifteen of the thirty days referred to, and the contracting parties shall endeavour to reach agreement on the appropriate rate.

In the event that such agreement is reached, each contracting party will exercise its statutory powers to give effect to such agreement.

If agreement has not been reached at the end of the thirty day period referred to in paragraph (D) above, the proposed rate may, unless the aeronautical authorities of the country of the air carrier concerned see fit to suspend its application, go into effect provisionally pending the settlement of any dispute in accordance with the procedure outlined in paragraph (H) below.

(G) Prior to the time when such power may be conferred by law upon the aeronautical authorities of the United States, if one of the contracting parties is dissatisfied with any rate proposed by the air carrier or carriers of either contracting party for services from the territory of one contracting party to a point or points in the territory of the other contracting party, it shall so notify the other prior to the expiry of the first fifteen of the thirty day period referred to in paragraph (D) above, and the contracting parties shall endeavour to reach agreement on the appropriate rate.

In the event that such agreement is reached each contracting party will use its best efforts to cause such agreed rate to be put into effect by its air carrier or carriers.

It is recognized that if no such agreement can be reached prior to the expiry of such thirty days, the contracting party raising the objection to the rate may take such steps as it may consider necessary to prevent the inauguration or continuation of the service in question at the rate complained of.

(H) When in any case under paragraphs (F) and (G) above the aeronautical authorities of the two contracting parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one contracting party concerning the proposed rate or an existing rate of the air carrier or carriers of the other contracting party, upon the request of either, both contracting parties shall submit the question to arbitration in the manner prescribed in Article IX of the Agreement.

(I) The Executive Branch of the Government of the United States agrees to use its best efforts to secure legislation empowering the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services, and to suspend proposed rates in a manner comparable to that in which the Civil Aeronautics Board at present is empowered to act with respect to such rates for the transport of persons and property by air within the United States.

SECTION VI

It is recognized that the determination of tariffs to be applied by an air carrier of one contracting party between the territory of the other contracting party and a third country is a complex question, the overall solution of which cannot be sought through consultation between only two countries. It is noted, furthermore, that the method of determining such tariffs is now being studied by ICAO. It is understood under these circumstances—

(A) that, pending the acceptance by both parties of any recommendations which ICAO may make after its study of this matter, such tariffs shall be subject to consideration under the provisions of Section IV (C) of the annex to the agreement.

(B) that in case ICAO fails to establish a means of determining such rates satisfactory to both contracting parties, the consultation provided for in Article X (B) of the agreement shall be in order.

SECTION VII [5]

Changes made by either contracting party in the routes described in the schedules attached except those which change the points served by airlines of one contracting party in the territory of the other contracting party shall not be considered as modifications of the annex. The aeronautical authorities of either contracting party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change is given without delay to the aeronautical authorities of the other contracting party.

If such other aeronautical authorities find that, having regard to the principles set forth in Section IV of the present annex, interests of their air carrier or carriers are prejudiced by the carriage by the air carrier or carriers of the first contracting party of traffic between the territory of the second contracting party and the new point in the territory of a third country, the authorities of the two contracting parties shall consult with a view to arriving at a satisfactory agreement.

SECTION VIII

After the present agreement comes into force, the aeronautical authorities of both contracting parties will exchange information as promptly as possible

[5] Sec. VII deleted by agreement of June 28, 1968 (19 UST 5193; TIAS 6512).

concerning the authorizations extended to their respective designated air carriers to render service to, through and from the territory of the other contracting party. This will include copies of current certificates and authorizations for service on the routes which are the subject of this agreement and, for the future, such new authorizations as may be issued together with amendments, exemption orders and authorized service patterns.

SCHEDULE I [6]

Airlines of the Union of South Africa authorized under the present agreement are accorded in the territory of the United States on a service or services between the Union of South Africa and New York rights of transit and non-traffic stop, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at such points and over such routes as may be determined at a later date.

SCHEDULE II [7]

Airlines of the United States of America authorized under the present agreement are accorded rights of transit and non-traffic stop in the territory of the Union of South Africa, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Johannesburg and Cape Town on the following routes in both directions. On each of the routes described below the airline or airlines designated to operate such route may operate non-stop flights between any of the points on such route omitting stops at one or more of the other points on such route.

(1) United States via the North Atlantic and Africa to Johannesburg.
(2) United States via the Caribbean, South America, the South Atlantic and Africa to Cape Town.

EXCHANGE OF NOTES

The American Minister to the Minister of External Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
CAPE TOWN
May 23, 1947

SIR:

I have the honor to refer to the Bi-lateral Air Transport Agreement concluded today between the Governments of the United States and the Union

[6] For an amendment of schedule I, see agreement of June 28, 1968 (19 UST 5193; TIAS 6512).

[7] For amendments of schedule II, see agreements of July 21 and Nov. 2, 1953 (4 UST 2205; TIAS 2870), and June 28, 1968 (19 UST 5193; TIAS 6512).

of South Africa at Cape Town and in regard to Article IX of this Agreement to state that it is the understanding of my Government that in the event either contracting party should find itself unable to carry out the terms of an advisory report which recommends rectifying action on the part of both contracting parties, the contracting party which finds itself unable to carry out the terms of such an advisory report shall so notify the other contracting party which, upon receipt of such notification, will not necessarily be bound to carry out the terms of such an advisory report.

This note and your confirmatory reply thereto will be regarded as constituting an agreement between the two Governments in the matter.

Please accept, Sir, the renewed assurance of my highest consideration.

T. Holcomb

Field Marshal
The Right Honorable
J. C. Smuts, O.M., P.C., C.H., K.C., D.T.D., M.P.,
Minister of External Affairs,
Cape Town.

The Minister of External Affairs to the American Minister

DEPARTMENT OF EXTERNAL AFFAIRS

Cape Town
23 May 1947

Mr. Minister,

I have the honour to acknowledge your note of today's date, which reads as follows:—

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

I confirm that your note and this reply will be regarded as constituting an agreement to this effect between the two Governments.

Please accept, Mr. Minister, the renewed assurance of my highest consideration.

J. C. Smuts
Minister of External Affairs

General Thomas Holcomb,
Envoy Extraordinary and
Minister Plenipotentiary of
the United States of America,
Cape Town.

EXTRADITION

Treaty signed at Washington December 18, 1947
Ratified by South Africa June 8, 1948
Senate advice and consent to ratification August 15, 1950
Ratified by the President of the United States August 23, 1950
Ratifications exchanged at Washington March 1, 1951
Proclaimed by the President of the United States April 20, 1951
Entered into force April 30, 1951

[For text, see 2 UST 884; TIAS 2243.]

EXCHANGE OF PUBLICATIONS

Exchange of notes at Pretoria November 16, 1949
Entered into force November 16, 1949

64 Stat. (3) B109; Treaties and Other International Acts Series 2038

The South African Secretary of External Affairs to the American Ambassador

DEPARTMENT OF EXTERNAL AFFAIRS

PRETORIA
16 November, 1949

P.M. 69/36/1

YOUR EXCELLENCY,

I have the honour to refer to negotiations between representatives of the Government of the Union of South Africa and of the Government of the United States of America in regard to the exchange of official publications, and to inform you that the Government of the Union of South Africa agree that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the Union of South Africa shall be the Government Printer. The official exchange office for the transmission of publications of the United States of America shall be the Smithsonian Institution.

3. The publications shall be received on behalf of the Union of South Africa by the Government Printer and on behalf of the United States of America by the Library of Congress.

4. The present agreement does not obligate either of the two Governments to furnish blank forms, confidential publications or circulars which are

not of a public character, and publications out of print, or not available, at the time the request for their supply is received.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon the receipt of a note from you indicating that the foregoing provisions are acceptable to the Government of the United States of America, the Government of the Union of South Africa will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

Please accept, Your Excellency, the renewed assurance of my highest consideration.

D. Forsyth
Secretary for External Affairs

His Excellency Mr. North Winship,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Pretoria.

The American Ambassador to the South African Secretary of External Affairs

American Embassy
Pretoria, *November 16, 1949*

Sir:

With reference to your note of November 16, 1949, and to the conversations between representatives of the Government of the United States of America and representatives of the Government of the Union of South Africa in regard to the exchange of official publications, I have the honor to inform you that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

[For text of provisions, see numbered paragraphs of U.S. note, above.]

The Government of the United States of America considers that your note and this reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

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

NORTH WINSHIP

D. D. FORSYTH, Esquire,
Secretary for External Affairs,
Department of External Affairs,
Union Buildings,
Pretoria.

Spain

FRIENDSHIP, LIMITS, AND NAVIGATION

Treaty signed at San Lorenzo el Real October 27, 1795
Senate advice and consent to ratification March 3, 1796
Ratified by the President of the United States March 7, 1796
Ratified by Spain April 25, 1796
Ratifications exchanged at Aranjuez April 25, 1796
Entered into force April 25, 1796
Proclaimed by the President of the United States August 2, 1796
Articles II, III, IV, and XXI and second clause of article XXII invalidated by treaty of February 22, 1819 [1]
Terminated April 14, 1903, by treaty of July 3, 1902 [2]

8 Stat. 138; Treaty Series 325 [3]

His Catholic Majesty and the United States of America desiring to consolidate on a permanent basis the Friendship and good correspondence which happily prevails between the two parties, have determined to establish by a convention several points, the settlement whereof will be productive of general advantage and reciprocal utility to both Nations.

With this intention his Catholic Majesty has appointed the most Excellent Lord, Don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma and of the State of Albalá, Grandee of Spain of the first class, perpetual Regidor of the City of Santiago, Knight of the illustrious Order of the Golden Fleece, and Great Cross of the Royal and distinguished Spanish order of Charles the III. Commander of Valencia del Ventoso, Rivera, and Aceuchal in that of Santiago; Knight and Great Cross of the religious order of St. John; Counsellor of State; First Secretary of State and Despacho; Secretary to the Queen; Superintendant General of the Posts and High Ways; Protector of the Royal

[1] TS 327, *post*, p. 528.
[2] TS 422, *post*, p. 628.
[3] For a detailed study of this treaty, see 2 Miller 318.

Academy of the Noble Arts, and of the Royal Societies of natural history, Botany, Chemistry, and Astronomy: Gentleman of the King's Chamber in employement: Captain General of his Armies: Inspector and Major of the Royal Corps of Body Guards &ª &ª &ª and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney a Citizen of the United States, and their Envoy Extraordinary to his Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following Articles.

ART. I

There shall be a firm and inviolable Peace and sincere Friendship between His Catholic Majesty his successors and subjects, and the United States and their Citizens without exception of persons or places.

ART. II [4]

To prevent all disputes on the subject of the boundaries which separate the territories of the two High contracting Parties, it is hereby declared and agreed as follows: to wit: The Southern boundary of the United States which divides their territory from the Spanish Colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi at the Northermost part of the thirty first degree of latitude North of the Equator, which from thence shall be drawn due East to the middle of the River Apalachicola or Catahouche, thence along the middle thereof to its junction with the Flint, thence straight to the head of St. Mary's River, and thence down the middle there of to the Atlantic Ocean. And it is agreed that if there should be any troops, Garrisons or settlements of either Party in the territory of the other according to the above mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty or sooner if it be possible and that they shall be permitted to take with them all the goods and effects which they possess.

ART. III [4]

In order to carry the preceding Article into effect one Commissioner and one Surveyor shall be appointed by each of the contracting Parties who shall meet at the Natchez on the left side of the River Mississippi before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said Article. They shall make Plats and keep journals of their proceedings which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said Commissioners and Surveyors should be accompanied by Guards, they shall be furnished in equal proportions by the Com-

[4] Invalidated by treaty of Feb. 22, 1819 (TS 327, *post*, p. 533).

manding Officer of his Majesty's troops in the two Floridas, and the Commanding Officer of the troops of the United States in their Southwestern territory, who shall act by common consent and amicably, as well with respect to this point as to the furnishing of provissions and instruments and making every other arrangement which may be necessary or useful for the execution of this article.

ART. IV [5]

It is likewise agreed that the Western boundary of the United States which separates them from the Spanish Colony of Louisiana, is in the middle of the channel or bed of the River Mississippi from the Northern boundary of the said States to the completion of the thirty first degree of latitude North of the Equator; and his Catholic Majesty has likewise agreed that the navigation of the said River in its whole breadth from its source to the Ocean shall be free only to his Subjects, and the Citizens of the United States, unless he should extend this privilege to the Subjects of other Powers by special convention.

ART. V

The two High contracting Parties shall by all the means in their power maintain peace and harmony among the several Indian Nations who inhabit the country adjacent to the lines and Rivers which by the preceding Articles form the boundaries of the two Floridas; and the better to obtain this effect both Parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian Nations living within their boundaries: so that Spain will not suffer her Indians to attack the Citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the Subjects of his Catholic Majesty, or his Indians in any manner whatever.

And whereas several treaties of Friendship exist between the two contracting Parties and the said Nations of Indians, it is hereby agreed that in future no treaty of alliance or other whatever (except treaties of Peace) shall be made by either Party with the Indians living within the boundary of the other; but both Parties will endeavour to make the advantages of the Indian trade common and mutualy beneficial to their respective Subjects and Citizens observing in all things the most complete reciprocity: so that both Parties may obtain the advantages arising from a good understanding with the said Nations, without being subject to the expence which they have hitherto occasioned.

ART. VI

Each Party shall endeavour by all means in their power to protect and defend all Vessels and other effects belonging to the Citizens or Subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the

[5] Invalidated by treaty of Feb. 22, 1819 (TS 327, *post*, p. 533).

right owners their Vessels and effects which may have been taken from them within the extent of their said jurisdiction whether they are at war or not with the Power whose Subjects have taken possession of the said effects.

ART. VII

And it is agreed that the Subjects or Citizens of each of the contracting Parties, their Vessels, or effects shall not be liable to any embargo or detention on the part of the other for any military expedition or other public or private purpose whatever; and in all cases of seizure, detention, or arrest for debts contracted or offences committed by any Citizen or Subject of the one Party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The Citizens and Subjects of both Parties shall be allowed to employ such Advocates, Sollicitors, Notaries, Agents, and Factors, as they may judge proper in all their affairs and in all their trials at law in which they may be concerned before the tribunals of the other Party, and such Agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. VIII

In case the Subjects and inhabitants of either Party with their shipping whether public and of war or private and of merchants be forced through stress of weather, pursuit of Pirates, or Enemies, or any other urgent necessity for seeking of shelter and harbor to retreat and enter into any of the Rivers, Bays, Roads, or Ports belonging to the other Party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the sustenance of their persons or reparation of their Ships, and prosecution of their voyage; and they shall no ways be hindered from returning out of the said Ports, or Roads, but may remove and depart when and whither they please without any let or hindrance.

ART. IX

All Ships and merchandize of what nature soever which shall be rescued out of the hands of any Pirates or Robbers on the high seas shall be brought into some Port of either State and shall be delivered to the custody of the Officers of that Port in order to be taken care of and restored entire to the true proprietor as soon as due and sufficient proof shall be made concerning the property there of.

ART. X

When any Vessel of either Party shall be wrecked, foundered, or otherwise damaged on the coasts or within the dominion of the other, their respec-

tive Subjects or Citizens shall receive as well for themselves as for their Vessels and effects the same assistence which would be due to the inhabitants of the Country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair should require that the whole or any part of the cargo be unladen they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

ART. XI

The Citizens and Subjects of each Party shall have power to dispose of their personal goods within the jurisdiction of the other by testament, donation, or otherwise; and their representatives being Subjects or Citizens of the other Party shall succeed to their said personal goods, whether by testament or ab intestato and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will paying such dues only as the inhabitants of the Country wherein the said goods are shall be subject to pay in like cases, and in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong the same shall be decided finally by the laws and Judges of the Land wherein the said goods are. And where on the death of any person holding real estate within the territories of the one Party, such real estate would by the laws of the Land descend on a Citizen or Subject of the other were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective states.

ART. XII

The merchant Ships of either of the Parties which shall be making into a Port belonging to the enemy of the other Party and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion shall be obliged to exhibit as well upon the high seas as in the Ports and havens not only her passports but likewise certificates expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. XIII

For the better promoting of commerce on both sides, it is agreed that if a war shall break out between the said two Nations one year after the proclamation of war shall be allowed to the merchants in the Cities and Towns

where they shall live for collecting and transporting their goods and merchandizes, and if any thing be taken from them, or any injury be done them within that term by either Party, or the People or Subjects of either, full satisfaction shall be made for the same by the Government.

Art. XIV

No subject of his Catholic Majesty shall apply for or take any commission or letters of marque for arming any Ship or Ships to act as Privateers against the said United States or against the Citizens, People, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Nor shall any Citizen, Subject, or Inhabitant of the said United States apply for or take any commission or letters of marque for arming any Ship or Ships to act as Privateers against the subjects of his Catholic Majesty or the property of any of them from any Prince or State with which the said King shall be at war. And if any person of either Nation shall take such commissions or letters of marque he shall be punished as a Pirate.

Art. XV [6]

It shall be lawful for all and singular the Subjects of his Catholic Majesty, and the Citizens People, and inhabitants of the said United States to sail with their Ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon from any Port to the Places of those who now are or hereafter shall be at enmity with his Catholic Majesty or the United States. It shall be likewise lawful for the Subjects and inhabitants aforesaid to sail with the Ships and merchandizes aforementioned, and to trade with the same liberty and security from the Places, Ports, and Havens of those who are Enemies of both or either Party without any opposition or disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to neutral Places but also from one Place belonging to an Enemy to another Place belonging to an Enemy, whether they be under the jurisdiction of the same Prince or under several, and it is hereby stipulated that Free Ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the Ships belonging to the Subjects of either of the contracting Parties although the whole lading or any part thereof should appertain to the Enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free Ship, so that, although they be Enemies to either Party they shall not be made

[6] For an understanding regarding art. XV, see treaty of Feb. 22, 1819 (TS 327), *post*, p. 533.

Prisoners or taken out of that free Ship unless they are Soldiers and in actual service of the Enemies.

Art. XVI

This liberty of navigation and commerce shall extend to all kinds of merchandizes excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended arms, great guns, bombs, with the fusees, and other things belonging to them, cannon ball, gun powder, match, pikes, swords, lances, speards, halberds, mortars, petards, granades, salpetre, muskets, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kind of arms proper for arming soldiers, musket rests, belts, horses with their furniture and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing aparel together with all species whereof they are used to be made, gold and silver as well coined as uncoined, tin, iron, latton, copper, brass, coals, as also wheat, barley, oats, and any other kind of corn and pulse: tobacco and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the sustenance of life. Furthermore all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships masts, planks, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use: all which shall be wholly reckoned among free goods, as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: so that they may be transported and carried in the freest manner by the subjects of both parties, even to Places belonging to an Enemy, such towns or Places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any Ship of war or Squadron shall in consequence of storms or other accidents at sea be under the necessity of taking the cargo of any trading Vessel or Vessels, in which case they may stop the said Vessel or Vessels and furnish themselves with necessaries, giving a receipt in order that the Power to whom the said ship of war belongs may pay for the articles so taken according to the price thereof at the Port to which they may appear to have been destined by the Ship's papers: and the two contracting Parties engage that the Vessels shall not be detained longer than may be absolutely necessary for their said Ships to supply themselves with necessaries: that they will immediately pay

the value of the receipts: and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

Art. XVII

To the end that all manner of dissentions and quarrels may be avoided and prevented on one side and the other, it is agreed that in case either of the Parties hereto should be engaged in a war, the ships and Vessels belonging to the Subjects or People of the other Party must be furnished with sea letters or passports expressing the name, property, and bulk of the Ship, as also the name and place of habitation of the master or commander of the said Ship, that it may appear thereby that the Ship really and truly belongs to the Subjects of one of the Parties; which passport shall be made out and granted according to the form [1] annexed to this Treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships being laden, are to be provided not only with passports as above mentioned but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the Officers of the place whence the ship sailed in the accustomed form; and if any one shall think it fit or adviseable to express in the said certificates the person to whom the goods on board belong he may freely do so: without which requisites they may be sent to one of the Ports of the other contracting Party and adjudged by the competent tribunal according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Art. XVIII

If the Ships of the said subjects, People or inhabitants of either of the Parties shall be met with either sailing along the Coasts on the high Seas by any Ship of war of the other or by any Privateer, the said Ship of war or Privateer for the avoiding of any disorder shall remain out of cannon shot, and may send their boats aboard the merchant Ship which they shall so meet with, and may enter her to number of two or three men only to whom the master or Commander of such ship or vessel shall exhibit his passports concerning the property of the ship made out according to the form inserted in this present Treaty: and the ship when she shall have shewed such passports shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner or firce her to quit her intended course.

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[1] No form of passport is annexed to the treaty.

Art. XIX

Consuls shall be reciprocally established with the privileges and powers which those of the most favoured Nations enjoy in the Ports where their consuls reside, or are permitted to be.

Art. XX

It is also agreed that the inhabitants of the territories of each Party shall respectively have free access to the Courts of Justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or Citizens of the Country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said Court shall be the same as if the contending parties had been subjects or Citizens of the said Country.

Art. XXI [8]

In order to terminate all differences on account of the losses sustained by the Citizens of the United States in consequence of their vessels and cargoes having been taken by the Subjects of his Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners to be appointed in the following manner. His Catholic Majesty shall name one Commissioner, and the President of the United States by and with the advice and consent of their Senate shall appoint another, and the said two Commissioners shall agree on the choice of a third, or if they cannot agree so they shall each propose one person, and of the two names so proposed one shall be drawn by lot in the presence of the two original Commissioners, and the person whose name shall be so drawn shall be the third Commissioner, and the three Commissioners so appointed shall be sworn impartially to examine and decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of Nations. The said Commissioners shall meet and sit at Philadelphia and in the case of the death, sickness, or necessary absence of any such commissioner his place shall be supplied in the same manner as he was first appointed, and the new Commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications, authorized by this article during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation touching the complaints in question, and also to receive in evidence all written testimony authenticated in such manner as they shall think proper to require or admit. The award of the said Commissioners or any two of them shall be

[8] Art. XXI invalidated by treaty of Feb. 22, 1819 (TS 327, *post*, p. 533).

final and conclusive both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his Catholic Majesty undertakes to cause the same to be paid in specie without deduction, at such times and Places and under such conditions as shall be awarded by the said Commissioners.

ART. XXII

The two high contracting Parties hoping that the good correspondence and friendship which happily reigns between them will be further increased by this Treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both Countries may require; and in consequence of the stipulations contained in the IV. article his Catholic Majesty will permit the Citizens of the United States for the space of three years from this time to deposit their merchandize and effects in the Port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and his Majesty promises either to continue this permission if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.[9]

ART. XXIII

The present Treaty shall not be in force until ratified by the Contracting Parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In Witness whereof We the underwritten Plenipotentiaries of His Catholic Majesty and of the United States of America have signed this present Treaty of Friendship, Limits and Navigation and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real this seven and twenty day of October one thousand seven hundred and ninety five.

THOMAS PINCKNEY [SEAL]
EL PRINCIPE DE LA PAZ [SEAL]

[9] Second clause of art. XXII invalidated by treaty of Feb. 22, 1819 (TS 327, *post*, p. 533).

SETTLEMENT OF CLAIMS

Convention signed at Madrid August 11, 1802
Senate advice and consent to ratification January 9, 1804
Ratified by the President of the United States January 9, 1804
Ratified by Spain July 9, 1818
Ratifications exchanged at Washington December 21, 1818
Entered into force December 21, 1818
Proclaimed by the President of the United States December 22, 1818
Annulled February 22, 1821, by treaty of February 22, 1819 [1]

8 Stat. 198; Treaty Series 326 [2]

A Convention between His Catholic Majesty and the United States of America for the Indemnification of those who Have Sustain'd Losses, Damages or Injuries in Consequences of the Excesses of Individuals of Either Nation During the Late War, Contrary to the Existing Treaty or the Laws of Nations

His Catholic Majesty & the Government of the United States of America, wishing amicably to adjust the Claims which have arisen from the excesses committed during the late war, by Individuals of either Nation, contrary to the Laws of Nations or the Treaty [3] existing between the two Countries; His Catholic Majesty has given for this purpose full powers to His Excellency D[n] Pedro Cevallos, Counsellor of State, Gentleman of the Bed Chamber in employment, first Secretary of State & Universal Dispatch, & Superintendent General of the Posts & Postoffices in Spain & the Indies; and the Government of the United States of America, to Charles Pinckney, a Citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty, who have agreed as follows.

1[st] A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, & the fifth by common consent—and in case they should not be able to agree on a person for the fifth Commissioner, each party shall name one & leave the decision to lot—and

[1] TS 327, *post*, p. 528.
[2] For a detailed study of this convention, see 2 Miller 492.
[3] TS 325, *ante*, p. 516.

hereafter, in case of the death, sickness or necessary absence of any of those already appointed, they shall proceed in the same manner, to the appointment of persons to replace them.

2d The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss & decide on the Claims, which they are to judge, according to the Laws of Nations & the existing Treaty, & with the impartiality justice may dictate.

3rd The Commissioners shall meet & hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all Claims which in consequence of this Convention may be made, as well by the Subjects of His Catholic Majesty as by Citizens of the United States of America—who may have a right to demand compensation for the losses, damages or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American Citizens.

4th The Commissioners are authorized by the said contracting parties, to hear & examine on oath, every question relative to the said demands, & to receive as worthy of Credit all testimony, the authenticity of which cannot reasonably be doubted.

5th From the decisions of the Commissioners, there shall be no appeal, & the agreement of three of them shall give full force & effect to their decisions, as well with respect to the Justice of the Claims as to the amount of the indemnification which may be adjudged to the Claimants—the said contracting parties obliging themselves to satisfy the said awards in Specie without deduction, at the times & places pointed out, & under the conditions which may be expressed by the Board of Commissioners.

6th It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above-mentioned Board of Commissioners should arbitrate the Claims originating from the excesses of foreign Cruizers, Agents, Consuls, or Tribunals in their respective Territories, which might be imputable to their two governments, they have expressly agreed that each Government shall reserve, (as it does by this Convention) to itself, its Subjects or Citizens respectively, all the rights which they now have & under which they may hereafter bring forward their Claims at such times as may be most convenient to them.

7th The present Convention shall have no force or effect, until it be ratified by the contracting parties, & the ratifications shall be exchang'd as soon as possible. In faith whereof, We the Underwritten Plenipotentiaries have signed this Convention & have affixed thereto our Respective Seals.

Done at Madrid this 11 day of August 1802.

Pedro Cevallos [SEAL]
Charles Pinckney [SEAL]

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AMITY, SETTLEMENT, AND LIMITS

Treaty signed at Washington February 22, 1819; Spanish instrument of ratification
Ratified by Spain October 24, 1820 [1]
Senate advice and consent to ratification February 19, 1821 [2]
Ratified by the President of the United States February 22, 1821
Ratifications exchanged at Washington February 22, 1821
Entered into force February 22, 1821
Proclaimed by the President of the United States February 22, 1821
Terminated April 14, 1903, by treaty of July 3, 1902 [3]

8 Stat. 252; Treaty Series 327 [4]

Treaty of Amity, Settlement and Limits between the United States of America, and His Catholic Majesty

The United States of America and His Catholic Majesty desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevails between the two Parties, have determined to settle and terminate all their differences and pretensions by a Treaty, which shall designate with precision the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full Powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis de Onis, Gonsalez, Lopez y Vara, Lord of the Town of Rayaces, Perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand Cross of the Royal American Order of Isabella, the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said

[1] The Spanish instrument of ratification (for text, see p. 535) is considered a part of the agreement, since it explains the treaty, particularly the provisions of art. 8.

[2] The Senate resolution of advice and consent reads as follows:

"Resolved, two thirds of the Senators present concurring therein, that the Senate having examined the treaty of Amity, Settlement and Limits between the United States of America and his Catholic Majesty made and concluded on the twenty second day of February 1819, and seen and considered the Ratification thereof, made by his said Catholic Majesty on the 24th day of October 1820, do consent to, and advise the President of the United States to ratify the same."

[3] TS 422, *post*, p. 628.

[4] For a detailed study of this treaty, see 3 Miller 3.

Royal Order; of the Council of His Catholic Majesty; his Secretary with Exercise of Decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United States of America.

And the said Plenipotentiaries, after having exchanged their Powers, have agreed upon and concluded the following Articles.

Article 1

There shall be a firm and inviolable peace and sincere friendship between the United States and their Citizens, and His Catholic Majesty, his Successors and Subjects, without exception of persons or places.

Article 2

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the Eastward of the Mississippi, known by the name of East and West Florida. The adjacent Islands dependent on said Provinces, all public lots and squares, vacant Lands, public Edifices, Fortifications, Barracks and other Buildings, which are not private property, Archives and Documents, which relate directly to the property and sovereignty of said Provinces, are included in this Article. The said Archives and Documents shall be left in possession of the Commissaries, or Officers of the United States, duly authorized to receive them.

Article 3

The Boundary Line between the two Countries, West of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the River Sabine in the Sea, continuing North, along the Western Bank of that River, to the 32^{d} degree of Latitude; thence by a Line due North to the degree of Latitude, where it strikes the Rio Roxo of Nachitoches, or Red-River, then following the course of the Rio-Roxo Westward to the degree of Longitude, 100 West from London and 23 from Washington, then crossing the said Red-River, and running thence by a Line due North to the River Arkansas, thence, following the Course of the Southern bank of the Arkansas to its source in Latitude, 42. North and thence by that parallel of Latitude to the South-Sea. The whole being as laid down in Melishe's Map of the United States, published at Philadelphia, improved to the first of January 1818. But if the Source of the Arkansas River shall be found to fall North or South of Latitude 42, then the Line shall run from the said Source due South or North, as the case may be, till it meets the said Parallel of Latitude 42, and thence along the said Parallel to the South Sea: all the Islands in the Sabine and the Said Red and Arkansas Rivers, throughout the Course thus described, to belong to the United States; but the use of the Waters and the navigation of the Sabine to the Sea, and of the said Rivers, Roxo and Arkansas, throughout the extent of the said Boundary, on their respective Banks, shall be common to the

respective inhabitants of both Nations. The Two High Contracting Parties agree to cede and renounce all their rights, claims and pretensions to the Territories described by the said Line: that is to say.—The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the Territories lying West and South of the above described Line; and, in like manner, His Catholic Majesty cedes to the said United States, all his rights, claims, and pretentions to any Territories, East and North of the said Line, and, for himself, his heirs and successors, renounces all claim to the said Territories forever.

Article 4

To fix this Line with more precision, and to place the Landmarks which shall designate exactly the limits of both Nations, each of the Contracting Parties shall appoint a Commissioner, and a Surveyor, who shall meet before the termination of one year from the date of the Ratification of this Treaty, at Nachitoches on the Red River, and proceed to run and mark the said Line from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the Latitude of the Source of the said River Arkansas, in conformity to what is above agreed upon and stipulated, and the Line of Latitude 42. to the South Sea: they shall make out plans and keep Journals of their proceedings, and the result agreed upon by them shall be considered as part of this Treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary Articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

Article 5

The Inhabitants of the ceded Territories shall be secured in the free exercise of their Religion, without any restriction, and all those who may desire to remove to the Spanish Dominions shall be permitted to sell, or export their Effects at any time whatever, without being subject, in either case, to duties.

Article 6

The Inhabitants of the Territories which His Catholic Majesty cedes to the United States by this Treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the Citizens of the United States.

Article 7

The Officers and Troops of His Catholic Majesty in the Territories hereby ceded by him to the United States shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange

of the Ratifications of this Treaty, or sooner if possible, by the Officers of His Catholic Majesty, to the Commissioners or Officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish Officers and Troops and their baggage to the Havana.

ARTICLE 8 [5]

All the grants of land made before the 24th of January 1818. by His Catholic Majesty or by his lawful authorities in the said Territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the Territories had remained under the Dominion of His Catholic Majesty. But the owners in possession of such lands, who by reason of the recent circumstances of the Spanish Nation and the Revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same respectively, from the date of this Treaty; in default of which the said grants shall be null and void—all grants made since the said 24th of January 1818. when the first proposal on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ARTICLE 9

The two High Contracting Parties animated with the most earnest desire of conciliation and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects may have suffered, until the time of signing this Treaty.

The renunciation of the United States will extend to all the injuries mentioned in the Convention of the 11th of August 1802.[6]

2. To all claims on account of Prizes made by French Privateers, and condemned by French consuls, within the Territory and Jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of Deposit at New Orleans in 1802.

4. To all claims of Citizens of the United States upon the Government of Spain, arising from the unlawful seizures at Sea, and in the ports and territories of Spain or the Spanish Colonies.

5. To all claims of Citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Govern-

[5] See also Spanish instrument of ratification, p. 535.
[6] TS 326, *ante*, p. 526.

ment of the United States have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the Convention of 1802, and until the signature of this Treaty.

The renunciation of His Catholic Majesty extends,

1. To all the injuries mentioned in the Convention of the 11th of August 1802.
2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.
3. To all injuries caused by the expedition of Miranda that was fitted out and equipped at New York.
4. To all claims of Spanish subjects upon the Government of the United States arizing from unlawful seizures at Sea or within the ports and territorial Jurisdiction of the United States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States, in which the interposition of His Catholic Majesty's Government has been solicited before the date of this Treaty, and since the date of the Convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to His Minister in the United States.

And the High Contracting Parties respectively renounce all claim to indemnities for any of the recent events or transactions of their respective Commanders and Officers, in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which by process of Law, shall be established to have been suffered by the Spanish Officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.

Article 10

The Convention entered into between the two Governments on the 11. of August 1802, the Ratifications of which were exchanged the 21st December 1818, is annulled.

Article 11

The United States, exonerating Spain from all demands in future, on account of the claims of their Citizens, to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding Five Millions of Dollars. To ascertain the full amount and validity of those claims, a Commission, to consist of three Commissioners, Citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate; which Commission shall meet at the City of Washington, and within the space of three years, from the time of their first meeting,

shall receive, examine and decide upon the amount and validity of all the claims included within the descriptions above mentioned.

The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and in case of the death, sickness, or necessary absence of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine on oath every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of Justice, the Laws of Nations, and the stipulations of the Treaty between the two Parties of 27th October 1795;[7] the said Documents to be specified, when demanded at the instance of the said Commissioners.

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding Five Millions of Dollars, shall be made by the United States, either immediately at their Treasury or by the creation of Stock bearing an interest of Six per Cent per annum, payable from the proceeds of Sales of public lands within the Territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by Law.

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.

Article 12

The Treaty of Limits and Navigation of 1795. remains confirmed in all and each one of its Articles, excepting the 2, 3, 4, 21 and the second clause of the 22d Article, which, having been altered by this Treaty, or having received their entire execution, are no longer valid.

With respect to the 15th Article of the same Treaty of Friendship, Limits and Navigation of 1795, in which it is stipulated, that the Flag shall cover the property, the Two High Contracting Parties agree that this shall be so understood with respect to those Powers who recognize this principle; but

[7] TS 325, *ante*, p. 516.

if either of the two Contracting Parties shall be at War with a Third Party, and the other Neutral, the Flag of the Neutral shall cover the property of Enemies, whose Government acknowledge this principle, and not of others.

ARTICLE 13

Both Contracting Parties, wishing to favour their mutual Commerce, by affording in their ports every necessary Assistance to their respective Merchant Vessels, have agreed, that the Sailors who shall desert from their Vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul—who shall prove nevertheless, that the Deserters belonged to the Vessels that claim them, exhibiting the document that is customary in their Nation: that is to say, the American Consul in a Spanish Port, shall exhibit the Document known by the name of *Articles,* and the Spanish Consul in American Ports, the Roll of the Vessel; and if the name of the Deserter or Deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody and delivered to the Vessel to which they shall belong.

ARTICLE 14

The United States hereby certify, that they have not received any compensation from France for the injuries they suffered from her Privateers, Consuls, and Tribunals, on the Coasts and in the Ports of Spain, for the satisfaction of which provision is made by this Treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ARTICLE 15

The United States to give to His Catholic Majesty, a proof of their desire to cement the relations of Amity subsisting between the two Nations, and to favour the Commerce of the Subjects of His Catholic Majesty, agree that Spanish Vessels coming laden only with productions of Spanish growth, or manufactures directly from the Ports of Spain or of her Colonies, shall be admitted for the term of twelve years to the Ports of Pensacola and St. Augustine in the Floridas, without paying other or higher duties on their cargoes or of tonnage than will be paid by the Vessels of the United States. During the said term no other Nation shall enjoy the same privileges within the ceded Territories. The twelve years shall commence three months after the exchange of the Ratifications of this Treaty.

ARTICLE 16

The present Treaty shall be ratified in due form by the Contracting Parties, and the Ratifications shall be exchanged in Six Months [8] from this time or sooner if possible.

[8] See Spanish instrument of ratification, p. 535.

In Witness whereof, We the Underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of Our Powers, the present Treaty of Amity, Settlement and Limits, and have thereunto affixed our Seals respectively.

Done at Washington, this Twenty-Second day of February, One Thousand Eight Hundred and Nineteen.

JOHN QUINCY ADAMS [SEAL]
LUIS DE ONIS [SEAL]

SPANISH INSTRUMENT OF RATIFICATION

[TRANSLATION]

Ferdinand the Seventh by the grace of God, and by the Constitution of the Spanish Monarchy, King of the Spains.

Whereas on the twenty second day of February of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the City of Washington between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences, and of limits between both Governments and their respective territories; which are of the following form and literal tenor.

[Here follows text of treaty.]

Therefore having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the Nation with respect to the Cession mentioned and stipulated in the 2^{d} and 3^{d} articles, I approve and ratify all and every one of the articles referred to and the clauses which are contained in them; and in virtue of these presents I approve and ratify them; promising on the faith and word of a King to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them: and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article may afford no obstacle in any manner; it is my deliberate will that the present ratification be as valid and firm and produce the same effects as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me or by the competent authorities in my Royal name, which point of date was fixed in the positive understanding of the three grants of land made in favour of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de

Vargas, being annulled by its tenor; I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time or in any manner: under which explicit declaration the said 8th article is to be understood as ratified.

In the faith of all which I have commanded to despatch these presents signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid the twenty fourth of October one thousand eight hundred and twenty.

Fernando
Evaristo Perez de Castro

SETTLEMENT OF CLAIMS

Convention signed at Madrid February 17, 1834, with form of inscription
Senate advice and consent to ratification May 13, 1834
Ratified by the President of the United States May 15, 1834
Ratified by Spain July 23, 1834
Ratifications exchanged at Madrid August 14, 1834
Entered into force August 14, 1834
Proclaimed by the President of the United States November 1, 1834
Continued in force by treaty of July 3, 1902 [1]
Terminated August 12, 1907 [2]

8 Stat. 460; Treaty Series 328 [3]

The Government of the United States of America and Her Majesty the Queen Regent, Governess of Spain during the minority of her august daughter, Her Catholick Majesty Donna Ysabel the 2d, from a desire of adjusting by a definitive arrangement the claims preferred by each party against the other, and thus removing all grounds of disagreement, as also of strengthening the ties of friendship and good understanding which happily subsist between the two nations, have appointed for this purpose, as their respective Plenipotentiaries, namely:

The President of the United States, Cornelius P. Van Ness, a citizen of the said States, and their Envoy Extraordinary and Minister Plenipotentiary near Her Catholick Majesty Donna Ysabel the 2d; and Her Majesty the Queen Regent, in the name and behalf of Her Catholick Majesty Donna Ysabel the 2d, His Excellency Don José de Heredia, Knight Grand Cross of the Royal American Order of Ysabel the Catholick, one of Her Majesty's Supreme Council of Finance, ex-Envoy Extraordinary and Minister Plenipotentiary, and President of the Royal Junta of Appeals of Credits against France;

Who, after having exchanged their respective full powers, have agreed upon the following articles:

ARTICLE I

Her Majesty the Queen Regent and Governess, in the name and in behalf of Her Catholick Majesty Donna Ysabel the 2d, engages to pay to the United

[1] TS 422, *post*, p. 628.
[2] Date on which Spain paid principal of debt as final settlement of claims.
[3] For a detailed study of this convention and of the claims settlement, see 3 Miller 811.

States, as the balance on account of the claims aforesaid, the sum of twelve millions of rials vellon, in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this convention, and shall be delivered in Madrid to such person or persons as may be authorized by the Government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the Government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

ARTICLE II

The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this convention.

ARTICLE III

The high contracting parties, in virtue of the stipulation contained in article first, reciprocally renounce, release, and cancel all claims which either may have upon the other, of whatever class, denomination, or origin they may be, from the twenty-second of February, one thousand eight hundred and nineteen, until the time of signing this convention.

ARTICLE IV

On the request of the Minister Plenipotentiary of Her Catholick Majesty at Washington, the Government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the Government of Spain, specifying their amounts respectively, and three years afterwards, or sooner if possible, authentic copies of all the documents upon which they may have been founded.

ARTICLE V

This convention shall be ratified, and the ratifications shall be exchanged, in Madrid, in six months from this time, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed these articles, and affixed thereto their seals.

Done in triplicate at Madrid, this seventeenth day of February, one thousand eight hundred and thirty-four.

C. P. VAN NESS [SEAL]
JOSÉ DE HEREDIA [SEAL]

[FORM OF INSCRIPTION]

[TRANSLATION]

No. ..... Coupon for ..... standard pesos of bonded indebtedness, payable ....., 183.. Coupon No. 1.	Perpetual Bonded Indebtedness of Spain payable at Paris at the rate of 5 per cent per annum, inscribed in the great book of the consolidated debt This inscription is issued in accordance with a convention concluded at Madrid on the ..... day of ....., between H. C. M. the Queen of Spain and the United States of America, for payment of claims of citizens of said States. Inscription No. ..... Principal — Interest Standard pesos... Standard pesos... or francs..... or francs..... The bearer hereof is entitled to an annuity of ..... standard pesos or ..... francs, payable at Paris every six months, on the ..... and ..... of ....., by the bankers of Spain in that city, at the rate of 5 francs 40 centimes for each standard peso, in conformity with the royal decree of December 15, 1825. In accordance with said royal decree, 1 per cent of the nominal value of this bonded indebtedness, at compound interest, shall be set aside each year for the amortization thereof, which amount shall be employed by the aforesaid bankers in its periodical amortization at the current rate. Madrid, ... of ..... The Secretary of the Treasury Department The Director of the Royal Sinking Fund	

In faith whereof we, the undersigned Plenipotentiaries of Her Catholic Majesty the Queen of Spain and of the United States of America, have signed the present form and have affixed our seals thereto.

Done at Madrid this _____ day of _____

JOSÉ DE HEREDIA [SEAL]
C. P. VAN NESS [SEAL]

SPANISH-AMERICAN CLAIMS COMMISSION

Exchange of notes at Madrid February 11 and 12, 1871
Entered into force February 12, 1871
Supplemented by agreements of February 23, 1881,[1] *and May 6 and December 14, 1882* [2]
Terminated by protocol of June 2, 1883 [3]

17 Stat. 839; Treaty Series 328–1

The American Minister to the Minister of State

LEGATION OF THE UNITED STATES
MADRID, *February 11, 1871*

SIR:

I have had the honor to receive the note of today's date addressed to me by Your Excellency, proposing certain modifications of the plan of arrangement submitted to you on the 7th instant for the adjustment of the reclamations made by my government against that of Spain. I take much pleasure in stating that the changes suggested in the memorandum enclosed in your note have my entire concurrence, and have been duly embodied in the following record of the bases upon which we have agreed:

Memorandum of an arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the Government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property of citizens of whom the said heirs are the legal representatives, by the authorities of Spain in the Island of Cuba or within the maritime jurisdiction thereof, since the commencement of the present insurrection;

1. It is agreed that all such claims shall be submitted to Arbitrators, one to be appointed by the Secretary of State of the United States, another by the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington, and these two to name an Umpire who shall decide all questions upon which they shall be unable to agree; and in case the place of either Arbitrator

[1] TS 331–1, *post*, p. 557.
[2] TS 332, *post*, p. 560.
[3] TS 335, *post*, p. 569.

or of the Umpire shall from any cause become vacant, such vacancy shall be filled forthwith in the manner herein provided for the original appointment.

2. The Arbitrators and Umpire so named shall meet at Washington within one month from the date of their appointment and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially hear and determine, to the best of their judgment and according to public law, and the Treaties in force between the two countries, and these present stipulations, all such claims as shall, in conformity with this agreement, be laid before them on the part of the Government of the United States; and such declaration shall be entered upon the record of their proceedings.

3. Each government may name an advocate to appear before the Arbitrators or the Umpire, to represent the interests of the parties respectively.

4. The Arbitrators shall have full power, subject to these stipulations, and it shall be their duty before proceeding with the hearing and decision of any case, to make and publish convenient rules prescribing the time and manner of the presentation of claims and of the proof thereof; and any disagreement with reference to the said rules of proceeding shall be decided by the Umpire. It is understood that a reasonable period shall be allowed for the presentation of the proofs; that all claims and the testimony in favor of them shall be presented only through the Government of the United States; that the award made in each case shall be in writing and, if indemnity be given, the sum to be paid shall be expressed in the gold coin of the United States.

5. The Arbitrators shall have jurisdiction of all claims presented to them by the Government of the United States for injuries done to citizens of the United States by the authorities of Spain in Cuba since the first day of October, 1808. Adjudications of the tribunals in Cuba, concerning citizens of the United States, made in the absence of the parties interested, or in violation of international law, or of the guarantees and forms provided for in the Treaty of October 27th, 1795,[4] between the United States and Spain, may be reviewed by the Arbitrators, who shall make each award in any such case as they shall deem just. No judgment of a Spanish tribunal disallowing the affirmation of a party that he is a citizen of the United States shall prevent the Arbitrators from hearing a reclamation presented in behalf of said party by the United States Government. Nevertheless, in any case heard by the Arbitrators, the Spanish Government may traverse the allegation of American citizenship and thereupon competent and sufficient proof thereof will be required. The Commission having recognized the quality of American citizens in the claimants, they will acquire the

[4] TS 325, *ante*, p. 516.

rights accorded to them by the present stipulations as such citizens. And it is further agreed that the Arbitrators shall not have jurisdiction of any reclamation made in behalf of a native-born Spanish subject naturalized in the United States if it shall appear that, the same subject matter having been adjudicated by a competent tribunal in Cuba and the claimant, having appeared therein, either in person or by his duly appointed attorney and being required by the laws of Spain to make a declaration of his nationality, failed to declare that he was a citizen of the United States; in such case and for the purposes of this arbitration, it shall be deemed and taken that the claimant, by his own default, had renounced his allegiance to the United States. And it is further agreed that the Arbitrators shall not have jurisdiction of any demands growing out of contracts.

6. The expenses of the arbitration will be defrayed by a percentage to be added to the amount awarded. The compensation of the Arbitrators and the Umpire shall not exceed three thousand dollars each; the same allowance shall be made to each of the two advocates representing respectively the two Governments; and the Arbitrators may employ a Secretary at a compensation not exceeding the sum of five dollars a day for every day actually and necessarily given to the business of the Arbitration.

7. The two Governments will accept the awards made in the several cases submitted to the said Arbitration as final and conclusive, and will give full effect to the same in good faith and as soon as possible.[5]

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

D. E. Sickles

His Excellency
The Minister of State.

The Minister of State to the American Minister

[translation]

Ministry of State
Madrid, *12 February 1871*

Sir:

I have had the honor to receive the Note you were pleased to address to me under date of yesterday, communicating to me the definitive record of the Memorandum in reference to the manner of arranging the settlement of the reclamations of citizens of the United States consequent upon the insurrection in the Island of Cuba, and as, in drawing up the document, you have

[5] For additional articles, see agreements of Feb. 23, 1881 (TS 331–1), *post*, p. 557, and May 6, 1882 (TS 332), *post*, p. 560.

kindly incorporated the slight modifications I proposed to you, for greater clearness and precision, in my note of yesterday in answer to yours of the 7th, I take pleasure in informing you that I entirely concur in the contents of the said Memorandum.

I improve this occasion to renew to you the assurances of my most distinguished consideration.

CRISTINO MARTOS

THE MINISTER PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA.

CLAIMS: THE CASE OF THE "VIRGINIUS"

Agreement signed at Madrid February 27, 1875
Declaration of ratification signed at Madrid March 11, 1875
Orders for distribution of indemnities signed by the President of the United States July 21, 1875, and January 7, 1876

Treaty Series 329 [1]

Agreement

In consideration of the reasons set forth and the declarations made reciprocally in various conferences to that effect had between His Excellency Mr. Caleb Cushing Representative of the United States, and His Excellency D. Alejandro Castro Minister of State, as also of the notes which have passed between them, and desiring at the same time to put an end, by means of an equitable and friendly accord to the reclamations presented by the Government of the United States in consequence of what occurred at Santiago de Cuba in regard to the persons of the officers, crew and passengers of the Steamer "Virginius" it being understood that from these reclamations are to be excluded, in so far as respects the Ship's company all individuals indemnified as British subjects, and, with respect to passengers, including only six American citizens:

They have agreed:

First. The Spanish Government engages to deliver to that of the United States the sum of eighty thousand dollars in coin, or four hundred thousand pesetas, for the purpose of relief of the families or persons of the Ship's company and passengers aforesaid of the "Virginius."

Second. The Government of the United States engages to accept the sum mentioned in satisfaction of reclamations of any sort which, in the sense of personal indemnification in this behalf might hereafter be advanced against the Spanish Government.

Third. When the sum referred to in Article one, shall have been received, the President of the United States will proceed to distribute the same among the families or the parties interested in the form and manner which he may judge most equitable, without being obliged to give account of this distribution to the Spanish Government.

[1] Not previously printed.

Fourth. The payment of the eighty thousand dollars, or four hundred thousand pesetas, shall be effected by the Spanish Government at Madrid, in specie and in three periods of two months each: thirty thousand dollars, or one hundred and fifty thousand pesetas for each of the first two instalments, and twenty thousand dollars, or one hundred thousand pesetas, in the last.

Fifth. The present agreement will be ratified by both the undersigned so soon as His Excellency the Representative of the United States shall have presented credential letters which accredit him as Minister Plenipotentiary near His Majesty the King of Spain.

Done at Madrid this twenty seventh day of february in the year one thousand eight hundred and seventy five.

C. CUSHING
ALEJANDRO CASTRO

DECLARATION OF RATIFICATION

His Excellency Mister Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and His Excellency Don Alejandro Castro Minister of State of His Catholic Majesty in fulfilment of the stipulation contained in the fifth article of the agreement provisionally signed by Their Excellencies aforesaid in this City on the twenty seventh of February last past, Declare:

That His Excellency Mister Caleb Cushing having yesterday presented the Letter of His Excellency the President which accredits him as the Envoy Extraordinary and Minister Plenipotentiary of the said States near His Majesty the King of Spain, they ratify, by the present document, all that is stipulated in each one of the five articles of which the abovementioned agreement is composed.

In witness whereof, both the Undersigned have signed their names and set their seals to the present declaration.

Madrid, the eleventh of March of the year one thousand eight hundred and twenty [seventy] five.

The Minister Plenipotentiary of the United States of America
C. CUSHING [SEAL]

The Minister of State of His Catholic Majesty
ALEJANDRO CASTRO [SEAL]

ORDERS FOR DISTRIBUTION

Whereas, pursuant to the Convention between the United States and Spain for the adjustment of the question of reclamation arising from the capture of

the "Virginius," entered into upon the 27th February, 1875, and duly ratified upon the 11th day of March, 1875, the Spanish Government engaged to deliver to the United States the sum of $80.000, or 400.000 pesetas, for the purpose of the relief of the families of those of the ships company and of such of the passengers as were citizens of the United States who were executed, and to afford compensation to such of the ships company and to such passengers as in like manner were citizens of the United States who were detained and suffered loss, excluding from any participation therein all individuals indemnified as British subjects:

And whereas, it was therein further provided that when such amount should have been received, the President of the United States would proceed to distribute the same among the parties entitled thereto, in the form and manner which he may judge most equitable: and whereas such amount has been duly paid at Madrid, and the proceeds thereof are now in possession of the Government of the United States, now therefore pursuant to the provisions of Article 3d of said Convention, I, Ulysses S. Grant, President of the United States, do hereby direct that such amount so received, shall be distributed among the parties entitled thereto, in the following amounts and proportions, and pursuant to the following rules.

I. The amounts allowed are determined with a general reference to the rates of wages of Officers & Crew. All of the Ships Company (constituting the Crew) are to be regarded and considered as American Seamen, but inasmuch as the British Government has demanded and received from Spain certain indemnity and promises of further conditional indemnity, for and on account of certain of the crew, as being British subjects, those of the crew or passengers who were British subjects, or who have been claimed as such by the British Government and for whom the British Government demanded or received indemnity from Spain, are to be excluded from the distribution to be made of the indemnity above referred to.

II. Distribution will be made on account of those who were executed, as follows:

For each one (being 13 in number) of the Ship's Company, rated or serving as Fireman, Mariner, Cook, Cabin Boy or otherwise than as one of the officers or petty officers hereafter mentioned, who was executed, and excluding those referred to above, and also to each passenger who was executed being at the time an American citizen, the sum of twenty-five hundred dollars ($2.500).

For each Assistant Engineer, Second, Third, Fourth Engineer, or Third Mate, forty per cent in addition to the above sum, that is to say, thirty-five hundred dollars each.

For the First Mate & First Engineer, eighty per cent in addition to the said above mentioned sum, that is to say, forty-five hundred dollars each.

For the Captain, one hundred and fifty per cent in addition to the said above mentioned sum, that is to say, six thousand two hundred and fifty dollars.

III. The several amounts allowed as above are to be paid to the widow, children, parents, or brothers and sisters of the deceased, as follows:

1. To the widow of the deceased.
2. If no widow, to the children of the deceased in equal shares. Where such children shall be minors, the same shall be paid to a legally appointed guardian.
3. If no children, then to the father; if no father, to the mother.
4. If no father or mother, then to the brothers and sisters in equal shares.
5. If the deceased shall have left no widow, child, parent, brother or sister, no amount is to be paid on his account.

There shall be allowed to each of the Ship's Company and to such of the passengers as were citizens of the United States who were detained and suffered loss, to be paid on the conditions hereinafter provided, as follows:

To each of the Ship's Crew who was under the age of twenty-one years at the time of the capture, or who was reported at the time as under that age, and to each passenger who was an American citizen, the sum of two hundred and fifty dollars.

To each of the Ship's Crew who was over the age of twenty-one years and who was rated as being a Fireman, Mariner, Cook, Cabin Boy, or otherwise than as one of the officers or petty officer hereafter mentioned, forty per cent in addition to the above allowed sum, that is to say, three hundred and fifty dollars each.

To any Engineer, Second or other Assistant Engineer, Mate, Purser, Assistant Purser or Surgeon, eighty per cent in addition to the above allowed sum, that is to say, four hundred and fifty dollars to each.

In case any of such persons, so entitled to payment, shall have died, such amount shall be paid to the family of the deceased as provided in Article III.

IV. The proofs as to all the necessary facts in each case, including identity, relationship and citizenship, shall be made to the satisfaction of the Department of State, as a condition of payment and a naturalized citizen, where proofs of citizenship is necessary shall produce his certificate of naturalization and furnish satisfactory proof if required, as to residence and his right to such certificate.

V. Payments will be made to the parties entitled thereto, through the Department of State, or in checks to their order, and will not be made to Attorneys.

VI. Prior to any payment being made, the party entitled thereto, shall sign and duly acknowledge before some competent officer, a receipt and release stating that the sum so paid is received in full satisfaction of any claim

or reclamations of any sort which may exist, or which might be advanced against the Spanish Government, by reason of the capture of the "Virginius", or the acts of the Spanish Authorities connected therewith.

VII. Should any further order or direction be required, the same will hereafter be made as an addition hereto.

In witness whereof, I have hereunto set my hand, at the City of Washington, this twenty-first day of July, in the year of Our Lord, one thousand eight hundred and seventy-five, and of the Independence of the United States of America, the One Hundredth.

U. S. Grant

Whereas pursuant to the Convention between the United States and Spain, relating to indemnity growing out of the capture of the "Virginius", eighty thousand dollars were paid to the United States, to be distributed by the President among the parties entitled thereto, in the form and manner which he might judge most equitable; and whereas, a general order or form of distribution was duly signed by the President upon the 21st day of July 1875, by section 8 [VII] of which it is provided that in case any further order or direction be required, the same will be made as an addition thereto; and whereas, a further order or direction is deemed necessary, now therefore as an addition to section 3 of such former order, I, Ulysses S. Grant, President of the United States, do hereby direct, that where any amount shall be payable, pursuant to such general order of distribution, on account of the Execution of any passenger or member of the ships company, and the deceased shall have left a wife, and a child or children by such wife, and also a child or children by any other marriage, that in such case the said wife so surviving shall receive 2/3 of said amount so to be paid for herself and her child and children, and such other child or children shall receive one third thereof to be divided equally among them. If however there be a wife only, or a child or children only of such second marriage and a child or children by any other marriage, the amount shall be divided one half to such wife, or to such child or children, and the remainder to the child or children of such former marriage—all which amounts shall be paid in the manner and on the same conditions as is provided by said original order.

U. S. Grant

Dated January 7, 1876

EXTRADITION

Convention signed at Madrid January 5, 1877
Ratified by Spain January 12, 1877
Senate advice and consent to ratification February 9, 1877
Ratified by the President of the United States February 14, 1877
Ratifications exchanged at Washington February 21, 1877
Entered into force February 21, 1877
Proclaimed by the President of the United States February 21, 1877
Amended and supplemented by convention of August 7, 1882 [1]
Terminated April 14, 1903, by treaty of July 3, 1902 [2]

19 Stat. 650; Treaty Series 330

The United States of America and His Majesty the King of Spain: having judged it expedient, with a view to the better administration of justice, and the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries, the President of the United States, Caleb Cushing, the Envoy Extraordinary and Minister Plenipotentiary of the United States near the Government of Spain, and His Majesty the King of Spain, His Excellency Don Fernando Calderon y Collantes, His Minister of State, Knight Grand Cross of the Royal and distinguished Order of Carlos Tercero, of those of Leopold of Austria and of Belgium, of that of Our Lord Jesus Christ of Portugal, of the Savior of Greece, of the Holy Sepulchre and of the Nishan Iftijar of Tunis, who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following Articles:

Article I

It is agreed that the Government of the United States and the Government of Spain shall, upon mutual requisition duly made as herein provided, deliver up to justice all persons, who may be charged with, or who have been convicted of, any of the crimes specified in Article II of this Convention, committed within the jurisdiction of one of the contracting parties,

[1] TS 334, *post*, p. 565.
[2] TS 422, *post*, p. 628.

while said persons were actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

Article II [3]

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

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape.
4. Arson.
5. Piracy or mutiny on board ship when the crew or other persons on board, or part thereof, have, by fraud or violence against the commander, taken possession of the vessel.
6. Burglary, defined to be the act of breaking and entering into the house of another in the night time with intent to commit a felony therein.
7. The act of breaking and entering the offices of the government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, with intent to commit a felony therein.
8. Robbery, defined to be the felonious and forcible taking, from the person of another, goods or money by violence or by putting him in fear.
9. Forgery, or the utterance of forged papers.
10. The forgery or falsification of official acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.
11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, banknotes or other instruments of public credit; of counterfeit seals, stamps, dies and marks of State or public administrations; and the utterance, circulation or fraudulent use of any of the above-mentioned objects.
12. The embezzlement of public funds, committed within the jurisdiction of one or the other party, by public officers or depositaries.
13. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

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[3] For amended texts of art. II, paras. 5, 12, 13, and 14, and addition of paras. 15, 16, 17, and 18, see supplementary convention of Aug. 7, 1882 (TS 334), *post*, p. 565.

14. Kidnapping, defined to be the detention of a person or persons, in order to exact money from them, or for any other unlawful end.

ARTICLE III

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the contracting parties in virtue of this Convention shall be tried or punished for any political crime or offence, nor for any act connected therewith, committed previously to the extradition.

ARTICLE IV

No person shall be subject to extradition in virtue of this Convention for any crime or offence committed previous to the exchange of the ratifications hereof—and no person shall be tried for any crime or offence other than that for which he was surrendered, unless such crime be one of those enumerated in Article II, and shall have been committed subsequent to the exchange of the ratifications hereof.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

If a fugitive criminal, claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered, in preference, in accordance with that demand which is the earliest in date.

ARTICLE VIII

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

ARTICLE IX

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

ARTICLE X

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

ARTICLE XI

The stipulations of this Convention shall be applicable to all foreign or colonial possessions of either of the two contracting parties.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from a colonial possession of one of the contracting parties, requisition may be made by superior Consular officers.

It shall be competent for such representatives or such superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.[4]

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[4] For additional articles inserted by supplementary convention of Aug. 7, 1882, see TS 334, *post*, p. 566.

ARTICLE XII

This Convention shall continue in force from the day of the exchange of the ratifications thereof; but either party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in triplicate, and have hereunto affixed their seals.

Done at the city of Madrid, in triplicate, English and Spanish, this fifth day of January in the year of our Lord one thousand eight hundred and seventy seven.

CALEB CUSHING [SEAL]
FERNANDO CALDERON Y COLLANTES [SEAL]

JUDICIAL PROCEDURE

Protocol signed at Madrid January 12, 1877
Entered into force January 12, 1877
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

Treaty Series 331

PROTOCOL OF A CONFERENCE HELD AT MADRID, ON THE 12TH OF JANUARY, 1877, BETWEEN THE HONORABLE CALEB CUSHING, MINISTER PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA, AND HIS EXCELLENCY SEÑOR DON FERNANDO CALDERON Y COLLANTES, MINISTER OF STATE OF HIS MAJESTY THE KING OF SPAIN

The respective parties, mutually desiring to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and for the reasons set forth and representations exchanged in various notes and previous conferences, proceeded to make declaration on both sides as to the understanding of the two Governments in the premises, and respecting the true application of said treaties.

Señor Calderon y Collantes declared as follows:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the Law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbeforementioned law; but even in this case the accused shall enjoy for their defense the guarantees embodied in the aforesaid Law of April 17, 1821.

[1] TS 422, *post*, p. 628.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles twenty to thirty-one of the said law; they shall have right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain General, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above-mentioned law.

Mr. Cushing declared as follows:

1. The Constitution of the United States provides that the trial of all crimes except in cases of impeachment shall be by jury, and such trial shall be held in the State where said crimes shall have been committed, or when not committed within any State the trial will proceed in such place as Congress may direct (Art. III, § 2);[2] that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury except in cases arising in the land and naval forces or in the militia when in actual service (Amendments to the Constitution, Art. V); and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have counsel for his defense. (Amendments to the Constitution, Art. VI.)

2. The Act of Congress of April 30, 1790, chap. 9, sec. 29,[3] re-enacted in the Revised Statutes, provides that every person accused of treason shall have a copy of the indictment and a list of the jury, and of the witnesses to be produced at the trial, delivered to him three days before the same, and in all other capital cases two days before that takes place; that in all such cases the accused shall be allowed to make his full defense by counsel learned in the law, who shall have free access to him at all seasonable hours; that he shall

[2] 1 Stat. 18.
[3] 1 Stat. 118.

be allowed in his defense to make any proof which he can produce by lawful witnesses, and he shall have due power to compel his witnesses to appear in court.

3. All these provisions of the Constitution and of Acts of Congress are of constant and permanent force, except on occasion of the temporary suspension of the writ of habeas corpus.

4. The provisions herein set forth apply in terms to all persons accused of the commission of treason or other capital crimes in the United States, and therefore, as well by the letter of the law as in virtue of existing treaties, the said provisions extend to and comprehend all Spaniards residing or being in the United States.

Señor Calderon y Collantes then declared as follows:

In view of the satisfactory adjustment of this question in a manner so proper for the preservation of the friendly relations between the respective Governments, and in order to afford the Government of the United States the completest security of the sincerity and good faith of His Majesty's Government in the premises, command will be given by Royal Order for the strict observance of the terms of the present Protocol in all the dominions of Spain and specifically in the Island of Cuba.

In testimony of which we have interchangeably signed this Protocol.

Caleb Cushing
Ferndo. Calderon y Collantes

SPANISH-AMERICAN CLAIMS COMMISSION

Exchange of notes at Washington February 23, 1881, supplementing agreement of February 11 and 12, 1871
Entered into force February 23, 1881
Terminated by protocol of June 2, 1883 [1]

Treaty Series 331–1

The Secretary of State to the Spanish Minister

DEPARTMENT OF STATE
WASHINGTON, *23 Feb., 1881*

SENOR DON FELIPE MENDEZ DE VIGO
&c. &c. &c.

SIR:

I have had the honor to hold several recent conferences with you touching the desire of your Government, formally expressed in the note of the Minister of State, Senor Elduayen, to the Minister of the U.S. at Madrid on the 5th of July 1880, for the adoption of an accord between the two Governments looking to the fixation of a term for the labors of the American and Spanish Claims Commission which was organized under the Agreement of February 12, 1871.[2] In those conferences, the entire agreement of our views in the matter happily renders any discussion thereof unnecessary, save only as to the form and manner of placing such agreement of views on record, with the same force and effect as the original Agreement of 1871.

As you are aware, the Agreement of 1871 was discussed between the U.S. Minister at Madrid and the Spanish Minister of State for some time before a final understanding was reached, during which time various written projects and counter projects of an agreement were reciprocally submitted and considered, and that, at the wish of the Spanish government itself, it was determined that a final accord should be effected by simple exchange of diplomatic notes. This was accordingly done and the date of Senor Martos' note accepting the completed reduction of the Agreement became, therefore, the date of the Agreement itself. It is thought unnecessary that a fresh agreement determining the duration of the Commission should involve more of formality

[1] TS 335, *post*, p. 569.
[2] TS 328–1, *ante*, p. 540.

than the original accord whereby the Commission itself was created; and I have, accordingly, the honor to propose, for your prompt acceptance as I doubt not, a like conclusion of our present negotiation by means of a simple exchange of diplomatic notes, and in the suggested form of an additional article to the Agreement of 1871.

I believe that you and I are in accord upon the substantial points of the following text of such additional article, as the result of our deliberations thereon:

"VIII. All claims for injuries done to citizens of the United States by the authorities of Spain in Cuba, since the first day of October, A.D. 1868 which have not heretofore been presented by the Government of the U.S. to the Commission now sitting in Washington under the Agreement of February 12, 1871, shall be so presented to the said Commission within sixty days, from this twenty third day of February, 1871; unless in any case where reasons for delay shall be established to the satisfaction of the Arbitrators, and in any such case the period for presenting the claim may be extended by them to any time not exceeding thirty days longer.

"The Commission shall be bound to examine and decide upon every claim which may have been presented to it, or which shall hereafter be presented to it in accordance with this article, within one year from the 12th day of May, 1881, Provided, however, that in any particular case in which delay in completing the defense shall make an extension for the claimant's proofs or final argument or decision, beyond this period, necessary for justice, such extension may be granted by the Arbitrators, or, on their disagreement, by the Umpire.

"The Arbitrators shall have full power, subject to these stipulations, to make and publish convenient rules for carrying into effect this additional Article, and any disagreement with reference to such rules shall be decided by the Umpire."

If, therefore, you are of like opinion with me that the foregoing memorandum of the text of an additional article to the Agreement of February 12, 1871, correctly represents the accord we have reached in our recent verbal conferences, and will intimate to me, by note, your acceptance thereof, said additional article will be regarded by this Government (as also by that of Spain) as bearing date from the date of your note of acceptance, and as thereupon and thenceforth having like force and effect with the original agreement which it supplements.

Accept, Sir &c.

Wm. M. Evarts

The Spanish Minister to the Secretary of State

LEGATION OF SPAIN AT WASHINGTON
WASHINGTON, *February 23d, 1881*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, has the honor to acknowledge the receipt of the note which the Honorable Secretary of State has this day been pleased to address to him, stating, with perfect correctness, the result of the conferences held with the view of reaching an understanding with regard to the desire of the Government of His Majesty the King, which was expressed in the note of the Minister of State to the Representative of the United States at Madrid (said note being dated July 5th, 1880) to fix a term for the labors of the Spanish American Commission of Arbitration which was appointed in pursuance of the convention of February 12th, 1871.

The undersigned shares the views entertained by the Honorable Secretary in respect to the form in which it will be proper to express the understanding adopted in said conferences, and he hereby signifies his entire assent to the terms in which the Honorable Secretary of State is pleased to express it in the following additional article to the convention of 1871, which will be considered by the Government of Spain and that of the United States, from this date, as having the same force and effect as the aforesaid convention:

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

The undersigned avails himself of this occasion to reiterate to the Honorable William M. Evarts the assurances of his highest consideration.

FELIPE MENDEZ DE VIGO

To the Honorable
WILLIAM M. EVARTS
Secretary of State of the United States
etc, etc, etc.

SPANISH-AMERICAN CLAIMS COMMISSION

Protocol signed at Washington May 6, 1882, and statement signed at Washington December 14, 1882, supplementing agreement of February 11 and 12, 1871, as supplemented
Entered into force May 6, 1882
Terminated by protocol of June 2, 1883 [1]

23 Stat. 717; Treaty Series 332

PROTOCOL OF A CONFERENCE BETWEEN THE HONORABLE FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES, AND HIS EXCELLENCY FRANCISCO BARCA, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF HIS MAJESTY THE KING OF SPAIN, HELD AT THE DEPARTMENT OF STATE IN WASHINGTON ON THE SIXTH DAY OF MAY, EIGHTEEN HUNDRED AND EIGHTY-TWO

Mr. Frelinghuysen handed to Mr. Barca the following paper, entitled "Article IX.," and said that it embodied the results of several preliminary conferences between himself and Mr. Barca relating to the prolongation of the Spanish-American Claims Commission [2] until the first day of January next:

ARTICLE IX

It being impossible for the Commission, in consequence of the death of the Arbitrator and of the Advocate on the part of the United States, to examine and decide within one year from the 12th of May, 1881, each and every claim which has been presented, it is agreed that the term aforesaid be extended to the 1st of January, 1883, for the sole purpose of permitting the Commission to examine and decide the claims actually pending.

And it is further agreed to this end:

1st. That no evidence in any case shall be received after the 15th day of June next.

2nd. That no printed or written brief or argument before the Arbitrators shall be filed on behalf of any claimant after the 15th day of July, 1882.

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[1] TS 335, *post*, p. 569.

[2] Agreement of Feb. 11 and 12, 1871 (TS 328–1, *ante*, p. 540), as supplemented by agreement of Feb. 23, 1881 (TS 331–1, *ante*, p. 557).

3rd. That no printed or written brief or argument shall be filed in reply on behalf of Spain after the 15th day of September, 1882.

4th. That no oral arguments shall be heard by the Arbitrators after the 1st day of November, 1882.

5th. That no arguments either written or oral shall be made before the Umpire except on his written request addressed to the Commission, specifying the time within which he will hear or receive said arguments.

6th. That the Arbitrators may establish in accordance with the preceding stipulations convenient rules for the better and more rapid despatch of the business of the Commission, and any disagreement which may arise between them as to those rules or their interpretation, shall be decided by the Umpire.

Decisions in every pending case shall be given by both Arbitrators before the 15th day of December next: jointly if they agree, separately when they disagree.

All cases in which on that day the two Arbitrators shall not have agreed, or in which neither Arbitrator shall have rendered a decision, shall go to the Umpire.

All cases in which the American arbitrator shall have failed to give a decision shall be rejected or allowed, as the case may be, in the form determined by the decision of the Arbitrator of Spain if the Spanish Arbitrator shall have given a decision: and *vice-versa* all cases in which the Spanish Arbitrator shall have failed to give a decision shall be allowed or rejected, as the case may be, in the form determined by the decision of the American Arbitrator if the American Arbitrator shall have given a decision: it being the purpose of both parties to have the work of the Arbitrators finished before December 15, 1882.

The Umpire is requested to render decisions before January 1, 1883, in all cases submitted to him in order that the work of the Commission may cease on that day. But if the Umpire fails to comply with this request, decisions rendered by him after that day shall be respected by both parties, notwithstanding that the Commission shall be deemed to be terminated and dissolved after the 1st day of January, 1883.

Mr. Barca observed that the Article as reduced embodied correctly the understanding between himself and Mr. Frelinghuysen.

In testimony whereof we have interchangeably signed this protocol.

FREDK. T. FRELINGHUYSEN
FRAN^{CO} BARCA

[STATEMENT]

It is agreed by the Honorable F. T. Frelinghuysen, Secretary of State, and Don Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary

of Spain, that the 6th clause of the protocol of May 6th, 1882, shall be changed by the insertion of the words, "the 27th day of December," instead of the words, "the 15th day of December," where the latter occur.

FREDK. T. FRELINGHUYSEN
FRANCISCO BARCA

WASHINGTON, *December 14, 1882*

PROTECTION OF TRADEMARKS AND MANUFACTURED ARTICLES

Convention signed at Washington June 19, 1882
Senate advice and consent to ratification July 5, 1882
Ratified by Spain March 8, 1883
Ratified by the President of the United States April 4, 1883
Ratifications exchanged at Washington April 19, 1883
Entered into force April 19, 1883
Proclaimed by the President of the United States April 19, 1883
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

22 Stat. 979; Treaty Series 333

Convention between the United States of America and Spain Concerning Trade-marks

The President of the United States of America and His Majesty the King of Spain, being desirous of securing reciprocal protection for the trade-marks and manufactured articles of their respective citizens or subjects within the dominions or territories of the other country, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I

The citizens and subjects of each of the two contracting parties shall enjoy, in the dominions and possessions of the other, the same rights as the natives of the country in everything relating to the ownership of trade-marks, industrial designs or models, or of manufactures of any kind.

Article II

Persons desiring to secure the aforesaid protection shall be obliged to comply with the formalities required by the laws of the respective countries.

[1] TS 422, *post*, p. 628.

ARTICLE III

This Convention shall take effect as soon as it shall have been promulgated in both countries; and shall remain in force for ten years thereafter, and further until the expiration of one year after either of the contracting parties shall have given notice to the other of its wish to terminate the same; each of the contracting parties being at liberty to give such notice to the other at the end of said period of ten years or any time thereafter.

The ratifications of this Convention shall be exchanged at Washington as soon as possible within one year from this date.

In testimony whereof the respective Plenipotentiaries have signed this Convention in duplicate, in the English and Spanish languages, and affixed thereto the seals of their arms.

Done at Washington, the 19th day of June, in the year of our Lord one thousand eight hundred and eighty-two.

FRED'K T. FRELINGHUYSEN [SEAL]
FRAN^{CO} BARCA [SEAL]

EXTRADITION

Convention signed at Washington August 7, 1882, amending and supplementing convention of January 5, 1877
Ratified by Spain February 15, 1883
Senate advice and consent to ratification February 27, 1883
Ratified by the President of the United States April 4, 1883
Ratifications exchanged at Washington April 19, 1883
Entered into force April 19, 1883
Proclaimed by the President of the United States April 19, 1883
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

22 Stat. 991; Treaty Series 334

The President of the United States of America and His Majesty the King of Spain, being satisfied of the propriety of adding some articles to the extradition convention concluded between the United States and Spain on the 5th day of January, 1877,[2] with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, Knight Grand Cross of the Royal American Order of Isabel la Católica, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

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

Article I

Paragraph 5 of Article II. of the aforesaid Convention of January 5, 1877, is abrogated, and the following substituted:

5. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations.

[1] TS 422, *post*, p. 628.
[2] TS 330, *ante*, p. 549.

(b) Destruction or loss of a vessel caused intentionally, or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel, on the high seas.

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

Paragraph 12 of said Article II. is amended to read as follows:

12. The embezzlement or criminal malversation of public funds committed within the jurisdiction of one or the other party, by public officers or depositaries.

Paragraph 13 of said Article II. is likewise modified to read as follows:

13. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries.

Paragraph 14 of said Article II. is likewise modified to read as follows:

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

ARTICLE II

In continuation and as forming part of Article II. of the aforesaid Convention of January 5, 1877, shall be added the following paragraphs:

15. Obtaining by threats of injury, or false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when the crimes or offences are punishable by imprisonment or other corporal punishment by the laws of both countries.

16. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

17. Slave-trade, according to the laws of each of the two countries respectively.

18. Complicity in any of the crimes or offences enumerated in the Convention of January 5, 1877, as well as in these additional articles, provided that the persons charged with such complicity be subject as accessories to imprisonment or other corporal punishment by the laws of both countries.

ARTICLE III

After Article XI. of the aforesaid Convention of January 5, 1877, shall be inserted the two following articles:

Article XII

If, when a person accused shall have been arrested in virtue of the mandate or preliminary warrants of arrest, issued by the competent authority as provided in Article XI. hereof, and been brought before a judge or magistrate to the end of the evidence of his or her guilt being heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding twenty-five days, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused; and if, at the expiration of said period of twenty-five days, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released; provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitive criminals in pursuance of the convention of January 5, 1877, and of these additional articles, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition, before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided however that any officer or officers of the surrendering government, so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE IV

All the provisions of the aforesaid convention of the 5th of January, 1877, not abrogated by these additional articles, shall apply to these articles with the same force as to the said original Convention.

This additional Convention shall be ratified and the ratifications exchanged at Washington as soon as may be practicable; and upon the exchange of

ratifications it shall have immediate effect, and form a part of the aforesaid Convention of January 5, 1877, and continue and be terminable in like manner therewith.

In testimony whereof the respective Plenipotentiaries have signed the present additional Convention in duplicate, in the English and Spanish languages, and have hereunto affixed their seals.

Done at the city of Washington this 7th day of August in the year of our Lord one thousand eight hundred and eighty-two.

FREDK. T. FRELINGHUYSEN [SEAL]
FRAN^{CO} BARCA [SEAL]

SPANISH-AMERICAN CLAIMS COMMISSION

Protocol signed at Washington June 2, 1883
Entered into force June 2, 1883
Terminated upon fulfillment of its terms

23 Stat. 732; Treaty Series 335

PROTOCOL OF AN AGREEMENT CONCLUDED BETWEEN MR. JOHN DAVIS, ACTING SECRETARY OF STATE OF THE UNITED STATES, AND DON FRANCISCO BARCA, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF HIS MAJESTY THE KING OF SPAIN, SIGNED THE 2ND DAY OF JUNE 1883

The undersigned, in view of the Spanish-American Commission [1] of arbitration having concluded its labors on the 31st of December last in conformity with the provisions of the protocol of the 6th of May 1882, after having conferred on the subject, and being sufficiently empowered thereto by their respective governments, have agreed upon the following:

First: The Department of State of the United States will preserve in its archives the originals of the judgments pronounced by the Commission of Arbitration, giving a duly certified copy of each one of said judgments to the Legation of Spain.

The books, reports and other documents of the dissolved Commission shall be divided between the Department of State and the Legation of His Majesty the King of Spain.

Second: On the 30th day of the present month of June, Mr. Eustace Collett, late Secretary of the said Commission, and who at the present time is charged with the arrangement and division of its papers, shall complete his labors, delivering to each of the respective governments the documents, books and papers referred to in the preceding paragraph first.

Third: The Governments of the United States of America and of His Majesty the King of Spain recognizing the zeal, uprightness, and impartiality with which Count Lewenhaupt has given his services during nearly three years as Umpire, hereby agree that the Government of His Majesty the King of Spain shall pay to Count Lewenhaupt the salary or compensation to which

[1] For background, see agreement of Feb. 11 and 12, 1871 (TS 328–1, *ante*, p. 540), as supplemented by agreements of Feb. 23, 1881 (TS 331–1, *ante*, p. 557), and May 6 and Dec. 14, 1882 (TS 332, *ante*, p. 560).

he is entitled according to the 6th article of the agreement of February 12, 1871, and that the Government of the United States will give to him a suitable present, both of these, the salary as well as the present, to be given in the name of the two contracting parties.

Fourth: The Government of the United States and that of His Catholic Majesty, desiring at the same time to present a testimonial of their thanks to Baron Carl Lederer, Mr. A. Bartholdi and Baron A. Blanc, for the zeal, impartiality and uprightness with which they in turn filled in past years the same delicate office of Umpire, hereby agree to offer to each of the three gentlemen mentioned a present consisting of a work of silver or of art, the cost of which shall be defrayed in equal moieties by the two governments.

Fifth: The payment of salary due to Count Lewenhaupt and the presents which are to be made to him as well as to his predecessors shall not prejudice in any manner the question touching the payment of the expenses of the dissolved Spanish and American Commission of Arbitration, or any other question pending between the two countries.

In testimony whereof, the undersigned have signed and sealed the present Protocol in the city of Washington, this 2nd day of June, A. D. 1883.

JOHN DAVIS [SEAL]
FRAN^{CO} BARCA [SEAL]

COMMERCIAL RELATIONS WITH RESPECT TO CUBA AND PUERTO RICO

Agreement signed at Madrid January 2, 1884
Entered into force January 2, 1884
Superseded by agreement of February 13, 1884 [1]

23 Stat. 751; Treaty Series 336 [2]

The Government of the United States of America and the Government of His Majesty the King of Spain, desiring to improve the commercial relations between said States and the Spanish Provinces of Cuba and Porto-Rico, John W. Foster, Envoy Extraordinary and Minister Plenipotentiary of said Republic at Madrid, and His Excellency Servando Ruiz Gomez, His Catholic Majesty Minister of State, duly authorized by their respective Governments have agreed upon the following Articles:

ARTICLE 1°

In virtue of the authorization given to the Spanish Government by Article 3 of the law of the 20th of July, 1882, the duties of the third column of the Customs Tariffs of Cuba and Porto-Rico, which implies the suppression of the differential flag duty, will at once be applied to the products of, and articles proceeding from, the United States of America.

ARTICLE 2°

In consequence of this Agreement the Royal Order of the 13th March 1882, which imposes a special duty on live fish imported into Cuba under a foreign flag, is void for the United States.

ARTICLE 3°

The Spanish Consular officers in the United States will cease to impose or collect tonnage fees on the cargoes of vessels leaving the ports of the United States for Cuba and Porto-Rico.

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[1] TS 337, *post*, p. 573.
[2] Originally printed in the Treaty Series as an adjunct to TS 337.

ARTICLE 4°

The Government of the said United States will remove the extra duty of ten per cent *ad valorem* which it has imposed on the products and articles proceeding from Cuba and Porto-Rico under the Spanish flag.

ARTICLE 5°

Perfect equality of treatment between the said Spanish Provinces and the United States is established, thus removing all extra duties or discrimination not general as to other countries having the treatment of the most favored nation.

ARTICLE 6°

The Custom Houses of the United States will furnish to the respective Spanish Consuls, whenever they may request them, certificates of the cargoes of sugar and tobacco brought in vessels proceeding from both the Spanish Antilles, stating the quantities of said articles received.

ARTICLE 7°

The preceding stipulations shall go into effect both in the United States and in the Provinces of Cuba and Porto-Rico on the first day of March, 1884.

ARTICLE 8°

Both Governments bind themselves to begin at once negotiation for a complete Treaty of Commerce and Navigation between the United States of America and the said Provinces of Cuba and Porto-Rico.

Executed in duplicate at Madrid on this Second day of January A.D. one thousand eight hundred and Eighty-four.

JOHN W. FOSTER [SEAL]
SERVANDO RUIS GOMEZ [SEAL]

COMMERCIAL RELATIONS WITH RESPECT TO CUBA AND PUERTO RICO

Agreement signed at Madrid February 13, 1884
Entered into force February 13, 1884; operative March 1, 1884
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

23 Stat. 750; Treaty Series 337

As the commercial agreement for the improvement of the mercantile relations between the United States of America and the islands of Cuba and Porto Rico, signed in this capital on the second day of January of the present year,[2] embraces, besides the stipulations which the Government of His Catholic Majesty may, in virtue of legal authorization, put into execution at once, others which require the examination and approbation of the legislative power, which on account of special circumstances is unable to deliberate upon them in proper time to put them in execution on the first day of March next, as agreed upon; the Government of the United States of America and the Government of His Majesty the King of Spain, and in their name John W. Foster, Envoy Extraordinary and Minister Plenipotentiary of said Republic in Madrid, and His Excellency José Elduayen, Marques del Pazo de la Merced, Minister of State, duly authorized, have decided to modify the Commercial Agreement of the second of January last, and have agreed upon the following articles:

ARTICLE 1

In virtue of the authorization given to the Spanish Government by article 3 of the law of the 20th of July, 1882, the duties of the third column of the customs tariffs of Cuba and Porto Rico, which implies the suppression of the differential flag duty, will be applied to the products of, and articles proceeding from the United States of America.

ARTICLE 2

The Government of the United States will remove the extra duty of ten *per cent. ad valorem* which it has imposed on the products of, and articles proceeding from, Cuba and Porto Rico under the Spanish flag.

[1] TS 422, *post*, p. 628.
[2] TS 336, *ante*, p. 571.

ARTICLE 3

The customs-houses of the United States will furnish to the respective Spanish consuls, whenever they may request them, certificates of the cargoes of sugar and tobacco brought in vessels proceeding from both the Spanish Antilles, stating the quantities of said articles received.

ARTICLE 4

The preceding stipulations shall go into effect both in the United States of America and the Islands of Cuba and Porto Rico on the first day of March, 1884; and to this effect the Government of the United States of America and that of Spain will at once issue the proper orders.

Executed in duplicate in Madrid on this 13th February, one thousand eight hundred and eighty-four.

JOHN W. FOSTER [SEAL]
J. ELDUAYEN [SEAL]

The Government of His Catholic Majesty will submit in due time to the deliberations of the Córtes, the suppression of the tonnage fees on merchandise at present paid on the cargoes of vessels leaving the ports of the United States for Cuba and Porto Rico, as well as the special duty which is imposed on live fish imported into Cuba under a foreign flag in accordance with the Royal Order of 13th of March, 1882.

Executed in duplicate in Madrid on this 13th February, one thousand eight hundred and eighty-four.

JOHN W. FOSTER
J. ELDUAYEN

COMMERCIAL RELATIONS WITH RESPECT TO CUBA AND PUERTO RICO

Memorandum of agreement signed at Washington October 27, 1886
Entered into force October 27, 1886
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

Treaty Series 338

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SPAIN FOR THE RECIPROCAL AND COMPLETE SUSPENSION OF ALL DISCRIMINATING DUTIES OF TONNAGE OR IMPOSTS IN THE UNITED STATES AND IN THE ISLANDS OF CUBA AND PORTO RICO UPON VESSELS OF THE RESPECTIVE COUNTRIES AND THEIR CARGOES

First: It is positively understood that from this date an absolute equalization of tonnage and impost duties will at once be applied to the products of and articles proceeding from the United States or from any foreign country in vessels owned by citizens of the United States to the Islands of Cuba and Porto Rico, and that no higher or other impost or tonnage duties will be levied upon such vessels and the merchandise carried in them as aforesaid than are imposed upon Spanish vessels and their cargoes under the same circumstances.

Under the above conditions the President of the United States will at once issue his proclamation [2] declaring that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects Spanish vessels and the produce, manufactures or merchandise imported in them into the United States from Spain or her possessions aforesaid or from any foreign country.

This Memorandum of Agreement is offered by the Government of Spain and accepted by the Government of the United States as a full and satisfactory notification of the facts above recited.

Secondly: The United States Minister at Madrid will be authorized to negotiate with the Minister for Foreign Affairs either by an Agreement or treaty, so as to place the commercial relations between the United States and Spain on a permanent footing advantageous to both countries.

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[1] TS 422, *post*, p. 628.
[2] Oct. 27, 1886; 24 Stat. 1030.

In witness whereof, the undersigned, in behalf of the Governments of the United States and of Spain respectively, have hereunto set their hands and seals.

Done at Washington, this 27th day of October, A. D. 1886.

T. F. Bayard
E. de Muruaga

COMMERCIAL RELATIONS WITH RESPECT TO ALL SPANISH POSSESSIONS

Memorandum of agreement signed at Washington September 21, 1887
Entered into force September 21, 1887
Extended by protocols of December 21, 1887,[1] and May 26, 1888 [2]
Terminated April 14, 1903, by treaty of July 3, 1902 [3]

Treaty Series 339

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SPAIN FOR THE RECIPROCAL AND COMPLETE SUSPENSION OF ALL DISCRIMINATING DUTIES OF TONNAGE OR IMPOSTS IN THE UNITED STATES AND IN THE ISLANDS OF CUBA AND PORTO RICO AND ALL OTHER COUNTRIES BELONGING TO THE CROWN OF SPAIN, UPON VESSELS OF THE RESPECTIVE COUNTRIES AND THEIR CARGOES

1. It is positively agreed that from this date an absolute equalization of tonnage dues and imposts shall at once be applied to the products of or articles proceeding from the United States, or any other foreign country, when carried in vessels belonging to citizens of the United States, and under the American flag, to the Islands of Cuba, Porto Rico and the Philippines, and also to all other countries belonging to the Crown of Spain, and that no higher or other tonnage dues or imposts shall be levied upon said vessels and the goods carried in them, as aforesaid, than are paid by Spanish vessels and their cargoes under similar circumstances.

2d. On the above conditions, the President of the United States shall at once issue a proclamation [4] declaring that discriminating tonnage dues and imposts in the United States are suspended and discontinued as regards Spanish vessels and produce, manufactures or merchandise imported into the United States, proceeding from Spain, from the aforesaid possessions and from the Philippine Islands; and also from all other countries belonging to the Crown of Spain or from any foreign country.

This protocol of an agreement is offered by the Government of Spain and accepted by that of the United States as a full and satisfactory notification of the facts above recited.

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[1] TS 340, *post*, p. 579.
[2] TS 341, *post*, p. 580.
[3] TS 422, *post*, p. 628.
[4] Sept. 21, 1887; 25 Stat. 1482.

3d. The United States Minister at Madrid will be authorized to negotiate with the Minister for Foreign Affairs either by an agreement or treaty, so as to place the commercial relations between the United States and Spain on a permanent footing advantageous to both countries.

In witness whereof, the undersigned, in behalf of the Governments of the United States and of Spain respectively, have hereunto set their hands and seals.

Done at Washington this 21st day of September in the year of our Lord 1887.

T. F. Bayard [SEAL]
E. de Muruaga [SEAL]

COMMERCIAL RELATIONS WITH RESPECT TO ALL SPANISH POSSESSIONS

Protocol signed at Madrid December 21, 1887, extending memorandum of agreement of September 21, 1887
Entered into force December 21, 1887
Extended by protocol of May 26, 1888 [1]
Terminated April 14, 1903, by treaty of July 3, 1902 [2]

Treaty Series 340

The undersigned, in behalf of the Governments of Spain and of the United States, respectively, have agreed that the agreement between the Government of the United States of America and the Government of Spain for the reciprocal and complete suspension of all discriminating duties of tonnage or imposts in the United States and in the Islands of Cuba, Porto Rico, and Philippines, and all other countries belonging to the crown of Spain, upon vessels of the respective countries and their cargoes,[3] shall be extended until the 30th of June, 1888, and shall continue in full force and effect until the time specified, unless it shall be superseded at an earlier day by treaty between the two Governments.

In witness whereof his excellency, S. Moret, minister of state, and J. L. M. Curry, envoy extraordinary and minister plenipotentiary of the United States of America, have hereunto set their hands and seals in the present instrument.

Done at Madrid this 21st day of December, in the year of our Lord 1887.

J. L. M. Curry [SEAL]
S. Moret [SEAL]

[1] TS 341, *post*, p. 580.
[2] TS 422, *post*, p. 628.
[3] Memorandum of agreement signed at Washington Sept. 21, 1887 (TS 339, *ante*, p. 577).

COMMERCIAL RELATIONS WITH RESPECT TO ALL SPANISH POSSESSIONS

Protocol signed at Madrid May 26, 1888, extending protocol of December 21, 1887
Entered into force May 26, 1888
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

Treaty Series 341

The undersigned, in the name of the Governments of Spain and the United States, respectively, have agreed as follows:

First. The agreement in force between Spain and the United States of America signed at Madrid on the 21st of December, 1887,[2] is prorogued.

Second. This agreement, which was to terminate on June 30 of this year, shall continue in force, by virtue of this prorogation, until the conclusion of a more extended treaty of commerce between the two parties interested, or until one of them shall give notice to the other of its desire to terminate the agreement two months before the date on which it desires such termination.

In witness whereof his excellency Don Segismundo Moret, minister of state, and Mr. J. L. M. Curry, envoy extraordinary and minister plenipotentiary of the United States of America in Madrid, have placed their hands and seals to the present document.

Done in duplicate at Madrid this 26th day of May, 1888.

J. L. M. Curry [SEAL]
S. Moret [SEAL]

[1] TS 422, *post*, p. 628.
[2] TS 340, *ante*, p. 579.

COMMERCIAL RELATIONS WITH RESPECT TO CUBA AND PUERTO RICO

Proclamation by the President of the United States July 31, 1891,[1] *and exchanges of notes at Washington January 3 and June 8, 10, 12, and 16, 1891*

Transitory schedule operative September 1, 1891; schedules A–D operative July 1, 1892

Terminated April 14, 1903, by treaty of July 3, 1902 [2]

27 Stat. 982; Treaty Series 342

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

Whereas, pursuant to section 3 of the Act of Congress approved October 1, 1890,[3] entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Spain the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3, to wit, sugars, molasses, coffee and hides, to be exempt from duty upon their importation into the United States of America;

And whereas the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington has communicated to the Secretary of State the fact that, in reciprocity and compensation for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Spain will, by due legal enactment, and as a provisional measure, admit, from and after September 1, 1891, into all the established ports of entry of the Spanish islands of Cuba and Porto Rico, the articles or merchandise named in the following Transitory Schedule, on the terms stated therein, provided that the same be the product or manufacture of the United States and proceed directly from the ports of said States:

Transitory Schedule

Products or manufactures of the United States to be admitted into Cuba and Porto Rico free of duties:

[1] For repertory of schedules A, B, C, and D, see TS 342½ (not printed here).
[2] TS 422, *post*, p. 628.
[3] 26 Stat. 612.

1. Meats, in brine, salted or smoked, bacon, hams, and meats preserved in cans, in lard or by extraction of air; jerked beef excepted.
2. Lard.
3. Tallow and other animal greases, melted or crude, unmanufactured.
4. Fish and shellfish, live, fresh, dried, in brine, smoked, pickled; oysters and salmon in cans.
5. Oats, barley, rye and buckwheat and flour of these cereals.
6. Starch, maizena and other alimentary products of corn, except corn meal.
7. Cotton seed, oil and meal cake of said seed for cattle.
8. Hay, straw for forage and bran.
9. Fruits, fresh, dried and preserved, except raisins.
10. Vegetables and garden products, fresh and dried.
11. Resin of pine, tar, pitch and turpentine.
12. Woods of all kinds, in trunks or logs, joists, rafters, planks, beams, boards, round or cylindric masts, although cut, planed and tongued and grooved, including flooring.
13. Woods for cooperage, including staves, headings and wooden hoops.
14. Wooden boxes, mounted or unmounted, except of cedar.
15. Woods, ordinary, manufactured into doors, frames, windows and shutters, without paint or varnish, and wooden houses, unmounted, without paint or varnish.
16. Wagons and carts for ordinary roads and agriculture.
17. Sewing machines.
18. Petroleum, raw or unrefined, according to the classification fixed in the existing orders for the importation of this article in said islands.
19. Coal, mineral.
20. Ice.

Products or manufactures of the United States to be admitted into Cuba and Porto Rico on payment of the duties stated:

21. Corn or maize, 25 cents per 100 kilogrammes.
22. Corn meal, 25 cents per 100 kilogrammes.
23. Wheat, from January 1, 1892, 30 cents per 100 kilogrammes.
24. Wheat-flour, from January 1, 1892, $1 per 100 kilogrammes.

Products or manufactures of the United States to be admitted into Cuba and Porto Rico at a reduction of duty of 25 per centum:

25. Butter and cheese.
26. Petroleum, refined.
27. Boots and shoes in whole or in part of leather or skins.

And whereas the Envoy Extraordinary and Minister Plenipotentiary of Spain in Washington has further communicated to the Secretary of State that the Government of Spain will, in like manner and as a definitive arrangement, admit, from and after July 1, 1892, into all the established ports of entry of the Spanish islands of Cuba and Porto Rico, the articles or merchandise named in the following schedules A, B, C, and D, on the terms stated therein, provided that the same be the product or manufacture of the United States and proceed directly from the ports of said States:

SCHEDULE A

Products or manufactures of the United States to be admitted into Cuba and Porto Rico free of duties:

1. Marble, jasper and alabaster natural or artificial, in rough or in pieces, dressed, squared and prepared for taking shape.
2. Other stones and earthy matters, including cement, employed in building, the arts and industries.
3. Waters, mineral or medicinal.
4. Ice.
5. Coal, mineral.
6. Resin, tar, pitch, turpentine, asphalt, schist and bitumen.
7. Petroleum, raw or crude, in accordance with the classification fixed in the tariff of said islands.
8. Clay, ordinary, in paving tiles large and small, bricks, and roof tiles unglazed, for the construction of buildings, ovens and other similar purposes.
9. Gold and silver coin.
10. Iron, cast in pigs, and old iron and steel.
11. Iron, cast, in pipes, beams, rafters and similar articles, for the construction of buildings, and in ordinary manufactures. (See repertory.)
12. Iron, wrought, and steel, in bars, rails and bars of all kinds, plates, beams, rafters, and other similar articles for construction of buildings.
13. Iron, wrought, and steel, in wire, nails, screws, nuts, and pipes.
14. Iron, wrought, and steel, in ordinary manufactures and wire cloth unmanufactured. (See repertory.)
15. Cotton, raw, with or without seed.
16. Cotton seed, oil and meal cake of same for cattle.
17. Tallow and all other animal greases, melted or crude, unmanufactured.
18. Books and pamphlets, printed, bound and unbound.
19. Woods of all kinds, in trunks or logs, joists, rafters, planks, beams, boards and round or cylindric masts, although cut, planed, tongued and grooved, including flooring.
20. Wooden cooperage, including staves, headings and wooden hoops.

21. Wooden boxes, mounted or unmounted, except of cedar.

22. Woods, ordinary, manufactured into doors, frames, windows and shutters, without paint or varnish, and wooden houses, unmounted, without paint or varnish.

23. Woods, ordinary, manufactured into all kinds of articles turned or unturned, painted or varnished, except furniture. (See repertory.)

24. Manures, natural or artificial.

25. Implements, utensils and tools for agriculture, the arts and mechanical trades.

26. Machines and apparatus, agricultural, motive, industrial and scientific, of all classes and materials, and loose pieces for the same, including wagons, carts and handcarts for ordinary roads and agriculture.

27. Material and articles for public works, such as railroads, tramways, roads, canals for irrigation and navigation, use of waters, sports, lighthouses, and civil construction of general utility, when introduced by authorization of the Government, or if free admission is obtained in accordance with local laws.

28. Materials of all classes for the construction, repair in whole or in part of vessels, subject to specific regulations to avoid abuse in the importation.

29. Meats, in brine, salted and smoked, including bacon, hams, and meats preserved in cans, in lard or by extraction of air; jerked beef excepted.

30. Lard and butter.

31. Cheese.

32. Fish and shellfish, live, fresh, dried, in brine, salted, smoked and pickled; oysters and salmon in cans.

33. Oats, barley, rye and buckwheat, and flour of these cereals.

34. Starch, maizena and other alimentary products of corn, except corn meal.

35. Fruits, fresh, dried and preserved, except raisins.

36. Vegetables and garden products, fresh and dried.

37. Hay, straw for forage and bran.

38. Trees, plants, shrubs and garden seeds.

39. Tan bark.

SCHEDULE B

Products or manufactures of the United States to be admitted into Cuba and Porto Rico on payment of the duties stated:

40. Corn or maize, 25 cents per 100 kilogrammes.

41. Corn meal, 25 cents per 100 kilogrammes.

42. Wheat, 30 cents per 100 kilogrammes.

43. Wheat-flour, $1 per 100 kilogrammes.

44. Carriages, cars and other vehicles for railroads or tramways, where authorization of the Government for free admission has not been obtained, 1 per centum ad valorem.

SCHEDULE C

Products or manufactures of the United States to be admitted into Cuba and Porto Rico at a reduction of duty of 50 per centum:

45. Marble, jasper and alabaster, of all kinds, cut into flags, slabs or steps, and the same worked or carved in all kinds of articles polished or not.

46. Glass and crystal ware, plate and window glass, and the same silvered, quicksilvered and platinized.

47. Clay in tiles, large and small, and mosaic for pavements, colored tiles, roof tiles glazed and pipes.

48. Stoneware and fine earthenware, and porcelain.

49. Iron, cast, in fine manufactures or those polished, with coating of porcelain or part of other metals. (See repertory.)

50. Iron, wrought, and steel, in axles, tires, springs and wheels for carriages, rivets and their washers.

51. Iron, wrought, and steel, in fine manufactures or those polished, with coating of porcelain or part of other metals, not expressly comprised in other numbers of these schedules, and platform scales for weighing. (See repertory.)

52. Needles, pens, knives, table and carving, razors, penknives, scissors, pieces for watches and other similar articles of iron and steel.

53. Tin plate in sheets or manufactured.

54. Copper, bronze, brass and nickel, and alloys of same with common metals, in lump or bars, and all manufactures of the same.

55. All other common metals and alloys of the same, in lump or bars, and all manufactures of the same, plain, varnished, gilt, silvered or nickled.

56. Furniture of all kinds, of wood or metal, including school furniture, blackboards and other materials for schools, and all kinds of articles of fine woods not expressly comprised in other numbers of these schedules. (See repertory.)

57. Rushes, esparto, vegetable hair, broom corn, willow, straw, palm and other similar materials, manufactured into articles of all kinds.

58. Pastes for soups, rice flour, bread and crackers, and alimentary farinas, not comprised in other numbers of these schedules.

59. Preserved alimentary substances and canned goods, not comprised in other numbers of these schedules, including sausages, stuffed meats, mustards, sauces, pickles, jams and jellies.

60. Rubber and gutta-percha, and manufactures thereof, alone or mixed with other substances (except silk), and oilcloths and tarpaulin.

61. Rice, hulled or unhulled.

SCHEDULE D

Products or manufactures of the United States to be admitted into Cuba and Porto Rico at a reduction of duty of 25 per centum:

62. Petroleum, refined, and benzine.

63. Cotton manufactured, spun or twisted, and in goods of all kinds, woven or knit, and the same mixed with other vegetable or animal fibers in which cotton is an equal or greater component part, and clothing exclusively of cotton.

64. Rope, cordage and twine of all kinds.

65. Colors, crude and prepared, with or without oil, inks of all kinds, shoe blacking and varnishes.

66. Soap, toilet, and perfumery.

67. Medicines, proprietary or patent and all others, and drugs.

68. Stearine and tallow manufactured in candles.

69. Paper for printing, for decorating rooms, of wood or straw for wrapping and packing and bags and boxes of same, sandpaper and pasteboard.

70. Leather and skins, tanned, dressed, varnished or japanned, of all kinds, including sole leather or belting.

71. Boots and shoes in whole or in part of leather or skins.

72. Trunks, valises, traveling bags, portfolios and other similar articles in whole or in part of leather.

73. Harness and saddlery of all kinds.

74. Watches and clocks, of gold, silver or other metals, with cases of stone, wood or other material, plain or ornamented.

75. Carriages of two or four wheels and pieces of the same.

It is understood that flour which, on its exportation from the United States, has been favored with drawbacks shall not share in the foregoing reduction of duty.

The provisional arrangement as set forth in the Transitory Schedule shall come to an end on July 1, 1892, and on that date be substituted by the definitive arrangement as set forth in schedules A, B, C, and D.

And that the Government of Spain has further provided that the laws and regulations, adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedules are the product or manufacture of the United States of America, shall place no undue restrictions on the importer, nor impose any additional charges or fees therefor on the articles imported.

And whereas the Secretary of State has, by my direction, given assurance to the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington that this action of the Government of Spain, in granting exemption of duties to the products and manufactures of the United States of America

on their importation into Cuba and Porto Rico, is accepted for those islands as a due reciprocity for the action of Congress as set forth in section 3 of said Act:

Now, therefore, be it known that I, BENJAMIN HARRISON, President of the United States of America, have caused the above-stated modifications of the tariff laws of Cuba and Porto Rico to be made public for the information of the citizens of the United States of America.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this thirty-first day of July, one thousand eight hundred and ninety-one, and of the independence of the United States of America the one hundred and sixteenth.

[SEAL] BENJ. HARRISON

By the President:

WILLIAM F. WHARTON
Acting Secretary of State

EXCHANGES OF NOTES

The Secretary of State to the Spanish Minister

DEPARTMENT OF STATE
WASHINGTON, *January 3, 1891*

SIR: I have the honor to bring to your attention the fact that the Congress of the United States, at its last session, enacted a law, of which a copy is enclosed herewith, in which provision was made for the admission into the United States, free of all duty, of the following articles: All sugars not above No. 16 Dutch standard in color, molasses, coffee, tea, hides, and skins.

In section 3 of this law it is declared that these remissions of duty were made "with a view to secure reciprocal trade with countries producing" those articles; and it is provided that, whenever the President shall be satisfied that reciprocal favors are not granted to the products of the United States in the countries referred to, "he shall have the power and it shall be his duty" to impose upon the articles above enumerated, the products of the countries concerned, the rates of duty set forth in section 3.

The Government of the United States being earnestly desirous of maintaining with Spain and its colonies such trade relations as shall be reciprocally equal and mutually advantageous, I am directed by the President to request you to bring the above-mentioned provisions of this act of Congress to the attention of your Government, and to express the hope that you may be empowered to enter with me upon the consideration of the subject,

with a view to the adjustment of the commercial relations between the two countries on a permanent basis of reciprocity profitable alike to both.

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

JAMES G. BLAINE

Señor Don MIGUEL SUAREZ GUANES,
Etc., etc., etc.

The Spanish Minister to the Secretary of State

LEGATION OF SPAIN AT WASHINGTON
WASHINGTON, *June 8, 1891*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of Spain, has the honor to inform the Honorable Secretary of State, in reply to his note of the 3d of January last, that his Government, desirous of strengthening and increasing the commercial relations between Spain and the United States of North America to the benefit of both countries, and being convinced that the community and harmony of their respective interests counsel that said relations should be stimulated and favored for the greater development and encouragement of their commerce, has decided to respond, as promptly and as fully as its national interests and international engagements permit, to the legislation of the Congress of the United States, as set forth in the note of January 3 above mentioned.

He has therefore been instructed to inform the Honorable Secretary of State that, in view of there having been decreed the free admission into the United States, from the 1st of April of the present year, of sugars, molasses, coffee, tea, and untanned hides, as a provisional measure, until a definitive arrangement between the United States and Spain shall be put in operation, and in reciprocity and compensation for the admission into the ports of the Union, free of all national, State, and municipal duties, of the products of Cuba and Porto Rico enumerated in the aforesaid note of the 3d of January last, the Government of Her Majesty is prepared to make use in part of the power granted to it by the law of the 22d of July, 1884, authorizing the admission into all the established ports of Cuba and Porto Rico, from the 1st day of September, 1891, of the articles or merchandise named in the transitory schedule annexed hereto;[4] provided that the duties of the third column of the tariffs of the said islands, to which reference is made in said schedule, are understood to be those stated in the tariffs which are now in force, with the additional duties authorized by laws and orders previous to this date.

The necessary condition is imposed that said merchandise shall be the product or manufacture of the United States, and proceed directly from the ports of these States in the manner stated in the annexed schedule.

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[4] For text of transitory schedule, see p. 581.

As provided in the same schedule, the benefit of the reduction of duties granted to American wheat and wheat-flour, on their introduction into the ports of Cuba and Porto Rico, shall not take effect until the 1st day of January, 1892.

Flour shall be excluded from said reduction, and shall not therefore share in it, which, on its departure from the ports of the Union, destined to those of Cuba and Porto Rico, may be favored with drawbacks or other tariff advantages.

The Government of Spain gives the assurance that, during the existence of this transitory arrangement, no export or port duty, whether national or provincial, shall be imposed on the articles or merchandise exported from Cuba and Porto Rico to the United States, and which the latter nation admits free of duties.

Respecting the North American articles of food, drink, and fuel specified in the annexed transitory schedule, which are imported into said islands, the Government of Spain, without restricting the rights of the municipal councils, will seek to have the latter impose upon them no greater municipal duties than those which national products pay, and that they shall not materially increase the price of said articles.

The Spanish Government reserves the right to propose the laws and adopt the regulations necessary to protect the customs revenues in said islands, to prevent fraud and require proof of the North American nationality of the articles enumerated in the annexed schedule. These laws and regulations shall not be unduly restrictive, nor create additional charges therefor, nor impose new duties on the articles imported.

What has just been stated will convince the President that the Government of Her Majesty responds to the legislation of the Congress of the United States in a spirit of sincere friendship and reciprocity, and, in this firm conviction, it has authorized the undersigned to conclude with that of the United States the proper executive international agreement, which shall begin to take effect on the 1st day of September, 1891, and also to agree with the Honorable Secretary of State on the day when it shall be simultaneously and officially published in both countries, with the understanding that this commercial arrangement, put in operation under the clauses above stated, shall remain in force so long as it shall not be modified by the mutual agreement of the Executive Power of the two countries, always reserving the respective right of the Cortes of Spain and of the Congress of the United States to modify or repeal it whenever they may think proper.

The undersigned Minister gladly improves this opportunity to reiterate to the Honorable Secretary of State the assurances of his highest consideration.

M. Suarez Guanes

The Honorable James G. Blaine
Secretary of State of the United States

The Secretary of State to the Spanish Minister

DEPARTMENT OF STATE
WASHINGTON, *June 10, 1891*

SIR:

I have great pleasure in acknowledging the receipt of your note of the 8th instant, in which you inform me that, as a provisional measure, until a more definitive arrangement shall be put in operation, the Government of Spain, in reciprocity and compensation for the admission into the ports of the United States, free from all national, State, or municipal duties, of the products of the Spanish islands of Cuba and Porto Rico enumerated in my note of January 3 last, is prepared by due legal enactment to authorize the free or favored admission into said islands, from September 1 next, of the articles proceeding directly from, and the product or manufacture of, the United States of America, named in the schedule attached to your note; that your Government gives the assurance that no export or port tax, whether national or provincial, shall be imposed on the articles admitted free into the United States; that it will seek to have no greater municipal duties than those paid by national products imposed on the articles named in said schedule, and that said duties shall not materially increase the price of said articles; and that the laws and regulations which may be adopted by Spain to prevent fraud shall not impose any additional charges therefor on the articles named in said schedule imported from the United States.

I am directed by the President to state to you that, as a provisional measure, he accepts this action of the Government of Spain, in proposing to grant exemption of duties to the products of the United States, as a due reciprocity for the action of the Congress of the United States, as set forth in my note to you of January 3 last.

I am also pleased to reciprocate the assurance contained in your note, and to state that no export tax, whether national, State, or municipal, can or will be imposed in the United States upon the products and manufactures enumerated in the schedule attached to your note of the 8th instant.

It may be further understood that, while the Government of the United States reserves the right to adopt such laws and regulations as may be found necessary to protect the revenue and prevent fraud in the declarations and proof that the articles enumerated in my note of January 3 last, and whose free admission is provided for by the tariff law therein cited, are the product or manufacture of the islands of Cuba and Porto Rico, the laws and regulations to be adopted to that end shall place no undue restrictions on the importer nor impose any additional charges therefor upon the articles imported.

It is likewise understood that wheat-flour shall not share in the specified reduction of duties which begins to take effect January 1, 1892, which, on its exportation from the United States, may have been favored with any tariff advantages in the nature of drawbacks.

I have, therefore, to request that you will be so kind as to call at the Department of State at your early convenience to agree upon the time and manner of making public announcement of this transitory commercial arrangement, which, it is understood, shall remain in force so long as it shall not be modified by the mutual agreement of the Executive Power of the two countries, always reserving the respective right of the Congress of the United States and of the Cortes of Spain to modify or repeal said arrangement whenever they may think proper.

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

JAMES G. BLAINE

Señor Don MIGUEL SUAREZ GUANES
Etc., etc., etc.

The Spanish Minister to the Secretary of State

LEGATION OF SPAIN AT WASHINGTON
June 12, 1891

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of Spain, has the honor to inform the Honorable Secretary of State that, a transitory commercial arrangement having been agreed upon between the Government of His Majesty and that of the United States of North America, which is to go into effect on the 1st day of September, 1891, and it being the desire of both Governments that said arrangement should have a definitive character from the time when Spain shall be free from her international engagements, the Government of His Majesty, in reciprocity and compensation for the admission into the ports of the United States of America, free of all national, State, and municipal duties, of the products of Cuba and Porto Rico enumerated in the note of the Honorable Secretary of State of the 3d of January of the present year, is prepared to make full use of the power granted to it by the law of the 22d of July, 1884, authorizing the admission into all the established ports of said islands, from the 1st of July, 1892, of the articles or merchandise named in the schedules annexed to this note, designated by the letters A, B, C, and D; [5] provided that the duties of the third column of the tariffs of the islands of Cuba and Porto Rico, to which reference is made in said schedules, are understood to be those stated in the tariffs which are now in force, with the additional duties authorized by laws and orders previous to this date.

A necessary condition is imposed that said merchandise shall be the product or manufacture of the United States, and proceed directly from the ports of the Union in the manner stated in the annexed schedules.

The Government of Spain gives the assurance that, during the existence of the arrangement, no export or port duty, whether national or provincial, shall be imposed on the articles or merchandise which are exported from

[5] For text of schedules A, B, C, and D, see p. 583.

Cuba and Porto Rico to the United States, and which the latter nation admits free of duties.

Respecting the North American articles of food, drink, and fuel specified in the annexed schedules which are imported into said islands, the Government of His Majesty, without restricting the rights of the municipal councils, will seek to have the latter impose upon them no greater municipal taxes than those which national products pay, and that they shall not materially increase the price of said articles.

The Government of His Majesty reserves the right to propose the laws and adopt the regulations necessary to protect the customs revenues in the islands of Cuba and Porto Rico, to prevent fraud and require proof of the North American nationality of the articles enumerated in the annexed schedules. These laws shall not be unduly restrictive, nor create additional charges therefor, nor impose new duties on the articles imported.

A repertory shall be compiled to regulate the better application of the annexed schedules in the custom-houses of Cuba and Porto Rico, and as a basis for the classification of articles the repertory attached to the unratified treaty of October 18, 1884, shall be taken with such modifications as the present schedules require.

Flour which, on its departure from the ports of the Union for those of Cuba and Porto Rico, is favored with drawbacks or other tariff advantages is excluded from the reduction of duties conceded in the annexed schedules to American wheat and wheat-flour, and shall not share in said favor.

It is to be understood that, when this definitive commercial arrangement goes into effect, the transitory one shall terminate and be of no further force.

The definitive arrangement thus put in operation shall remain in force so long as it shall not be modified by the mutual agreement of the Executive Power of the two countries, always reserving the respective right of the Cortes of Spain and of the Congress of the United States to modify or repeal said arrangement whenever they may think proper.

The Governments of the two nations shall fix the day when this definitive arrangement shall be simultaneously and officially published in both countries.

In proposing in the name of his Government the project of the definitive commercial arrangements in the terms which he has just transcribed, it remains for the undersigned to comply with the special instruction which his Government has likewise given him, to submit to the consideration of the Honorable Secretary of State the serious injuries which have been occasioned to the tobacco production in the islands of Cuba and Porto Rico, in consequence of the increase of duties imposed on said article by the new tariff law of the United States, cherishing the hope that, while it may not be possible to diminish them at once in the present arrangement, because the President of the Union has not the power to do so, the latter will exercise his constitutional powers in order to recommend to Congress the said reduction of duties on the tobacco of Cuba and Porto Rico.

These measures will duly complete the friendly character of the commercial relations between the two countries, for which purpose the Spanish Government has not hesitated to facilitate, as far as was within its power, the negotiation of the present reciprocity arrangement.

The undersigned Minister hopes, therefore, that the President will comply with these proper desires of the Government of His Majesty, and that the Secretary of State will respond to the same in a separate note, if possible, at the time he replies to the proposition for the arrangement contained in the present note, and he gladly improves this opportunity to repeat the assurances of his highest consideration.

M. Suarez Guanes

To the Honorable
James G. Blaine
Secretary of State of the
United States of America

The Secretary of State to the Spanish Minister

Department of State
Washington, *June 16, 1891*

Sir:

Having already had the honor to enter with you upon a transitory commercial arrangement between the United States and the islands of Cuba and Porto Rico, to go into effect September 1 next, I now have the pleasure to acknowledge the receipt of your note of the 12th instant, in which you inform me that, with the object of giving a definitive character to said commercial arrangement, the Government of Spain, in reciprocity and compensation for the admission into the ports of the United States of America, free from all national, State, and municipal duties, of the products of Cuba and Porto Rico enumerated in my note of January 3 last, is prepared by due legal enactment to authorize the admission into said islands, from July 1, 1892, of the articles or merchandise named in the schedules annexed to your note of the 12th instant, on the conditions stated in said note and schedules; that your Government gives the assurance that no export or port tax, whether national or provincial, shall be imposed on the articles admitted free into the United States; that it will seek to have no greater municipal duties than those paid by national products imposed on the articles named in said schedules, and that said duties shall not materially increase the price of said articles; and that the laws and regulations which may be adopted by Spain to prevent fraud shall not impose any additional charges therefor on the articles named in said schedules imported from the United States.

I am directed by the President to state that he accepts this action of the Government of Spain, in proposing to grant exemption of duties to the

products of the United States, as a due reciprocity for the action of the Congress of the United States, as set forth in my note to you of January 3d last.

I am also pleased to reciprocate the assurance contained in your note, and to state that no export tax, whether national, State, or municipal, can or will be imposed in the United States upon the products and manufactures enumerated in the schedules attached to your note of the 12th instant.

It may be further understood that, while the Government of the United States reserves the right to adopt such laws and regulations as may be found necessary to protect the revenue and prevent fraud in the declarations and proof that the articles enumerated in my note of January 3 last, and whose free admission is provided for by the tariff law therein cited, are the product or manufacture of the islands of Cuba and Porto Rico, the laws and regulations to be adopted to that end shall place no undue restrictions on the importer, nor impose any additional charges therefor upon the articles imported.

It is likewise understood that wheat-flour shall not share in the reduction of duties specified in Schedule B attached to your note of the 12th instant, which, on its exportation from the United States, may have been favored with any tariff advantages in the nature of drawbacks.

It is agreed that a repertory shall be compiled before the present commercial arrangement goes into force, under the joint supervision of the Department of State and the Spanish Legation in Washington, to regulate the better application of the said schedules in the custom-houses of Cuba and Porto Rico upon the basis stated in your note.

It is also agreed that, when this definitive commercial arrangement goes into effect, the transitory arrangement to be put in operation September 1 next shall terminate and be of no further force.

I have, therefore, to request that you will call at the Department of State at your early convenience to agree upon the time and manner of making public announcement of this definitive commercial arrangement, which, it is understood, shall remain in force so long as it shall not be modified by the mutual agreement of the Executive Power of the two countries, always reserving the respective right of the Congress of the United States and of the Cortes of Spain to modify or repeal said arrangement whenever they may think proper.

In conclusion, I am directed by the President to state that the suggestion contained in your note respecting tobacco shall have his careful consideration, and that it shall be made the subject of a separate note.

I improve the opportunity to offer to you, Sir, the renewed assurances of my highest consideration.

JAMES G. BLAINE

Señor Don MIGUEL SUAREZ GUANES
Etc., etc., etc.

COMMERCIAL RELATIONS WITH RESPECT TO CUBA AND PUERTO RICO

Exchange of notes at Madrid January 10 and 11, 1895
Entered into force January 11, 1895
Terminated April 14, 1903, by treaty of July 3, 1902 [1]

1894 For. Rel. 632

The Minister of State to the American Minister

[TRANSLATION]

MINISTRY OF STATE
PALACE, *January 10, 1895*

EXCELLENCY:

I have had the honor to receive your note of the 7th instant, in which you were pleased to communicate to me the favorable reception which the Government of the United States has given to the propositions of that of His Majesty for the execution of a modus vivendi which may regulate the commercial relations between the islands of Cuba and Puerto Rico and the United States until such time as a definitive treaty of commerce may be concluded.

In accordance, therefore, with the declarations made to you and accepted by your Government, I have the honor to inform you that that of His Majesty is disposed to apply to the products of the United States in the islands of Cuba and Puerto Rico the duties of the second column of the tariff now in force as long as the Government of the Union concedes to the products of said islands the most-favored-nation treatment, it being understood that in no case shall American products in Cuba and Puerto Rico or Spanish products in the United States be subjected to a differential treatment in respect to those of other countries.

This modus vivendi shall remain in force until the conclusion of a definitive treaty between the parties interested, or until one of them shall give to the other three months' notice of the date upon which it is desired to terminate it.

[1] TS 422, *post*, p. 628.

The Government of His Majesty will ask of the Cortes the legislative authority necessary to put in vigor in the shortest time possible the provisional arrangement agreed upon.

I improve this opportunity, etc.,

ALEJANDRO GROIZARD

The American Minister to the Minister of State

LEGATION OF THE UNITED STATES
MADRID, *January 11, 1895*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of the 10th instant, in reply to mine of the 7th instant, in which I took occasion to present to you a telegram from my Government saying that the President, appreciating the friendly disposition manifested by your proposals, will refrain from exercising the power of discrimination or exclusion against the products of Cuba and Puerto Rico so long as Spain accords most-favored-nation treatment to American products in those islands. In reply to my note you are now good enough to reassure me that in consideration of such treatment by my Government that of His Majesty will apply to American products only the duties imposed by the second column of the tariff in force in Cuba and Puerto Rico, that column being applied, as you have assured me, to all nations which now receive from Spain in those islands the most-favored-nation treatment.

The necessary meaning of this agreement, as you have correctly expressed it not only in your note, but in your conversations with me, is that both nations may make subsequent tariff changes without prejudice to the agreement, provided [that] by such changes neither discriminates against the other.

In the event that either party desires to determine [terminate] the agreement, three months' notice of such intention is to be given beforehand.

Hoping to be informed by you at a very early day of the consummation of the necessary acts upon the part of the Cortes, I seize this opportunity to renew, etc.

HANNIS TAYLOR

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Exchange of notes at Washington July 6 and 15, 1895
Proclaimed by the President of the United States July 10, 1895
Entered into force July 10, 1895
Revived (after Spanish-American War) by agreement of January 29 and November 18 and 26, 1902 [1]

Treaty Series 342–A

The Spanish Minister to the Secretary of State

[TRANSLATION]

LEGATION OF SPAIN AT WASHINGTON
WASHINGTON, *July 6th, 1895*

MR. SECRETARY:

I have the honor to inform Your Excellency, in pursuance of express instructions from the Minister of State of H. M. the King of Spain, that American citizens enjoy the same rights as Spanish subjects, in Spain and her provinces and colonial possessions, in everything relating to intellectual (i. e. artistic and literary) property.

I bring this fact to Your Excellency's notice in the hope that the President will issue the orders referred to in the provisions of December 1st, 1893, and in the acts of June 8th, 1874, March 3d, 1891 and May 2d, 1895.

I avail myself of this occasion to reiterate to Your Excellency the assurances of my highest consideration.

E. DUPUY DE LÔME

Honorable RICHARD OLNEY
Secretary of State
of the United States, etc., etc., etc.

The Secretary of State to the Spanish Minister

DEPARTMENT OF STATE
No. 20 WASHINGTON, *July 15, 1895*

SIR:

I have the honor to acknowledge the receipt of your note of the 6th instant by which you announced in pursuance of instructions from your Gov-

[1] TS 474, *post*, p. 639.

ernment that American citizens enjoy the same rights as Spanish subjects in Spain and her provinces and colonial possessions in every thing relating to intellectual (i. e. artistic and literary) property.

In reply I have the honor to enclose copies of the President's proclamation [2] announcing that Spanish subjects are entitled to the benefits of the Act of Congress of March 3, 1891, relating to copy right.

Accept, &c. &c.

ALVEY A. ADEE
Acting Secretary

Enclosure:
Three copies of proclamation of July 10, 1895.[2]

Sr. Don E. DUPUY DE LÔME
&c., &c., &c.

[2] Not printed here.

NAVAL WARFARE

Circular dated May 13, 1898, with exchange of notes between the United States and Switzerland April 23–May 10, 1898, and text of articles VI–XV of the additional articles to the Geneva (Red Cross) convention [1] adopted as a modus vivendi by the United States and Spain
Entered into force May 13, 1898
Terminated April 11, 1899 [2]

Treaty Series 388

CIRCULAR

It is the desire and purpose of the United States in its conduct of war to observe the most humane and enlightened principles in the treatment of the sick, wounded, and dying. It recognizes the very great service rendered to that end by the conference of Geneva, held in the year 1864, which framed certain humane and expedient regulations for the care of the wounded and sick in the field. These were embodied in the convention of August 22, 1864, which has been ratified or adhered to by most of the civilized powers.

In 1868 a second international conference was held at Geneva, when it was proposed that the regulations contained in the original articles concerning military warfare be extended and adapted so far as practicable to war at sea. Fifteen articles, known as the "additional articles of 1868," were proposed, Articles VI to XV of which relate exclusively to marine warfare. In the subsequent discussion of them, an amendment to Article IX was proposed by France, and in correspondence between England and France, Article X was interpreted and elucidated. These "additional articles," al-

[1] Fifteen additional articles to the Red Cross convention of Aug. 22, 1864 (TS 377, *ante*, vol. 1, p. 7), were concluded at Geneva Oct. 20, 1868. They did not enter into force, but they were included in the Senate's resolution of advice and consent (Mar. 16, 1882) to accession to the original convention and in the President's proclamation of July 26, 1882.

[2] Date of entry into force of treaty of peace signed at Paris Dec. 10, 1898 (TS 343, *post*, p. 615).

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though acceded to by the United States March 1, 1882, subject to promulgation after general exchange of ratifications, have never been formally adopted or ratified by the powers. During the Franco-Prussian war, however, they were adopted as a modus vivendi between the belligerents.

Upon the breaking out of the present hostilities between the United States and Spain, the United States at once commissioned the ambulance ship *Solace* to accompany the Atlantic fleet as a noncombatant hospital ship, to be employed solely to render aid to the sick, wounded, and dying, and to observe in spirit the additional articles of the Geneva Conference.

On the 23d day of April, 1898, this Government was addressed by the Swiss Minister at this capital proposing the formal adoption by this Government and by the Government of Spain of the additional articles, as a modus vivendi, during the present hostilities with Spain. The United States Government was readily disposed thereto, and on the 9th day of May sent to the Swiss Minister notice of its adoption of the same as a modus vivendi. It has this day been informed by the Swiss Minister of a like adoption thereof by the Government of Spain.

For the more complete understanding of the position of the United States with respect to such modus vivendi, the correspondence between the United States and the Swiss Government and between the Departments of State and Navy of this Government are printed hereinafter, and marked Exhibit A.

The additional articles, as amended in Article IX, and with memorandum as to the interpretation given to Article X, together with a translation of the full text of the French letter of interpretation of the 26th of February, 1869, are printed as Exhibit B.

WILLIAM R. DAY

DEPARTMENT OF STATE
May 13, 1898

EXHIBIT A

The Swiss Minister to the Secretary of State

[TRANSLATION]

SWISS LEGATION
WASHINGTON, *April 23, 1898*

MR. SECRETARY OF STATE:

War having been now unhappily declared between the United States and Spain, my Government, in its capacity as the intermediary organ between the signatory states of the convention of Geneva, has decided to propose to the cabinets of Washington and Madrid to recognize and carry into execution, as a modus vivendi, during the whole duration of hostilities, the additional articles proposed by the international conference which met at Geneva

on October 20, 1868, to the convention of Geneva of August 22, 1864, which (additional articles) extend the effects of that convention to naval wars. Although it has as yet been impossible to convert the said draft of additional articles into a treaty, still, in 1870, Germany and France, at the suggestion of the Swiss Federal Council, consented to apply the additional articles, as a modus vivendi, during the whole duration of hostilities. The Federal Council proposes the additional articles as they have been amended at the request of France and construed by that power and Great Britain.

My Government, while instructing me to make this proposition to Your Excellency, recall the fact that, on March 1, 1882, the President of the United States declared that he acceded, not only to the Geneva Convention of August 22, 1864, but also to the additional articles of October 20, 1868.

The Spanish Government, likewise, in 1872, declared itself ready to adhere to these articles. The Federal Council, therefore, hopes that the two Governments will agree to adopt the measure, the object of which is to secure the application on the seas of the humane principles laid down in the Geneva Convention.

With the confident expectation of a favorable reply from the United States Government to this proposal, I avail myself, etc.,

J. B. Pioda

The Secretary of State to the Swiss Minister

Department of State
Washington, *April 25, 1898*

Sir:

I have the honor to acknowledge the receipt of your note of the 23d instant, whereby, in view of the condition of war existing between the United States and Spain, you communicate the purpose of your Government to propose to the cabinets of Washington and Madrid that they recognize and carry into execution, as a modus vivendi, during the whole duration of hostilities, the additional articles proposed by the International Conference of Geneva, under date of October 20, 1868, for the purpose of extending to naval wars the effects of the convention of Geneva of August 22, 1864, for the succor of the wounded in armies in the field.

As you note in the communication to which I have the honor to reply, the United States, through the act of the President, did on the 1st day of March, 1882, accede to the said additional articles of October 20, 1868, at the same time that it acceded to the original convention of Geneva of August 22, 1864; but, as is recited in the President's proclamation of July 26, 1882, a copy of which I enclose herewith,[3] the exchange of the ratifica-

[3] Not printed here.

tions of the aforesaid additional articles of October 20, 1868, had not then (nor has since) taken place between the contracting parties, so that the promulgation of the accession of the United States to the said additional articles was (and still remains) reserved until the exchange of the ratifications thereof between the several contracting states shall have been effected and the said additional articles shall have acquired full force and effect as an international treaty.

I find, upon examination of the published correspondence which took place in 1870 at the time of the war between France and North Germany (British and Foreign State Papers, vol. 60, pp. 945–946), that upon the initiative of the Prussian Minister at Berne, followed by the proposal made by the Government of the Swiss Confederation to the French and North German Governments, the then belligerents severally notified to the Government of Switzerland their willingness to accept provisionally and at once to establish as a modus vivendi applicable to the war then in progress, both by sea and land, all the additional articles to the convention of Geneva of October 20, 1868, together with the subsequent interpretations of the ninth and tenth articles thereof agreed upon and proposed by England and France. I understand from your note that, although those articles have not as yet become a matter of international convention, it is desired that the United States and Spain accede to the same, together with the same amendments and construction as above stated. I entertain no doubt that the United States will readily lend its support and approval to the general purpose of those articles and be in favor of adopting them as a modus vivendi; it has ever been in favor of proper regulations for the mitigation of the hardships of war. But before it can accede to them as a matter of fact, in the present instance, it must first fully understand the nature and text of the amendments and construction placed upon the articles by France and England as stated by you.

I would respectfully suggest, therefore, that there be furnished to this Government either the text or a clear exposition of the articles, with the amendments and constructions referred to, in order that the understanding may be complete. A certain pamphlet, written by Lieut. Col. Poland in 1886, is said to contain these amendments and constructions, but there is not now accessible to the Department of State a copy of such pamphlet or other reliable means of information on the subject. I shall await with pleasure fuller and exact information from you of the terms to which we are asked to accede.

Accept, etc.,

JOHN SHERMAN

The Swiss Minister to the Secretary of State

[TRANSLATION]

LEGATION OF SWITZERLAND
IN THE UNITED STATES
WASHINGTON, D. C., *May 4, 1898*

MR. SECRETARY OF STATE:

I have had the honor to receive the note which your honorable predecessor did me the favor of addressing to me under the date of the 25th of April, in reply to mine of the 23d of the same month, upon the subject of the proposition of my Government to the cabinets of Washington and Madrid to adopt as a modus vivendi, pending the entire duration of the war, the articles of the 20th of October, 1868, additional to those of the convention of Geneva of the 22d of August, 1864.

The documents which, in the aforesaid note of your predecessor, were desired and which, as I have had the opportunity of telling you verbally, my Government had sent at the same time that it instructed me by cable to make the overtures on the subject, have just arrived, and I enclose them herein in duplicate copies. They confirm the text of the additional articles, the modification of Article IX proposed by France and the notes exchanged between England and France concerning the import of Article X. The Spanish Government having, by note of its Legation of the 7th of September, 1872, also declared that it was ready to adhere to the articles in question, the Federal Council hopes that the Governments of America and Spain, appreciating the sentiments which have guided it in its course, will be of accord in adopting as a modus vivendi a measure which has for its purpose the securing of the application upon the sea of the humanitarian principles consecrated by the Geneva Convention.

Awaiting your communication to me of the decision which the Government of the United States shall see fit to take in regard to this proposition, I offer you, Mr. Secretary of State, the expression of my very highest consideration.

J. B. PIODA

The Acting Secretary of State to the Secretary of the Navy

DEPARTMENT OF STATE
WASHINGTON, *May 4, 1898*

The Honorable
The SECRETARY OF THE NAVY

SIR:

I have the honor to enclose herewith copy of the below-mentioned correspondence and papers touching the proposition of the Government of Switzerland, in its capacity as the intermediary organ between the signatory states to the convention of Geneva, that the cabinets of Washington and

Madrid recognize and carry into execution, as a modus vivendi, during the duration of hostilities, the additional articles proposed by the International Conference of Geneva, under date of October 20, 1868, for the purpose of extending to naval warfare the effects of the Convention of Geneva of August 22, 1864, for the succor of the wounded in armies in the field.

While these additional articles have never been promulgated by the United States, the fitting out and equipping of the *Solace,* referred to in your Department's General Order No. 487, as an ambulance ship for naval service under the terms of the Geneva Convention, is in the direction of their observance, and I submit the proposition of the Swiss Government that they may be recognized and carried into execution as a modus vivendi as deserving of your early attention.

Respectfully yours,

J. B. Moore
Acting Secretary

The Secretary of the Navy to the Secretary of State

Navy Department
Washington, *May 7, 1898*

The Honorable
The Secretary of State

Sir:

I have the honor to return herewith enclosures transmitted with your letter of May 4, 1898, referring to the additional articles proposed by the International Conference of Geneva.

Referring to the endorsement of the Surgeon-General of the Navy, a copy of which is herewith enclosed, I would recommend that steps be forthwith taken with the Government of the Swiss Confederation to make the proposed modus vivendi effective during the continuance of the present war between the United States and Spain. For its part, the Government of the United States will observe the conditions of the modus vivendi in the Department of the Navy.

I have, etc.,

John D. Long
Secretary

[second endorsement]

Bureau of Medicine and Surgery
Department of the Navy
May 6, 1898

subject:

State Department, 4th May, 1898, modus vivendi, ambulance ship *Solace,* General Order No. 487.

Noted, and respectfully returned to Department. As the ambulance ship *Solace* has been

fitted and equipped under the terms of the Geneva Convention, it is earnestly requested that the Department recommend the recognition and carrying into execution as a modus vivendi during the duration of hostilities the additional articles referred to.

The *Solace* is the first government vessel of any nation fitted and equipped under these terms, and it is due to the United States that her status should receive international recognition.

W. K. Van Reypen
Surgeon-General, U.S.N.

General Order No. 487

Navy Department
Washington, *April 27, 1898*

The *Solace* having been fitted and equipped by the Department as an ambulance ship for the naval service under the terms of the Geneva Convention is about to be assigned to service.

The Geneva Cross flag will be carried at the fore whenever the national flag is flown.

The neutrality of the vessel will, under no circumstances, be changed, nor will any changes be made in her equipment without the authority of the Secretary of the Navy.

No guns, ammunition, or articles contraband of war, except coal or stores necessary for the movement of the vessel, shall be placed on board; nor shall the vessel be used as a transport for the carrying of despatches, or officers or men not sick or disabled, other than those belonging to the medical department.

Information as to the special work for which the *Solace* is intended will be communicated to the commander in chief of the squadron by the Department.

John D. Long
Secretary

The Secretary of State to the Swiss Minister

Department of State
Washington, *May 9, 1898*

Sir:

Upon receiving your note of the 4th instant, in reply to mine of the 25th of April, concerning the proposition of the Government of the Swiss Confederation that the United States and Spain adopt as a modus vivendi, pending the entire duration of the war, the articles of October 20, 1868, additional to those of the convention of Geneva of August 22, 1864, I communicated all the papers in the case to the Secretary of the Navy, calling his attention to the form of the modus vivendi adopted during the Franco-German war, which your Government was pleased to suggest as a precedent to be followed during the existing war. The printed paper you enclose, besides giving the text of the original additional articles of October 20, 1868, contains the correspondence had in 1868 and 1869 concerning the interpretation of Articles IX and X of the said additional convention, and thus establishes the precise nature of the understanding to which France and the North German States respectively acceded.

As so expressed, the Government of the United States finds no difficulty

in acceding to the suggestion of the Government of Switzerland. It had, in fact, anticipated it, so far as concerns its own conduct of hostilities and its own purpose to observe the humane dictates of modern civilization in the prosecution of warfare upon the sea as well as upon land by fitting out and equipping a special ambulance ship, the *Solace,* in conformity with the terms of the additional convention aforesaid, thus confirming emphatically its adhesion to the principles of that beneficent arrangement without regard to the absence of its formal ratification by the various signatories.

I am happy, therefore, to advise you, and through you the Government of the Swiss Confederation, that the Government of the United States will for its part, and so long as the present war between this country and Spain shall last, treat as an effective modus vivendi the fourteen additional articles of October 20, 1868, with the interpretations of the ninth and tenth articles thereof appearing in the publication you communicate to me. While it is proper to adopt this course on its own account, and without reference to such action as Spain may take, this Government would nevertheless be glad to hear that the representations made by your Government to that of Spain had met with a favorable response in order that the two parties to the present contest may stand pledged to the same humane and enlightened conduct of naval operations as respects the sick and wounded as was recognized and adopted by the respective parties to the Franco-Prussian war.

Should the Government of Spain likewise accede to the Swiss proposition, I should be much gratified to be apprised of the fact, and also that the Spanish accession contemplates acceptance of the interpretations of Articles IX and X which were adopted by France and the North German States and which are embraced in the proposition of your Government.

Accept, etc., WILLIAM R. DAY

The Swiss Minister to the Secretary of State

[TRANSLATION]

SWISS LEGATION IN THE UNITED STATES
WASHINGTON, D.C., *May 9, 1898*

MR. SECRETARY OF STATE:

As I had the honor verbally to inform the Assistant Secretary of State this morning, my Government has charged me to bring to the knowledge of Your Excellency that the Spanish Government has accepted the proposition of the Federal Council concerning the additional articles of the Geneva Convention.

I doubt not that Your Excellency will be pleased very soon to enable me to announce to the Federal Council that the Government of the Union also

adheres for its part to the proposed modus vivendi, and in this expectation I offer to Your Excellency the expression of my very high consideration.

J. B. Pioda

The Secretary of State to the Swiss Minister

Department of State
Washington, *May 10, 1898*

Sir:

I have the honor to acknowledge the receipt of your note of May 9, formally notifying me that the Spanish Government has accepted the proposition of the Federal Council concerning the additional articles of the Geneva Convention, and expressing the hope that you would soon be enabled to inform your Government that the United States Government adheres for its part to the proposed modus vivendi.

As you were advised in the verbal interview with the Second Assistant Secretary of State, to which you refer in your note of the 9th, I have already had the pleasure of informing you, by my official note of that date that the United States Government would for its part treat as an effective modus vivendi the additional articles of 1868, with the amendments and interpretations of Articles IX and X thereof appearing in the publication communicated to me by you. I trust that that note, which apparently had not reached your hands at the time of your note to me of the same date, has now been received by you and its contents transmitted to the Federal Council.

Be pleased to accept, etc.,

William R. Day

Exhibit B

Additional Articles of October 20, 1868, VI to XV

ARTICLES CONCERNING THE MARINE

Art. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which, having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked up and saved must not serve again during the continuance of the war.

Art. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfill their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.[4]

The stipulations of the second additional article [5] are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

[The vessels not equipped for fighting, which, during peace, the Government shall have officially declared to be intended to serve as floating hospital ships, shall, however, enjoy during the war complete neutrality, both as regards stores, and also as regards their staff, provided their equipment is exclusively appropriated to the special service on which they are employed.]

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.

The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may be entered into between commanders in chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

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[4] ART. I. The persons designated in Article II of the convention shall, after the occupation by the enemy, continue to fulfill their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

[5] ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

Their return to their own country is subject to the provisions of Article VI of the convention and of the additional Article V.[6]

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents, without distinction of nationality.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships can not be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the convention as regards such belligerent.

Should this presumption become a certainty, notice may be given to such

[6] ART. V. In addition to Article VI of the convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

belligerent that the convention is suspended with regard to him during the whole continuance of the war.

ART. XV. The present act shall be drawn up in a single original copy, which shall be deposited in the archives of the Swiss Confederation.

An authentic copy of this act shall be delivered, with an invitation to adhere to it, to each of the signatory powers of the convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

[Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.]

Note

(*a*) The amendment proposed by France is contained in brackets after Article IX.

(*b*) The interpretation placed upon Article X by England and France is to the following effect:

The question being raised as to whether, under Article X, a vessel might not avail herself of the carrying of sick or wounded to engage with impunity in traffic otherwise hazardous under the rules of war, it was agreed that there was no purpose in the articles to modify in any particular the generally admitted principles concerning the rights of belligerents; that the performance of such services of humanity could not be used as a cover either for contraband of war or for enemy merchandise; and that every boat which or whose cargo would, under ordinary circumstances, be subject to confiscation can not be relieved therefrom by the sole fact of carrying sick and wounded.

Question being raised as to whether, under Article X, an absolute right was afforded to a blockaded party to freely remove its sick and wounded from a blockaded town, it was agreed that such removal or evacuation of sick and wounded was entirely subject to the consent of the blockading party. It should be permitted for humanity's sake where the superior exigencies of war may not intervene to prevent, but the besieging party might refuse permission entirely.

The full text of the French interpretation of Article X is subjoined.

Note touching the interpretation of Article X additional to the convention of Geneva

[TRANSLATION]

The second paragraph of the additional Article X reads thus: "If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent."

The words "of a nature to be confiscated by the belligerent" apply equally to the nationality of the merchandise and to its quality.

Thus, according to the latest international conventions, the merchandise of a nature to be confiscated by a cruiser are:

First. Contraband of war under whatever flag.
Second. Enemy merchandise under enemy flag.

The cruiser need not recognize the neutrality of the vessel carrying wounded if any part of its cargo shall, under international law, be comprised in either of these two categories of goods.

The faculty given by the paragraph in question to leave on board of vessels carrying wounded a portion of the cargo is to be considered as a facility for the carriage of freight, as well as a valuable privilege in favor of the navigability of merchant vessels if they be bad sailors when only in ballast; but this faculty can in no wise prejudice the right of confiscation of the cargo within the limits fixed by international law.

Every ship the cargo of which would be subject to confiscation by the cruiser under ordinary circumstances is not susceptible of being covered by neutrality by the sole fact of carrying in addition sick or wounded men. The ship and the cargo would then come under the common law of war, which has not been modified by the convention except in favor of the vessel exclusively laden with wounded men, or the cargo of which would not be subject to confiscation in any case. Thus, for example, the merchant ship of a belligerent laden with neutral merchandise and at the same time carrying sick and wounded is covered by neutrality.

The merchant ship of a belligerent carrying, besides wounded and sick men, goods of the enemy of the cruiser's nation or contraband of war is not neutral, and the ship, as well as the cargo, comes under the common law of war.

A neutral ship carrying, in addition to wounded and sick men of the belligerent, contraband of war also is subject to the common law of war.

A neutral ship carrying goods of any nationality, but not contraband of war, lends its own neutrality to the wounded and sick which it may carry.

In so far as concerns the usage which expressly prohibits a cartel ship from engaging in any commerce whatsoever at the point of arrival, it is deemed that there is no occasion to specially subject to that inhibition vessels carrying wounded men, because the second paragraph of Article X imposes upon the belligerents, equally as upon neutrals, the exclusion of the transportation of merchandise subject to confiscation.

Moreover, if one of the belligerents should abuse the privilege which is accorded to him, and under the pretext of transporting the wounded should neutralize under its flag an important commercial intercourse which might in a notorious manner influence the chances or the duration of the war, Article XIV of the convention could justly be invoked by the other belligerent.

As for the second point of the note of the British Government, relative to the privilege of effectively removing from a city, besieged and blockaded by sea, under the cover of neutrality, vessels bearing wounded and sick men, in such a way as to prolong the resistance of the besieged, the convention does not authorize this privilege. In according the benefits of a neutral status of a specifically limited neutrality to vessels carrying wounded, the convention could not give them rights superior to those of other neutrals who can not pass an effective blockade without special authorization. Humanity, however, in such a case, does not lose all its rights, and, if circumstances permit the besieging party to relax the rigorous rights of the blockade, the besieged party may make propositions to that end in virtue of the fourth [third] paragraph of Article X.

BASIS FOR ESTABLISHMENT OF PEACE

Protocol signed at Washington August 12, 1898
Entered into force August 12, 1898
Terminated April 11, 1899 [1]

30 Stat. 1742; Treaty Series 343½

PROTOCOL

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, Ambassador Extraordinary and Plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries, that is to say:

ARTICLE I

Spain will relinquish all claim of sovereignty over and title to Cuba.

ARTICLE II

Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

ARTICLE III

The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines.

ARTICLE IV

Spain will immediately evacuate Cuba, Porto Rico and other islands now under Spanish sovereignty in the West Indies; and to this end each Government will, within ten days after the signing of this protocol, appoint Com-

[1] Date of entry into force of treaty of peace signed at Paris Dec. 10, 1898 (TS 343, *post*, p. 615).

missioners, and the Commissioners so appointed shall, within thirty days after the signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within ten days after the signing of this protocol, also appoint other Commissioners, who shall, within thirty days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

Article V

The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

Article VI

Upon the conclusion and signing of this protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Done at Washington in duplicate, in English and in French, by the Undersigned, who have hereunto set their hands and seals, the 12th day of August 1898.

William R. Day [seal]
Jules Cambon [seal]

TREATY OF PEACE (TREATY OF PARIS)

Signed at Paris December 10, 1898
Senate advice and consent to ratification February 6, 1899
Ratified by the President of the United States February 6, 1899
Ratified by Spain March 19, 1899
Ratifications exchanged at Washington April 11, 1899
Entered into force April 11, 1899
Proclaimed by the President of the United States April 11, 1899
Article IX amended by protocol of March 29, 1900 [1]
Article III supplemented by convention of November 7, 1900 [2]

30 Stat. 1754; Treaty Series 343

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her August Son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

The President of the United States,
William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

and Her Majesty the Queen Regent of Spain,
Don Eugenio Montero Ríos, President of the Senate,
Don Buenaventura de Abarzuza, Senator of the Kingdom and ex-Minister of the Crown,
Don José de Garnica, Deputy to the Cortes and Associate Justice of the Supreme Court,
Don Wenceslao Ramirez de Villa-Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and
Don Rafael Cerero, General of Division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

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[1] TS 344, *post*, p. 622.
[2] TS 345, *post*, p. 623.

ARTICLE I

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III [3]

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and

[3] For a supplement to art. III, see convention of Nov. 7, 1900 (TS 345), *post*, p. 623.

merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

Article V

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898,[4] which is to continue in force until its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

Article VI

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

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[4] TS 343½, *ante*, p. 613.

Article VII

The United States and Spain mutually relinquish all claims for indemnity, national and individual of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

Article VIII

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

Article IX

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty,[5] a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Article X

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Article XI

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

Article XII

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court

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[5] For an extension of time for declaration of intention to retain Spanish nationality, see protocol of Mar. 29, 1900 (TS 344), *post*, p. 622.

in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

Article XIII

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

Article XIV

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

Article XV

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

Article XVI

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

Article XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

William R. Day	[seal]
Cushman K. Davis	[seal]
Wm. P. Frye	[seal]
Geo. Gray	[seal]
Whitelaw Reid	[seal]
Eugenio Montero Ríos	[seal]
B. de Abarzuza	[seal]
J. de Garnica	[seal]
W. R. de Villa Urrutia	[seal]
Rafael Cerero	[seal]

PHILIPPINES: EXTENSION OF TIME FOR DECLARATION OF SPANISH NATIONALITY

Protocol signed at Washington March 29, 1900, amending article IX of treaty of December 10, 1898
Senate advice and consent April 27, 1900
Proclaimed by the President of the United States April 28, 1900
Expired October 11, 1900

31 Stat. 1881; Treaty Series 344

Whereas by the ninth Article of the Treaty of Peace between the United States of America and the Kingdom of Spain, signed at Paris on December 10, 1898,[1] it was stipulated and agreed that Spanish subjects, natives of the Peninsula, remaining in the territory over which Spain by Articles I and II of the said treaty relinquished or ceded her sovereignty could preserve their allegiance to the Crown of Spain by making before a court of record within a year from the date of the exchange of ratifications of said treaty, a declaration of their decision to preserve such allegiance;

And whereas the two High Contracting Parties are desirous of extending the time within which such declaration may be made by Spanish subjects, natives of the Peninsula, remaining in the Philippine Islands;

The undersigned Plenipotentiaries, in virtue of their full powers, have agreed upon and concluded the following article:

SOLE ARTICLE

The period fixed in Article IX of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of December, 1898, during which Spanish subjects, natives of the Peninsula, may declare before a court of record their intention to retain their Spanish nationality, is extended as to the Philippine Islands for six months beginning April 11, 1900.

In witness whereof, the respective Plenipotentiaries have signed the same and have thereunto affixed their seals.

Done in duplicate at Washington the 29th day of March, in the year of Our Lord one thousand nine hundred.

JOHN HAY [SEAL]
ARCOS [SEAL]

[1] TS 343, *ante*, p. 615.

CESSION OF OUTLYING ISLANDS OF PHILIPPINES

Convention signed at Washington November 7, 1900, supplementing article III of treaty of December 10, 1898
Senate advice and consent to ratification January 22, 1901
Ratified by the President of the United States January 30, 1901
Ratified by Spain February 25, 1901
Ratifications exchanged at Washington March 23, 1901
Entered into force March 23, 1901
Proclaimed by the President of the United States March 23, 1901

31 Stat. 1942; Treaty Series 345

The United States of America and Her Majesty the Queen Regent of Spain, in the name of Her August Son, Don Alfonso XIII, desiring to remove any ground of misunderstanding growing out of the interpretation of Article III of the Treaty of Peace concluded between them at Paris the tenth day of December, one thousand eight hundred and ninety eight,[1] whereby Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within certain described lines, and having resolved to conclude a Treaty to accomplish that end, have for that purpose appointed as their respective plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States;

and Her Majesty the Queen Regent of Spain, the Duke de Arcos, Envoy Extraordinary and Minister Plenipotentiary of Spain to the United States;

who, having met in the city of Washington and having exchanged their full powers, which were found to be in due and proper form, have agreed upon the following sole article:

Sole Article

Spain relinquishes to the United States all title and claim of title, which she may have had at the time of the conclusion of the Treaty of Peace of

[1] TS 343, *ante*, p. 615.

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Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines described in Article III of that Treaty and particularly to the islands of Cagayan Sulú and Sibutú and their dependencies, and agrees that all such islands shall be comprehended in the cession of the Archipelago as fully as if they had been expressly included within those lines.

The United States, in consideration of this relinquishment, will pay to Spain the sum of one hundred thousand dollars ($100,000) within six months after the exchange of the ratifications of the present Treaty.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at the city of Washington, the 7th day of November, in the year of Our Lord one thousand nine hundred.

JOHN HAY [SEAL]
ARCOS [SEAL]

LETTERS ROGATORY

Exchange of notes at Washington and Manchester, Mass., August 5 and 7, 1901; declaration signed at Washington November 7, 1901
Entered into force November 28, 1901 [1]

Treaty Series 395

Exchange of Notes

The Secretary of State to the Spanish Minister

August 5, 1901

Sir: I have the honor to acknowledge the receipt of your personal note of the 30th ultimo to Dr. Hill, Assistant Secretary of State, in which you advise him that your Government is disposed to conclude by an exchange of notes the agreement (suggested in your memorandum of April 18th last and this Department's of June 5th last) for the purpose of dispensing with the authentication of signatures affixed to letters rogatory issuing from Spanish courts to those of Porto Rico and the Philippines, and from the courts of Porto Rico and the Philippines to those of Spain, if the letters rogatory shall be transmitted through the diplomatic channel.

In reply I have the honor to quote the memoranda exchanged as follows:

[translation]

"Legation of Spain
"April 18, 1901

"The Spanish Government does not require the signatures of United States authorities intervening in the execution of rogatory commissions, issued from Spain to be authenticated; and in reciprocity of this measure, is anxious that the United States Government should not in the future require the authentication of signatures of Spanish officials who execute American rogatory commissions in Spain.

"As all these documents are transmitted from the two governments through the diplomatic channel, the Spanish Government considers that this fact should alone guarantee their authenticity."

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[1] Date of publication in Madrid Gazette.

"DEPARTMENT OF STATE
"WASHINGTON, *June 5, 1901*

"The Department of State submitted to the Secretary of War and the Governor of Porto Rico the memorandum of the Spanish Minister, dated April 18 last, suggesting that, as letters rogatory passing between the courts of the United States and Spain were transmitted through the diplomatic channel, the authentication of the officials executing the letters might be dispensed with.

"Copies of letters from the officers above mentioned are enclosed, from which it appears that in Cuba, the Philippines and Porto Rico the authentications will be dispensed with, so long as the letters pass through the diplomatic channel. The vast majority of the letters rogatory transmitted between the two governments will thus be relieved from the burden of authentication. As regards the letters, however, exchanged between the courts of the United States, of the States of the Union and of the organized Territories, it will not be possible for this Department to make any such arrangement, as the execution of the letters must take place in accordance with the provisions of the laws of the United States, of the State or Territory, respectively, and in compliance with the rules of the executing court.

"The Department of State would be glad to know whether the arrangement offered is satisfactory to the Spanish Government."

An acknowledgment by you of the present note, acquiescing in the arrangement proposed, so far as Porto Rico, the Philippines and Spain are concerned, will be regarded by this Government as completing the agreement.

Accept, etc.,

ALVEY A. ADEE
Acting Secretary

The Spanish Minister to the Secretary of State

[TRANSLATION]

LEGATION OF SPAIN
MANCHESTER, MASS.
August 7, 1901

MR. SECRETARY: I have the honor to acknowledge the reception of the note of your Department dated the 5th instant by which you advise me that the Government of the United States accepts the proposition of that of H. M. to the effect, that, as regards Porto Rico and the Philippines, the authentication of the signatures of the officials who intervene in the execution of letters rogatory passing between Spain and the said countries and vice versa, through the diplomatic channel, be hereafter dispensed with.

I transcribe hereinbelow the memorandum that I had the honor of sending to Your Excellency on the 18th of April last, and the reply, dated June 5, that I received from the Department.

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

In conformity with Your Excellency's statement in the note which I have the honor to answer, I agree, in the name of the Government of His Majesty, to consider the proposed arrangement as completed by the present exchange of notes, but I must give you notice that it cannot go into effect in Spain until it shall have been published in the "Gaceta de Madrid", that is to say after the time required for the transmission to Spain and the subsequent printing of the text.

I avail, etc.,

ARCOS

DECLARATION

The undersigned, on behalf of their respective Governments and in accordance with the notes they exchanged on the 5th and 7th of August last, have agreed upon the following declaration:

The signatures of officials who officiate in the execution of rogatory commissions addressed by the Courts of Porto Rico and the Philippine Islands to those of Spain, or by the Spanish Courts to those of Porto Rico and the Philippine Islands, transmitted through the diplomatic channel, will not require authentication.

Done in duplicate at Washington this 7th day of November, 1901.

JOHN HAY
EL DUQUE DE ARCOS

FRIENDSHIP AND GENERAL RELATIONS

Treaty signed at Madrid July 3, 1902
Senate advice and consent to ratification December 16, 1902
Ratified by the President of the United States February 6, 1903
Ratified by Spain March 30, 1903
Ratifications exchanged at Madrid April 14, 1903
Entered into force April 14, 1903
Proclaimed by the President of the United States April 20, 1903
Articles XXIII and XXIV abrogated by the United States July 1, 1916, in accordance with Seamen's Act of March 4, 1915 [1]

33 Stat. 2105; Treaty Series 422

Treaty of Friendship and General Relations between the United States of America and Spain

The United States of America and His Catholic Majesty the King of Spain, desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevail between the two Parties, have determined to sign a Treaty of Friendship and General Relations, the stipulations whereof may be productive of mutual advantage and reciprocal utility to both Nations, and have named with this intention:

The President of the United States of America, Bellamy Storer, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty;

And His Catholic Majesty the King of Spain, Don Juan Manuel Sanchez y Gutierrez de Castro, Duke of Almodóvar del Rio, Marquis of Puebla de los Infantes, Grandee of Spain, His Most Catholic Majesty's Chamberlain, Knight Professed of the Order of Alcántara, Knight Grand Cross of the Royal Order of Ysabela the Catholic, of the Legion of Honor, of the Red Eagle of Prussia, etc., etc., etc., His Minister of State;

[1] 38 Stat. 1164. The U.S. notice of abrogation was accepted by Spain with the understanding that only such provisions of these articles as were in conflict with the act should be abrogated and all other provisions, especially those concerning the arrest, detention, and imprisonment of deserters from war vessels, should continue in force; and that American consuls in Spain should not exercise the powers of which Spanish consuls in the United States were deprived by the provisions of the act.

Who having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I

There shall be a firm and inviolable peace and sincere friendship between the United States and its citizens on the one part, and His Catholic Majesty and the Spanish Nation on the other part, without exception of persons or places under their respective dominion.

Article II

There shall be a full, entire and reciprocal liberty of commerce and navigation between the citizens and subjects of the two High Contracting Parties, who shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories, saving always the right of expulsion which each Government reserves to itself, and they shall enjoy in this respect, for the protection of their persons and their property, the same treatment and the same rights as the citizens or subjects of the country or the citizens or subjects of the most favored Nation.

They can freely exercise their industry or their business, as well wholesale as retail, without being subjected as to their persons or their property, to any taxes, general or local, imposts or conditions whatsoever, other or more onerous than those which are imposed or may be imposed upon the citizens or subjects of the country or the citizens or subjects of the most favored Nation.

It is, however, understood that these provisions are not intended to annul or prevent, or constitute any exception from the laws, ordinances and special regulations respecting taxation, commerce, health, police, and public security, in force or hereafter made in the respective countries and applying to foreigners in general.

Article III

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn.

The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or nonresident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies, shall be liable to pay in like cases.

In the event that the United States should grant to the citizens or subjects of a third Power the right to possess and preserve real estate in all the States, territories and dominions of the Union, Spanish subjects shall enjoy the same rights; and, in that case only, reciprocally, the citizens of the United States shall also enjoy the same rights in Spanish Dominions.

Article IV

The citizens or subjects of each of the two High Contracting Parties shall enjoy in the territories of the other the right to exercise their worship, and also the right to bury their respective countrymen according to their religious customs in such suitable and convenient places as may be established and maintained for that purpose, subject to the Constitution, Laws and Regulations of the respective countries.

Article V

The citizens or subjects of each of the High Contracting Parties shall be exempt in the territories of the other from all compulsory military service, by land or sea, and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatsoever.

Furthermore, their vessels or effects shall not be liable to any seizure or detention for any public use without a sufficient compensation, which, if practicable, shall be agreed upon in advance.

Article VI

The citizens or subjects of each of the two High Contracting Parties shall have free access to the Courts of the other, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect and in what concerns arrest of persons, seizure of property and domiciliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens or subjects of the most favored Nation.

ARTICLE VII

No higher or other duties of tonnage, pilotage, loading, unloading, lighthouse, quarantine or other similar or corresponding duties whatsoever, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country than those imposed in the like cases on national vessels in general or vessels of the most favored Nation. Such equality of treatment shall apply, reciprocally, to the respective vessels from whatever port or place they may arrive and whatever may be their place of destination, except as hereinafter provided in Article IX of this Convention.

ARTICLE VIII

All the articles which are or may be legally imported from foreign countries into ports of the United States, in United States vessels, may likewise be imported into those ports in Spanish vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported in United States vessels; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Spain, in Spanish vessels, may likewise be imported into these ports in United States vessels without being liable to any other or higher duties or charges whatsoever than if such were imported from foreign countries in Spanish vessels.

In the same manner there shall be perfect equality of treatment in regard to exportation to foreign countries, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the territories of either of the High Contracting Parties on the exportation to foreign countries of any article which is or may be legally exported from the said territories, whether such exportation shall take place in United States or in Spanish vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

It is, however, understood that neither this article nor any other of the articles of the present Convention shall in any way affect the special treaty stipulations which exist or may hereafter exist with regard to the commercial relations between Spain and the Philippine Islands.

ARTICLE IX

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances and Regulations of the United States and Spain respectively.

Vessels of either country shall be permitted to discharge part of their cargoes at any port open to foreign commerce in the territory of either of the High Contracting Parties, and to proceed with the remainder of their

cargo to any other port or ports of the same territory open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances and they shall be permitted to load in like manner at different ports in the same voyage outward.

Article X

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

Article XI

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

Article XII

The High Contracting Parties desiring to avoid all inequality in their public communications and official intercourse agree to grant to the Envoys, Ambassadors, Ministers, Chargés d'affaires and other diplomatic agents of each other, the same favors, privileges, immunities and exemptions which are granted or shall be granted to the agents of the most favored Nation, it being understood that the favors, privileges, immunities and exemptions granted by the one party to the Envoys, Ambassadors, Ministers, Chargés d'affaires, or any other diplomatic agents of the other party or to those of any other Nation, shall be reciprocally granted and extended to those of the other High Contracting Party.

Article XIII

Each of the High Contracting Parties pledges itself to admit the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the other in all its ports, places and cities, except where it may not be convenient to recognize such functionaries.

This reservation, however, shall not be applied by one of the High Contracting Parties to the other unless in like manner applied to all other Powers.

Article XIV

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be

admitted to the enjoyment of the rights, privileges and immunities granted to them by this Treaty.

The Government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

Article XV

All consular officers, citizens or subjects of the country which has appointed them, shall be exempted from military billetings and contributions, and shall enjoy personal immunity from arrest or imprisonment, except for acts constituting crimes or misdemeanors by the laws of the country to which they are commissioned. They shall also be exempt from all National, State, Provincial and Municipal taxes except on real estate situated in, or capital invested in the country to which they are commissioned. If, however, they are engaged in professional business, trade, manufacture or commerce, they shall not enjoy such exemption from taxes, but shall be subject to the same taxes as are paid under similar circumstances by foreigners of the most favored Nation, and shall not be entitled to plead their consular privilege to avoid professional or commercial liabilities.

Article XVI

If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the Courts of either country, he shall be invited in writing to appear in Court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such consular officer before the Courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed above, to give his testimony.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided. Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the Constitutions of the several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

Article XVII

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their office the arms of their Nation with this inscrip-

tion "Consulate", "Vice-Consulate", or "Consular Agency of the United States" or "Spain".

They may also hoist the flag of their country over the house in which the Consular Office is, provided they do not reside in the Capital in which the Legation of their country is established; and also upon any vessel employed by them in port in the discharge of their official duties.

Article XVIII

The consular offices and archives shall be at all times inviolable. The local authorities shall not be allowed to enter such offices under any pretext, nor shall they in any case examine or take possession of the official papers therein deposited. These offices, however, shall never serve as place of asylum.

When the consular officer is engaged in trade, professional business or manufacture, the papers and archives relating to the business of the Consulate must be kept separate and apart from all others.

Article XIX

In case of death, incapacity or absence of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their respective Chancellors or Secretaries whose official character shall have been previously made known to the Department of State at Washington or the Ministry of State in Spain, shall be permitted to discharge their functions *ad interim,* and they shall enjoy, while thus acting, the same rights, privileges and immunities as the officers whose places they fill, under the same conditions prescribed in the case of these officers.

Article XX

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These Agents may be selected from among citizens of the United States or among subjects of Spain or those of other Countries. They shall be furnished with a regular commission and shall enjoy the privileges, rights and immunities stipulated for consular officers in this Convention, subject to the exceptions specified in articles XV and XVI.

Article XXI

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights

and interests of their countrymen, whom, if absent, such consular officers shall be presumed to represent.

If such application shall not receive proper attention, such consular officers may, in the absence of the diplomatic agent of their country, apply directly to the Government of the country to which they are commissioned.

Article XXII

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries or their deputies shall, as far as compatible with the laws of their own country, have the following powers:

1. To take at their offices, their private residence, at the residence of the parties concerned or on board ship, the depositions of the captains and crews of vessels of their own country and of passengers thereon, as well as the depositions of any citizen or subject of their own country.

2. To draw up, attest, certify and authenticate all unilateral acts, deeds, and testamentary dispositions of their countrymen, as well as all articles of agreement or contracts to which one or more of their countrymen are a party.

3. To draw up, attest, certify and authenticate all deeds or written instruments which have for their object the conveyance or encumbrance of real or personal property situated in the territory of the country by which said consular officers are appointed, and all unilateral acts, deeds, testamentary dispositions, as well as articles of agreement or contracts relating to property situated, or business to be transacted, in the territory of the Nation by which the said consular officers are appointed; even in cases where said unilateral acts, deeds, testamentary dispositions, articles of agreement or contracts are executed solely by citizens or subjects of the country to which said consular officers are commissioned.

All such instruments and documents thus executed and all copies and translations thereof when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular-Agent under his official seal, shall be received as evidence in the United States and in Spain, as original documents or authenticated copies as the case may be, and shall have the same force and effect as if drawn up by and executed before a notary or public officer duly authorized in the country by which said consular officer was appointed; provided always that they have been drawn and executed in conformity to the Laws and Regulations of the country where they are intended to take effect.

Article XXIII [2]

Consuls-General, Consuls, Vice-Consuls and Consular-Agents shall have exclusive charge of the internal order of the merchant vessels of their Nation and shall alone take cognizance of differences which may arise, either at

[2] Abrogated by the United States July 1, 1916, in accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).

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

Article XXIV [3]

The Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two countries may respectively cause to be arrested and sent on board or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their Nation, who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing, and make request for the return of the deserter and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belong to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the gaols of the country pursuant to the requisition and at the expense of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are citizens or subjects of the country within which the demand is made shall be exempted from the provisions of this article.

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[3] See footnote 2, p. 635.

If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper Tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

Article XXV

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port in the respective countries voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries; in case, however, any citizen or subject of the country to which said consular officers are commissioned, or any subject of a third Power be interested and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

Article XXVI

In case of the death of a citizen or subject of one of the parties within the territories or dominion of the other, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the Nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

Article XXVII

The Consuls-General, Consuls, Vice-Consuls or Consular Agents of the respective High Contracting Parties shall have, under the laws of their country and the instructions and regulations of their own Government so far as compatible with local laws, the right of representing the absent, unknown or minor heirs, next of kin or legal representatives of the citizens or subjects of their country, who shall die within their consular jurisdictions; as well as those of their countrymen dying at sea whose property is brought within their consular district; and of appearing either personally or by delegate in their behalf in all proceedings relating to the settlement of their estate until such heirs or legal representatives shall themselves appear.

Until such appearance the said consular officers shall be permitted, so far as compatible with local laws, to perform all the duties prescribed by the laws of their country and the instructions and regulations of their own Government for the safe-guarding of the property and the settlement of the estate of their deceased countrymen.

In every case the effects and property of such deceased citizens or subjects shall be retained within the consular district for twelve calendar months by said Consuls-General, Consuls, Vice-Consuls or Consular Agents or by the legal representatives or heirs of the deceased during which time the creditors, if any, of the deceased shall have the right to present their claims and de-

mands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the local judicial authorities in accordance with the laws of the country to which said officers are commissioned.

Article XXVIII

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries or Clerks of the High Contracting Parties shall reciprocally enjoy in both countries all the rights, immunities and privileges which are or may hereafter be granted to the officers of the same grade of the most favored Nation.

Article XXIX

All treaties, agreements, conventions and contracts between the United States and Spain prior to the Treaty of Paris [4] shall be expressly abrogated and annulled, with the exception of the Treaty signed the seventeenth of February 1834 [5] between the two countries for the settlement of claims between the United States of America and the Government of His Catholic Majesty, which is continued in force by the present Convention.

Article XXX

The present Treaty of Friendship and General Relations shall remain in full force and vigor for the term of ten years from the day of the exchange of ratifications. Notwithstanding the foregoing, if neither Party notifies to the other its intention of reforming any of, or all, the articles of this Treaty, or of terminating it twelve months before the expiration of the ten years stipulated above, the said Treaty shall continue binding on both Parties beyond the said ten years, until twelve months from the time that one of the Parties notifies its intention of proceeding to its reform or of terminating it.

Article XXXI

The present Convention shall be ratified and the ratifications thereof shall be exchanged at the City of Madrid as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done in duplicate at Madrid this third day of July in the year of Our Lord one thousand nine hundred and two.

Bellamy Storer [SEAL]
El Duque de Almodóvar del Rio [SEAL]

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[4] TS 343, *ante*, p. 615.
[5] TS 328, *ante*, p. 537.

COPYRIGHT

Exchange of notes at Madrid January 29 and November 18 and 26, 1902
Entered into force November 26, 1902

Treaty Series 474

The American Minister to the Minister of State

No. 296 MADRID, *January 29, 1902*

EXCELLENCY:

I have the honor to lay before you fully, the views of my Government regarding what it deems advisable and necessary in restoring to effect and operation the Arrangement for Reciprocal Privileges of Copyright between the United States and the Spanish Dominions, which led to the Proclamation on this subject of the President of the United States, of July 10, 1895.[1]

I am instructed to bring before Your Excellency and the Government of His Majesty, which you so worthily represent, the information that although for a period of time prior to the Treaty of Paris,[2] reciprocal registration of Copyrights between the two countries was suspended, yet the Proclamation of the President has not been revoked or modified in any particular.

I am further instructed to lay before your attention the fact that, under the authority and with the advice and consent of the Attorney General of the United States, registration of titles of works of citizens of Spain has been resumed at Washington since April 11, 1899, before the competent authority to that end, namely, the Librarian of Congress.

From this view, it follows that, in the opinion of my Government, nothing is needed to restore fully and completely the effect, and again reciprocally to put into operation the Arrangement regarding Reciprocal Copyright Registration as it existed from July 10, 1895, down to April 21, 1898, between the two countries, other than an exchange of notes, and a Declaration on the part of His Majesty's Government, similar to that of July 6, 1895.

If this view is in accord with that of Your Excellency, I shall be authorized on the part of my Government to carry the same into effect, in the manner above indicated.

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[1] For exchange of notes at Washington July 6 and 15, 1895, see TS 342–A, *ante*, p. 597.
[2] TS 343, *ante*, p. 615.

I take this occasion to renew to Your Excellency the assurance of my highest consideration.

BELLAMY STORER

HIS EXCELLENCY
The Minister of State

The Minister of State to the American Minister

[TRANSLATION]

MINISTRY OF STATE
No. 57

MADRID, *November 18, 1902*

EXCELLENCY,

My dear Sir: I received in due course Your Excellency's courteous Note of the 29th. January last, in which you express to me the desire to your Government to re-establish the Agreement between Spain and the United States, signed at Washington the 6th. and 15th. of July 1895, which granted reciprocal privileges of Copyright, and which led to the Proclamation of the President of the said Republic of the 10th. of the same month and year, extending to Spain the dispositions of Section XIII of the Act of Congress of the 3rd. March 1891,[3] relating to this subject.

I have noted at the same time, from the contents of the said Note, that although for a period of time prior to the Treaty of Paris, reciprocal registration of Copyrights between the two countries was suspended, the said Proclamation of the President of the Republic has not been revoked or modified; and furthermore, with the consent of the Attorney General, registration before the competent authority at Washington has been resumed since the 11th. April 1899.

In view of these statements, I have the honor to bring to the knowledge of Your Excellency that His Majesty the King, my August Sovereign, has graciously decreed that the said Agreement between Spain and the United States, signed at Washington the 6th. and 15th. of July 1895, granting reciprocal privileges of Copyright, be reestablished and put into renewed operation, so soon as Your Excellency, in acknowledging receipt of the present Note, declares in the name of your Government, that your Government is reciprocally in agreement with its contents.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

EL DUQUE DE ALMODÓVAR DEL RIO

His Excellency
BELLAMY STORER
Minister Plenipotentiary of the United States of North America

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[3] 26 Stat. 1110.

The American Minister to the Minister of State

No. 367 MADRID, *November 26, 1902*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's esteemed Note of the 18th. November 1902, by which I am informed that His Majesty the King has ordered that the Agreement between Spain and the United States, signed at Washington the 6th. and 15th. of July 1895, granting reciprocal privileges of Copyright, be re-established and put into renewed operation, so soon as I am authorized to declare that the Government of the United States is in accord with this intention.

It is my profound pleasure, in the name of the Government of the United States, to assure Your Excellency that the contents of Your Excellency's Note above referred to, taken in connection with and referring as it does to my previous Note of the 29th. January 1902, on this subject, in the view of the Government of the United States, restores completely and puts again into full reciprocal force the Agreement of Washington hereinbefore described.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

BELLAMY STORER

His Excellency
THE MINISTER OF STATE

EXTRADITION

Treaty signed at Madrid June 15, 1904; protocol signed at San Sebastian August 13, 1907, amending articles III and IV
Senate advice and consent to ratification January 16, 1908
Ratified by the President of the United States February 5, 1908
Ratified by Spain March 30, 1908
Ratifications exchanged at Madrid April 6, 1908
Entered into force April 6, 1908
Proclaimed by the President of the United States May 21, 1908
Terminated June 16, 1971 by treaty of May 29, 1970 [1]

35 Stat. 1947; Treaty Series 492

Treaty of Extradition Between the United States of America and Spain

Article I

It is agreed that the Government of the United States and the Government of Spain shall, upon mutual requisition duly made as herein provided deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

Article II

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

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.
2. The attempt to commit murder.

[1] 22 UST 737; TIAS 7136.

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

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the laws of Nations, or by Statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

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

(d) Assault on board ships upon the high seas with intent to do bodily harm.

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

9. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

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

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Spanish equivalent.)

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of

both countries, and where the amount embezzled exceeds two hundred dollars (or Spanish equivalent.)

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

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Spanish equivalent.)

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Spanish equivalent.)

21. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

22. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

Article III [2]

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences, except in so far as they shall constitute ordinary crimes or offences punishable by the laws of the two Countries; and no person surrendered by or to either of the Contracting Parties in virtue of this convention shall be tried or punished for a political crime or offence, except they be ordinary crimes as above stated, nor for any act connected therewith, committed previously to the extradition. An attempt, whether consummated or not, against the life of the Sovereign or of the Head of any State, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, shall not be considered a political offence, or an act connected with such an offence.

Article IV [3]

No person shall be tried for any crime or offence other than that for which he was surrendered unless such crime be one of those enumerated in Article II.

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[2] For an amendment of art. III, see protocol, p. 647.

[3] For an amendment of art. IV, see protocol, p. 648.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII

Under the stipulations of this Convention, neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects.

ARTICLE IX

The expense of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

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

ARTICLE XI

The stipulations of this Convention shall be applicable to all territory wherever situated, belonging to either of the contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the

respective diplomatic agents of the Contracting Parties. In the event of the absence of such Agents from the country or its seat of Government, or where extradition is sought from a colonial possession of Spain or from territory, included in the preceding paragraph, other than the United States, requisition may be made by superior Consular officers.

It shall be competent for such Diplomatic or superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

Article XII

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought, before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as herein before provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII

In every case of a request made by either of the two Contracting Parties for the arrest, detention or extradition of fugitive criminals, the legal officers

or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months notice of its intention to do so.

The ratifications of the present Treaty shall be exchanged at Madrid as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Madrid, this fifteenth day of June one thousand nine hundred and four.

ARTHUR S. HARDY [SEAL]
FAUSTINO RODRIGUES SAN PEDRO [SEAL]

PROTOCOL

The Undersigned, His Excellency, William Miller Collier, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to His Catholic Majesty, and His Excellency Don Manuel Allendesalazar y Muñoz de Salazar, Minister of State of His Catholic Majesty, duly authorized for the purpose, have agreed upon the following:

Articles III and IV of the Treaty of extradition between the United States and Spain signed at Madrid on June 15th, 1904, are hereby amended so as to read as follows:

"ARTICLE III. The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a political crime or offence. When the offence charged com-

prises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character."

"ARTICLE IV. No person shall be tried for any crime or offence other than that for which he was surrendered."

The above mentioned treaty, as amended by this protocol, is to be submitted for approval in the manner required by the laws of the two nations and the ratifications shall be exchanged at Madrid as soon as possible.

In faith whereof this protocol is signed in two originals, each one in the two languages, in San Sebastian on the 13th of August 1907.

WM. MILLER COLLIER
MANUEL ALLENDESALAZAR

COMMERCIAL RELATIONS

Agreement signed at San Sebastian August 1, 1906; exchange of explanatory notes at Madrid December 20, 1906
Entered into force December 20, 1906
Supplemented by agreements of February 20, 1909,[1] *and October 26 and November 7, 1927* [2]
Extended by agreements of October 6 and 22, 1923; [3] *April 26 and 27, 1924;* [4] *and May 2, 1925* [5]

Treaty Series 453

Agreements as to Reciprocal Tariff Concessions Between the United States of America and Spain

The Government of the United States of America and in its name His Excellency Mr. William Miller Collier, Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Spain, and the Government of His Catholic Majesty the King of Spain, and in its name His Excellency M. Pio Gullon é Iglesias, Grand Cross of the Red Eagle of Prussia, of Leopold of Belgium, of St. Olaf of Norway, of St. Stephen of Hungary, etc, etc, Life Academy of Political and Moral Sciences, Minister of State, desiring to promote the mutual trade interests of the two countries and the former having proposed to the latter the concession by Spain of the most favored nation treatment (Portugal excepted) in exchange for the tariff treatment which on the part of the United States is considered (if the treatment accorded to Cuba be excepted) as the most favored nation treatment, that is, that made by the concessions made to various countries in the articles comprehended in Section three of the American tariff:

It is hereby in behalf of the said two Governments agreed as follows:

I. The following mentioned products and manufactures of Spain exported from Spain to the United States, shall upon their entrance into the United States be dutiable as follows:

Crude tartar, or wine lees, or argols, crude, five per cent *ad valorem*. Brandies or other spirits manufactured or distilled from grain or other materials, one dollar and seventy five cents per proof gallon.

[1] TS 517, *post*, p. 655.
[2] TS 758–A, *post*, p. 680.
[3] TS 693–A, *post*, p. 668.
[4] TS 693–A, *post*, p. 670.
[5] TS 716, *post*, p. 672.

Still wines, and vermuth, in casks, thirty five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty four bottles or jugs containing each not more than one pint, one dollar and twenty five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum *ad-valorem*.

II. The products and manufactures of the United States will pay duty at their entrance into Spain at the rates now fixed in the second column of the Spanish tariff, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made or which in future are made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.[6]

III. The present arrangement will enter into effect as soon as the necessary decrees and proclamations can be promulgated in both countries and it will thereafter continue in force until one year after it has been denounced by either of the High Contracting Parties. Each of the High Contracting Parties, however, shall have the right to rescind forthwith any of its concessions herein made by it, if the other at any time shall withhold any of its concessions or shall withhold any of its tariff benefits now or hereafter granted to any third Nation, exception being made of the special benefits now or hereafter given by Spain to Portugal and those now or hereafter given by the United States to Cuba.

IV. The Government of His Catholic Majesty will forthwith issue the necessary decrees and orders and the President of the United States will thereupon, at once, make the necessary proclamation.[7]

Made, in duplicate, in San Sebastian, August the first one thousand nine hundred and six.

WILLIAM MILLER COLLIER
PIO GULLON

EXCHANGE OF EXPLANATORY NOTES

The American Chargé d'Affaires ad interim to the Minister of State

MADRID, *December 20, 1906*

EXCELLENCY:

I have the honor to inform you that the Government of the United States, acceding to the desire of His Majesty's Government to clear up certain

[6] See also explanatory notes below.
[7] Aug. 27, 1906; 34 Stat. 3227.

obscurities in the text of the Agreement, concluded between Spain and the United States on August 1st. 1906, and to effectuate the intention of the two nations to concede reciprocally the most favored nation treatment, has authorized me to agree that the following shall be deemed to be the true meaning and effect of the second paragraph of the Agreement.

The products and manufactures of the United States will pay at their entrance into Spain at the rates of the second or minimum tariff of the Spanish tariff law, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made, or which in future shall be made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.

It is also agreed that the words United States wherever used in the said Agreement shall be deemed to include the territories and possessions of the United States to which the general tariff laws governing imports into the states admitted into the Union are applied.

The above is to be taken as the accepted construction of the existing Agreement, and as the measure of the respective rights of the two countries thereunder.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

ROBERT M. WINTHROP
Chargé d'Affaires ad-interim

His Excellency
D. JUAN PEREZ CABALLERO
Minister of State

The Minister of State to the American Chargé d'Affaires ad interim

[TRANSLATION]

MADRID, *December 20, 1906*

DEAR SIR:

In answer to your note of this date in which having been duly authorized to clear up, as desired by His Majesty's Government, certain obscurities in the text of the Agreement concluded between the United States and Spain on August 1st. last, and to effectuate the intention of the two nations to concede reciprocally the most favored nation treatment, you express the true meaning which is to be given to the second paragraph of the said Agreement, I have the honor to inform you in the name of His Majesty's Government that, in accord with what is stated in your Note, the true meaning of said paragraph shall be deemed to be as follows:

The products and manufactures of the United States will pay at their entrance into Spain at the rates of the second or minimum tariff of the

Spanish tariff law, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made, or which in future shall be made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.

It is also agreed that the words United States wherever used in the said Agreement shall be deemed to include the territories and possessions of the United States to which the general tariff laws governing imports into the States admitted into the Union are applied.

The above is to be taken as the accepted construction of the existing Agreement, and as the measure of the respective rights of the two countries under the said Convention.

I avail myself of this occasion to renew to you the assurances of my distinguished consideration.

ROBERT M. WINTHROP
Chargé d'Affaires of the
United States of America

J. PEREZ CABALLERO

ARBITRATION

Convention signed at Washington April 20, 1908
Senate advice and consent to ratification April 22, 1908
Ratified by Spain May 11, 1908
Ratified by the President of the United States May 28, 1908
Ratifications exchanged at Washington June 2, 1908
Entered into force June 2, 1908
Proclaimed by the President of the United States June 3, 1908
Extended by agreements of May 29, 1913,[1] *and March 8, 1919* [2]
Expired June 2, 1923

35 Stat. 1957; Treaty Series 493

The Government of the United States of America and the Government of His Majesty the King of Spain, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899; [3]

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

Article I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

Article II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement

[1] TS 586, *post*, p. 657.
[2] TS 644, *post*, p. 666.
[3] TS 392, *ante*, vol. 1, p. 230.

defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Spain shall be subject to the procedure required by her laws.

ARTICLE III

The present Convention is concluded for a period of five years dating from the day of the exchange of the ratifications.

ARTICLE IV

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Spain. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this twentieth day of April in the year one thousand nine hundred and eight.

ELIHU ROOT
R. PIÑA Y MILLET

COMMERCIAL RELATIONS

Exchange of notes at Washington February 20, 1909, supplementing agreement of August 1 and December 20, 1906
Entered into force February 20, 1909
Extended by agreements of October 6 and 22, 1923; [1] *April 26 and 27, 1924;* [2] *and May 2, 1925* [3]
Supplemented by agreement of October 26 and November 7, 1927 [4]

Treaty Series 517

The Secretary of State to the Spanish Minister

DEPARTMENT OF STATE
WASHINGTON, *February 20, 1909*

SIR:

In order to meet the wishes of your Government in the matter of the extension to Spain of the authorized reduction in the tariff duties of the United States on Spanish sparkling wines, and in order to remove any possible ground for the exercise by your Government of the right under Article III of the Commercial Agreement signed between the two countries on August 1, 1906,[5] to rescind any of its concessions made therein to the United States, I have the honor to inform you that the President of the United States deems the concessions made by Spain in favor of the products and manufactures of the United States as reciprocal and equivalent to the grant by the Government of the United States of the reduced duties on all the articles of Spanish production and exportation enumerated in Section 3 of the Tariff Act of the United States approved July 24, 1897.[6]

I have therefore the honor to inform you that the President of the United States will issue his proclamation suspending the duties on sparkling wines produced in and exported from Spain and substituting therefor the reduced duties authorized by Section 3 of the Dingley Tariff.

I should be glad to be informed by you as to whether this action, supple-

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[1] TS 693–A, *post*, p. 668.
[2] TS 693–A, *post*, p. 670.
[3] TS 716, *post*, p. 672.
[4] TS 758–A, *post*, p. 680.
[5] TS 453, *ante*, p. 649.
[6] 30 Stat. 203.

308 582—73——43

mentary to the Agreement of August 1, 1906, will meet completely the wishes of your Government in the matter.

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

ROBERT BACON

Señor Don RAMON PIÑA
Minister of Spain

The Spanish Minister to the Secretary of State

[TRANSLATION]

SPANISH LEGATION
WASHINGTON, *February 20, 1909*

MR. SECRETARY: I have the honor to acknowledge the receipt of your note of this date, in which, while advising me that in order to meet the wishes of your Government in the matter of the extension to Spain of the authorized reduction in the tariff duties of the United States on Spanish sparkling wines, and in order to remove any possible ground for the exercise by my Government of the right under Article III of the Commercial Agreement signed between the two countries on August 1, 1906, to rescind any of its concessions made therein to the United States, you also informed me that the President of the United States deemed the concession made by Spain in favor of the products and manufactures of the United States as reciprocal and equivalent to the grant by the Government of the United States of the reduced duties on all articles of Spanish production and exportation enumerated in Section 3 of the Tariff Act of July 24, 1897, will issue his proclamation suspending the present duties on sparkling wines produced in or exported from Spain and substituting therefor the reduced duties authorized by Section 3 of the Dingley law. I thank Your Excellency for the proposed action which you were pleased to make known to me and I agree in every particular of the way suggested by Your Excellency for this additional part of the agreement of August 1, 1906. I avail myself of this occasion to reiterate to your Excellency the assurance of my highest consideration.

R. PIÑA Y MILLET

Hon. ROBERT BACON
Secretary of State

ARBITRATION

Agreement signed at Washington May 29, 1913, extending agreement of April 20, 1908
Senate advice and consent to ratification February 21, 1914
Ratified by Spain March 2, 1914
Ratified by the President of the United States March 9, 1914
Ratifications exchanged at Washington March 21, 1914
Entered into force March 21, 1914; operative from June 2, 1913
Proclaimed by the President of the United States March 23, 1914
Expired June 2, 1918

38 Stat. 1765; Treaty Series 586

Agreement Extending the Duration of the Arbitration Convention of April 20, 1908

The Government of the United States of America and the Government of His Majesty the King of Spain, being desirous of extending the period of five years during which the Abritration Convention concluded between them on April 20, 1908,[1] is to remain in force, which period is about to expire, have authorized the undersigned, to wit: The Honorable William Jennings Bryan, Secretary of State of the United States and Señor Don Juan Riaño y Gayangos, Chamberlain to His Majesty the King of Spain, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington, to conclude the following agreement:

Article I

The Convention of Arbitration of April 20, 1908, between the Government of the United States of America and the Government of His Majesty the King of Spain, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications of said Convention, which period will terminate on June 2, 1913, is hereby extended and continued in force for a further period of five years from June 2, 1913.

Article II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof,

[1] TS 493, *ante*, p. 653.

and by the Government of His Majesty the King of Spain, in accordance with its Constitution and laws, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Spanish languages, at Washington, this twenty-ninth day of May, one thousand nine hundred and thirteen.

WILLIAM JENNINGS BRYAN [SEAL]
JUAN RIAÑO Y GAYANGOS [SEAL]

MINING RIGHTS IN MEXICO

Exchange of notes at Washington July 2 and 6, 1914
Entered into force July 6, 1914

1914 For. Rel. 720

The Secretary of State to the Spanish Ambassador

DEPARTMENT OF STATE
WASHINGTON, *July 2, 1914*

EXCELLENCY:

I have the honor to propose that this Government and the Spanish Government agree that they will withhold all diplomatic support from their respective citizens or subjects, who claim directly or indirectly, title or interest in mines or mining rights in Mexico, which they have acquired since January 1, 1913, or may hereafter acquire, directly or indirectly, by reason of the cancellation of contracts, leases or other forms of conveyance or by reason of the confiscation or taking by de facto authorities of mines or mining rights, in which American citizens or Spanish subjects are interested, on the ground of default in contractual obligations or non-compliance with legal requirements, provided such default or non-compliance was unavoidable because of military operations or political disturbances in Mexico.

It should however, be distinctly understood that this agreement will not apply to any case in which the failure of the American or Spanish owner of an interest in mines or mining rights in Mexico to perform his contractual obligations or to comply with a legal requirement was not the direct result of the political unrest prevailing in Mexico at the time of default, or to any case of bona fide transfer.

If the proposed agreement relative to mines and mining rights in Mexico is acceptable to your Government, a note stating its acceptance will be considered by this Government as putting the agreement into effect.

Accept [etc.] W. J. BRYAN

The Spanish Ambassador to the Secretary of State

SPANISH EMBASSY
WASHINGTON, *July 6, 1914*

MR. SECRETARY:

I have the honor to acknowledge receipt of your excellency's note of July 2, 1914, in which you state:

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

I have the honor, in reply to this note, to inform you that I am authorized by my Government to accept the agreement proposed by your excellency, and I do accept it, at the same time assuring you of my highest consideration.

JUAN RIAÑO

ADVANCEMENT OF PEACE

Treaty signed at Washington September 15, 1914
Senate advice and consent to ratification September 25, 1914
Ratified by the President of the United States November 23, 1914
Ratified by Spain November 23, 1914
Ratifications exchanged at Washington December 21, 1914
Entered into force December 21, 1914
Proclaimed by the President of the United States December 23, 1914
Amended by agreement of November 16 and December 20, 1915 [1]

38 Stat. 1862; Treaty Series 605

Treaty for the Settlement of Disputes between the Two Countries

The President of the United States of America and His Majesty the King of Spain, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designated hereinafter, to-wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

His Majesty the King of Spain, His Excellency Señor Don Juan Riaño y Gayangos, His Ambassador in Washington;

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

Article 1

Any disputes arising between the Government of the United States of America and the Government of Spain, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting parties do not have recourse to arbitration, be submitted for investigation and report to a Permanent International Commission constituted in the manner prescribed in the following article.

The High Contracting Parties agree not to resort, with respect to each

[1] TS 605-A, *post*, p. 664

other, to any act of force during the investigation to be made by the Commission and before its report is handed in.

ARTICLE 2

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

In case the two Governments should be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague Convention of 1907 shall be applied.

The Commission shall be organized within six months from the exchange of ratifications of the present convention.[2]

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise (from death, resignation, or cases of physical or moral incapacity) shall be filled within the shortest possible period in the manner followed for the original appointment.

The High Contracting Parties shall, before designating the Commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the Commission.

ARTICLE 3

In case a dispute should arise between the High Contracting Parties which is not settled by the ordinary methods, each Party shall have a right to ask that the investigation thereof be intrusted to the International Commission charged with making a report. Notice shall be given to the President of the International Commission, who shall at once communicate with his colleagues.

In the same case the President may, after consulting his colleagues and upon receiving the consent of a majority of the members of the Commission, offer the services of the latter to each of the Contracting Parties. Acceptance of that offer declared by one of the two Governments shall be sufficient to give jurisdiction of the case to the Commission in accordance with the foregoing paragraph.

The place of meeting shall be determined by the Commission itself.

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[2] For an extension of time for appointment of commission, see agreement of Nov. 16 and Dec. 20, 1915 (TS 605–A), *post*, p. 664.

ARTICLE 4

The two High Contracting Parties shall have a right, each on its own part, to state to the President of the Commission what is the subject-matter of the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the Commission.

ARTICLE 5

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention 1 of The Hague of 1907.[3]

The High Contracting Parties agree to afford the Commission all means and all necessary facilities for its investigation and report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

ARTICLE 6

The present treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the United States, and by His Majesty the King of Spain.

It shall go into force immediately after the exchange of ratifications and shall last five years.

Unless denounced six months at least before the expiration of the said period of five years, it shall remain in force until the expiration of a period of twelve months after either party shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 15th day of September, in the year nineteen hundred and fourteen.

WILLIAM JENNINGS BRYAN [SEAL]
JUAN RIAÑO Y GAYANGOS [SEAL]

[3] TS 536, *ante*, vol. 1, p. 587

ADVANCEMENT OF PEACE

Exchange of notes at Washington November 16 and December 20, 1915, amending treaty of September 15, 1914
Entered into force December 20, 1915
Terminated upon fulfillment of its terms

Treaty Series 605–A

The Secretary of State to the Spanish Ambassador

NOVEMBER 16, 1915

EXCELLENCY:

The time specified in the Treaty of September 15, 1914,[1] between the United States and Spain, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired, without the United States non-national Commissioner, the Spanish Commissioners and the Joint Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from June 21, 1915 to February 15, 1916.

Your formal notification in writing, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

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

ROBERT LANSING

His Excellency
SEÑOR DON JUAN RIAÑO Y GAYANGOS
The Ambassador of Spain

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[1] TS 605, *ante*, p. 661.

The Spanish Ambassador to the Secretary of State

[TRANSLATION]

WASHINGTON, *December 20, 1915*

MR. SECRETARY:

With reference to Your Excellency's note of November 16 last, I have the honor to inform you that His Majesty's Government, according to a telegram I have received, concurs in extending from the 21st of June, 1915, to the 15th of February, 1916, the time set by the Treaty of September 15, 1914, for the appointment of the International Commission therein specified.

In so informing Your Excellency, I avail myself of this opportunity to renew to you the assurance of my highest consideration.

JUAN RIAÑO

To the Honorable
ROBERT LANSING
Secretary of State of the United States
Etc., Etc., Etc.

ARBITRATION

Agreement signed at Washington March 8, 1919, extending agreement of April 20, 1908, as extended
Senate advice and consent to ratification July 17, 1919
Ratified by the President of the United States July 29, 1919
Ratified by Spain August 5, 1919
Ratifications exchanged at Washington October 14, 1919
Entered into force October 14, 1919; operative from June 2, 1918
Proclaimed by the President of the United States October 15, 1919
Expired June 2, 1923

41 Stat. 1673; Treaty Series 644

The Government of the United States of America and the Government of His Majesty the King of Spain, being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on April 20, 1908,[1] extended by the agreement concluded between the two Governments on May 29, 1913,[2] shall remain in force, have authorized the undersigned, to wit:

The Honorable Frank L. Polk, Acting Secretary of State of the United States, and

His Excellency, Señor Don Juan Riaño y Gayangos, Chamberlain to His Majesty the King of Spain, Ambassador Extraordinary and Plenipotentiary of His Majesty at Washington,

To conclude the following agreement:

ARTICLE I

The Convention of Arbitration of April 20, 1908, between the Government of the United States of America and the Government of His Majesty the King of Spain, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications of the said Convention on June 2, 1908, which period, by the agreement of May 29, 1913, between the two Governments was extended for five years from June 2,

[1] TS 493, *ante*, p. 653.
[2] TS 586, *ante*, p. 657.

1913, is hereby renewed and continued in force for a further period of five years from June 2, 1918.

ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of His Majesty, the King of Spain, in accordance with its Constitution and laws, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Spanish languages, at Washington, this eighth day of March, one thousand nine hundred and nineteen.

FRANK L. POLK [SEAL]
JUAN RIAÑO Y GAYANGOS [SEAL]

COMMERCIAL RELATIONS

Exchange of notes at Madrid October 6 and 22, 1923, extending agreement of August 1, 1906, as supplemented
Entered into force October 22, 1923; operative November 5, 1923
Expired May 5, 1924

Treaty Series 693–A

The President of the Military Directorate, Ministry of State, to the American Ambassador

[TRANSLATION]

No. 119 MADRID, *October 6, 1923*

EXCELLENCY:

With reference to our recent conversations concerning the future regime which is to regulate commercial relations between the United States and Spain, I have the honor to inform Your Excellency that I have no objection to agreeing to your proposal and that I am hence willing to agree that the Commercial Arrangement of August 1, 1906,[1] existing between the two countries and which expires on November 5th of the present year, shall be prorogued for a period of six months counting from that date, or, in other words until May 5, 1924, without however such prorogation signifying in any case whatsoever the application, during the course of the six months of its duration, of any commercial change or advantage which may be established in Treaties between Spain and other nations and which may be enforced after the aforementioned date.

Hence I consider that the present agreement will be concluded and the aforesaid prorogation consequently agreed upon by the exchange of this Note with such Note as Your Excellency may address to me expressing Your conformity therewith.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

MARQUÉS DE ESTELLA

His Excellency
ALEXANDER P. MOORE
Ambassador of the United States of America

[1] TS 453, *ante*, p. 649.

The American Ambassador to the President of the Military Directorate, Ministry of State

No. 64 MADRID, *October 22, 1923*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 119, of October 6th last, which read as follows:

[For text of Spanish note, see above.]

On behalf of my Government I accept the prorogation of the Treaty in the manner outlined in Your Excellency's abovementioned Note.

. . . . .[2]

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

ALEXANDER P. MOORE

His Excellency
THE MARQUIS OF ESTELLA
President of the Military Directorate
Ministry of State, Madrid

[2] For text of two paragraphs dealing with negotiations for a new treaty of commerce which were omitted from TS 693–A, see 1923 For. Rel. (II) 874.

COMMERCIAL RELATIONS

Exchange of notes at Madrid April 26 and 27, 1924, extending agreement of August 1, 1906,[1] as supplemented and extended
Entered into force April 27, 1924; operative May 5, 1924
Expired May 5, 1925

Treaty Series 693–A

The President of the Military Directorate, Ministry of State, to the American Ambassador

[TRANSLATION]

No. 40 MADRID, *April 26, 1924*

EXCELLENCY:

As a result of our conversations regarding the operation of the Commercial Agreement, agreed to by Spain and the United States through the exchange of Notes dated October 6th and 22d, 1923,[2] I have the honor to inform Your Excellency that the Government of His Majesty agrees to postpone for one year, or until May 5, 1925, the date of expiration of the above-mentioned Agreement.

Consequently, I consider that this postponement will be agreed to through the exchange of this Note with that which Your Excellency will be good enough to send me, expressing your concurrence therein.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

MARQUÉS DE ESTELLA

His Excellency
Mr. ALEXANDER P. MOORE
Ambassador of the United States of America

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[1] TS 453, *ante*, p. 649.
[2] TS 693–A, *ante*, p. 668.

The American Ambassador to the President of the Military Directorate, Ministry of State

No. 146 MADRID, *April 27, 1924*

EXCELLENCY:

I have the honor to acknowledge Your Excellency's courteous note No. 40, of April 26th, 1924, in which was expressed the agreement of His Majesty's Government to the postponement for one year, or until May 5, 1925, of the date of expiration of the Commercial Treaty at present in force between our two countries.

On behalf of my Government, I accept this postponement, as outlined in Your Excellency's above-mentioned Note, and consider this as definitely arranged through the exchange of Your Excellency's Note under acknowledgment and this present one.

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

ALEXANDER P. MOORE

His Excellency
THE MARQUIS OF ESTELLA
President of the Military Directorate
Madrid

COMMERCIAL RELATIONS

Exchange of notes at Madrid May 2, 1925, extending agreement of August 1, 1906,[1] as supplemented and extended
Entered into force May 2, 1925; operative May 5, 1925
Replaced by agreement of October 26 and November 7, 1927 [2]

Treaty Series 716

The President of the Military Directorate, Ministry of State, to the American Ambassador

[TRANSLATION]

No. 53 MADRID, *2 May, 1925*

MR. AMBASSADOR: Dear Sir:

As a result of the conversations had regarding the commercial arrangement between Spain and the United States, I have the honor to inform Your Excellency that the Government of His Majesty is willing that the agreement reached in this respect by the exchange of Notes of April 26 [and 27], 1924,[3] remain in force until May 5, 1926, instead of until May 5, 1925; it being understood that if at least three months before May 5, 1926, the said arrangement be not denounced by either of the Contracting Parties, it shall continue in force indefinitely thereafter and until three months have elapsed, counting from the day of its denouncement by either of the Contracting Parties.

In view of the foregoing, the Government of His Majesty will consider that the agreement has been effected by the exchange of the present Note and that which Your Excellency will be kind enough to address to me expressing your conformity thereto.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

EL MARQUÉS DE MAGAZ

His Excellency
ALEXANDER P. MOORE
Ambassador of the United States of America

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[1] TS 453, *ante*, p. 649.
[2] TS 758–A, *post*, p. 680.
[3] TS 693–A, *ante*, p. 670.

The American Ambassador to the President of the Military Directorate, Ministry of State

No. 313 MADRID, *2 May, 1925*

EXCELLENCY:

I have the honor to acknowledge receipt of the courteous Note of Your Excellency's Government, No. 53 of May 2, 1925, in which I am informed that the Government of His Majesty is willing that the agreement reached in respect of the commercial arrangement between the United States and Spain by the exchange of Notes of April 26, 1924, remain in force until May 5, 1926, instead of until May 5, 1925; and that it is understood that if at least three months before May 5, 1926, the said arrangement be not denounced by either of the Contracting Parties it shall continue in force indefinitely thereafter and until three months have elapsed counting from the date of its denouncement by either of the Contracting Parties.

On behalf of my Government, I accept the proposal, as outlined in the Note under acknowledgment, and I consider that the agreement has been effected by the exchange of this Note and Note No. 53 of Your Excellency's Government.

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

ALEXANDER P. MOORE

His Excellency
THE MARQUIS OF ESTELLA
President of the Military Directorate
Ministry of State
Madrid

REDUCTION OF VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Madrid June 19 and 27, 1925
Entered into force June 27, 1925; operative July 1, 1925
Terminated August 12, 1939 [1]

Department of State files

The Acting Minister for State to the American Ambassador

[TRANSLATION]

No. 102

MADRID, *June 19, 1925*

EXCELLENCY:

MY DEAR SIR: With reference to the representations made by Your Excellency to the Government of His Majesty with a view to modifying the passport regulations between our respective countries, in order to facilitate touring and thus benefit the relations of both, I have the honor to inform you that in accordance with the proposition of Your Excellency this Ministry would be disposed to apply, from a date to be agreed upon, the general single tariff of 10 pesetas for a visa good for a year for passports of North American citizens with the sole exception of emigrants. It is to be understood that with this exception the rate for the visa of Spanish passports by North American Consular authorities shall be $1.50 or the commercial equivalent of 10 pesetas at the daily rate of exchange.

In case no objection be perceived to the foregoing arrangement, I request Your Excellency to be good enough to notify to me the date on which you desire it to take effect. If suitable, the 1st of next July is suggested as a convenient date.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

F. ESPINOSA DE LOS MONTEROS

His Excellency
ALEXANDER P. MOORE
American Ambassador
&., &., &.

[1] Pursuant to notice of denunciation given by Spain Aug. 30, 1939.

The American Ambassador to the President of the Military Directorate, Ministry of State

No. 346

MADRID, *27 June, 1925*

EXCELLENCY:

I have had the honor to receive the courteous Note of Your Excellency, No. 102 of June 19, 1925, in which, in response to my representations for the modification of the visa fees of the United States and Spain, Your Excellency informs me that the Spanish Government agrees to apply the general single tariff of ten (10) pesetas for passport visas valid for a year of American citizens of the nonimmigrant class. Your Excellency adds that, with the sole exception of immigrants, you understand that the rate for the visa of Spanish passports by the American authorities shall be one dollar and a half ($1.50) United States currency.

In reply, I have the honor to accept on behalf of my Government the arrangement as outlined hereinbefore, it being understood that applications for visas shall be gratis and that the visas themselves shall be good for an unlimited number of journeys during the period of their validity. At the same time, I hasten to express my conformity with the suggestion of Your Excellency that July 1st, next, would be a convenient date on which to initiate the agreement.

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

ALEXANDER P. MOORE

His Excellency
THE MARQUIS OF ESTELLA
President of the Military Directorate
Ministry of State
Madrid

SUPPRESSION OF SMUGGLING

Convention signed at Washington February 10, 1926
Senate advice and consent to ratification March 3, 1926
Ratified by the President of the United States March 30, 1926
Ratified by Spain July 20, 1926
Ratifications exchanged at Washington November 17, 1926
Entered into force November 17, 1926
Proclaimed by the President of the United States November 17, 1926

44 Stat. 2465; Treaty Series 749

The President of the United States of America and His Catholic Majesty the King of Spain being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America; the Honorable Frank B. Kellogg, Secretary of State of the United States; and

His Catholic Majesty the King of Spain; Don Juan Riaño y Gayangos, His Ambassador Extraordinary and Plenipotentiary at Washington, Knight Grand Cross of the Royal and Distinguished Order of Charles III, Grand Cross of Isabel the Catholic, Grand Cross of the Military Merit, Grand Cross of the Naval Merit, Grand Star of Honor of the Spanish Red Cross, Gold Medal of the San Payo Bridge, Grand Cross of the Order of Cambodge, Danebrog of Denmark and Saint Olaf of Norway, Commander of the Legion of Honor of France, Knight of Leopold of Belgium, of the Conception of Villaviciosa of Portugal, His Gentleman of the Chamber, etc., etc., etc.;

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

Article I

The High Contracting Parties respectively retain their rights, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

His Majesty, the King of Spain, agrees that he will raise no objection to the boarding of Spanish merchant vessels outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel, which shall have given ground for such suspicion, may be initiated.

ARTICLE III

If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with the pertinent provisions of law.

ARTICLE IV

The boarding referred to in Article II of this Convention shall not be made at a greater distance from the coast of the United States its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of the first of the said vessels and not the speed of the vessel boarded, which shall determine the distance from the coast within which the action referred to in Article II may be taken.

ARTICLE V

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors when they are listed as sea stores or cargo destined for a port foreign to the United States, it territories or possessions on board Spanish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall

at any time or place be unladen within the United States, its territories or possessions.

ARTICLE VI

Any claim preferred in behalf of a Spanish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Treaty or on the ground that it has not been given the benefit of Article V shall be referred for the joint consideration of two persons one of whom shall be nominated by each of the High Contracting Parties and whose decision shall be given effect, if made in common accord.

Otherwise, that is to say when the said persons shall fail to agree, the claim shall be referred to the Permanent Court of Arbitration at The Hague created by the Convention for the Pacific Settlement of International Disputes, signed at The Hague, October 18, 1907.[1] The Arbitral Tribunal shall be constituted in accordance with Articles 87 and 59 (Chapters 4 and 3 of that Convention). The proceedings shall be regulated by the provisions in the said Chapters 3 and 4 (special regard being had to Articles 70 and 74 but excepting Articles 53 and 54) which the Tribunal may consider to be applicable and to be consistent with the provisions of this agreement. The sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five percent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE VII

This Convention shall be ratified by both parties in accordance with their respective constitutional methods. It shall come into force on the day of the exchange of ratifications, which shall take place at Washington as soon as possible and shall remain in force for one year.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention. If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse at the end of said period. If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side

[1] TS 536, *ante,* vol. 1, p. 577.

to propose as provided above three months before its expiration modifications in the Convention that they may deem expedient and in case they fail to arrive at an agreement regarding these before the end of the term, the Convention will cease and determine at the end of said period.

Article VIII

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention, the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Treaty not been concluded.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate, in the English and Spanish languages, and have thereunto affixed their seals.

Done at the city of Washington this tenth day of February, one thousand nine hundred and twenty-six.

Frank B. Kellogg [seal]
Juan Riaño y Gayangos [seal]

COMMERCIAL RELATIONS

Spanish Royal Decree dated May 25, 1927; exchange of notes at Madrid October 26 and November 7, 1927, supplementing agreement of August 1, 1906, as supplemented and extended; Spanish statement dated November 7, 1927
Entered into force November 27, 1927
Modified by agreement of May 4 and July 11, 1946 [1]
Superseded August 29, 1963, by protocol for accession of Spain to General Agreement on Tariffs and Trade [2]

Treaty Series 758–A

Spanish Royal Decree No. 958

[translation]

In accord with my Council of Ministers and as submitted by its President I make the following decree:

"Article One. From the date of publication in the Madrid Gazette [3] of this decree merchandise proceeding from the United States of North America shall enjoy most-favored-nation treatment as resulting from the application of commercial treaties now having consolidated duties and for such time as the said consolidation lasts. In this sense the extension of the modus vivendi of August 1st, 1906,[4] arranged by exchange of notes dated October 6th and 22nd, 1923,[5] is to be interpreted.

"Article Two. Application of the foregoing provision shall have a maximum duration of six months and carries with it the obligation to make within that period a commercial treaty of mutual reciprocity which will bring about complete stability in the commercial relations between the two countries.

"Article Three. As a consequence of the provisions contained in the two foregoing articles the extension of the said modus vivendi of August 1st, 1906, shall be considered as having been denounced in order that, on the termina-

[1] TIAS 1572, *post*, p. 705.
[2] 15 UST 2571; TIAS 5749.
[3] May 26, 1927.
[4] TS 453, *ante*, p. 649.
[5] TS 693–A, *ante*, p. 668.

tion of its operation and within the period of six months hereinbefore mentioned, the new treaty that shall have been negotiated may go into effect."

Done at the Palace, May 25, 1927.

ALFONSO

President of the Council of Ministers
MIGUEL PRIMO DE RIVERA Y ORBANEJA

EXCHANGE OF NOTES

The American Ambassador to the Minister of State

No. 371 MADRID, *October 26, 1927*

EXCELLENCY:

In view of the expiration on November 27th next of the six months term set by his Majesty's Decree of June 27th [May 25] last, granting unconditional most favored nation treatment to American products in Spain, and pending the conclusion of a definite commercial agreement between our two countries, I have the honor, under instructions from my Government, to propose to that of His Majesty an indefinite extension, subject, of course, to denunciation on due notice (say three months), of the regime at present obtaining under the Royal Decree above mentioned.

It is the intention of my Government to make a full and considered reply to Your Excellency's note of August 31st last, dealing with each of the eight articles therein mentioned as affording ground for Spanish complaint. However, the preparation of this note must await the return to the United States of Dr. Kisliuk, the extension of whose mission at Your Excellency's request to include the Canary Islands, will make it impossible to reply to your note above mentioned before the expiration of the modus vivendi on November 27th next. It would, therefore, seem desirable from the point of view of both countries that the present regime be extended as above suggested, in harmony with the views which Your Excellency expressed to me during our interview on the subject at Santander on the 17th of August last. This would seem the more desirable in order that the Spanish complaints may be considered without prejudice and in order that business between the two countries may no longer be hampered by the present uncertainty.

I avail myself of this occasion to renew to Your Excellency the assurance of my high consideration.

OGDEN H. HAMMOND

His Excellency
MARQUÉS DE ESTELLA
Minister of State
Madrid

The Minister of State to the American Ambassador

[TRANSLATION]

No. 262 MADRID, *November 7, 1927*

EXCELLENCY: Dear Sir:

In your note No. 371, of October 26, 1927, Your Excellency is good enough to propose, by virtue of instructions from your Government, an indefinite extension of the existing commercial regime between Spain and the United States, subject, of course, to a denouncement, which might be for three months, in view of the fact that on the 27th of November of the present year the six months term fixed by the Royal Decree of June 27th last, expires, which date Your Excellency mentions doubtless in error, since the true date is the 25th of May last, which granted to the products of your country most favored nation treatment.

Your Excellency bases this proposal upon the impossibility of your Government giving a complete and detailed reply before the 27th of November to my Note of August 31st last, in which I again requested that before the negotiation of a new commercial treaty, the various points at issue be solved or satisfactorily explained, which affect the importation and commerce of certain Spanish products in the United States and which I mentioned in another note directed to Your Excellency under date of June 24th last, such as the question of the Almeria grapes, oranges and lemons, tomatoes, chestnuts and hazelnuts, preserved peppers, and short firearms; which impossibility is due to the fact that Dr. Kisliuk has not yet completed the mission entrusted to him by your Government, to investigate the sanitary condition of the grape production in the Province of Almeria and which, at my request, was extended to include a similar investigation of the Canary Island tomatoes.

Replying to the above-mentioned note, I have the honor to inform Your Excellency, on behalf of His Majesty's Government, that the latter, taking into consideration the reasons mentioned by Your Excellency, agrees to continue provisionally the application to the products of the United States from the 27th of November of the present year, most favored nation treatment, as was granted thereto by the Royal Decree of May 25th last, which regime will cease upon three months denunication or upon the conclusion of a new commercial treaty between Spain and the United States.

I avail myself of this opportunity for repeating to Your Excellency the assurances of my high consideration.

MARQUÉS DE ESTELLA

H. E. Mr. OGDEN H. HAMMOND
Ambassador of the United States of America

Spanish Statement [6]

[translation]

The Government of His Majesty, accepting the proposal made to it by that of the United States has agreed to continue applying temporarily to the products of the latter country, from the 27th of the present month of November, most favored nation treatment as granted them by the Royal Decree of May 25th last, which regime will cease three months from its denouncement or upon the conclusion of a new commercial agreement between both countries.

Which I make public for general knowledge.

Madrid, *November 7, 1927*

Secretary General
B. Almeida

[6] Published in *Madrid Gazette*, Nov. 12, 1927.

NARCOTIC DRUGS

Exchange of notes at Madrid February 3, March 10, and May 24, 1928
Entered into force May 24, 1928

Department of State files

The American Chargé d'Affaires ad interim to the Minister of State

No. 435

MADRID, *February 3, 1928*

EXCELLENCY:

I have the honor to inform Your Excellency that the Treasury Department has requested that an effort be made to establish closer cooperation between the appropriate administrative officials of the United States and certain European countries. To this end, I am instructed to ascertain whether the following system would be agreeable to His Majesty's Government:

1. The direct exchange between the Treasury Department and the corresponding office in the foreign country of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc.;

2. The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, of those involved in smuggling drugs, if such movements might concern the other country. Unless such information as this reaches its destination directly and speedily, it is useless;

3. Mutual cooperation in detective and investigating work.

The officer of the Treasury Department of the United States who would be in charge, on behalf of my government, of the cooperation in the suppression of the illicit traffic in narcotics is Colonel L. G. Nutt, whose mail and telegraph address is Deputy Commissioner in Charge of Narcotics, Treasury Department, Washington, D.C.

In case the proposed arrangement meets with the approval of His Majesty's Government, immediately communication may be established with Colonel

Nutt, and I should be grateful if Your Excellency will cause me to be supplied with the name of the Spanish official with whom Colonel Nutt should be familiar.

I avail myself of this opportunity to express assurance of my high consideration.

STUART E. GRUMMON
Chargé d'Affaires ad interim

His Excellency
MARQUES DE ESTELLA
Minister of State, Madrid

The Ministry of State to the American Ambassador

[TRANSLATION]

Num. 68

MADRID, *March 10, 1928*

EXCELLENCY: Dear Sir:

In reply to your Embassy's kind note No. 435 of February 3 last, relative to the mutual cooperation of the competent authorities of the two countries in the investigation and repression of the illicit traffic in narcotics, I have the honor to inform Your Excellency that the competent Service regards as very efficacious towards lessening or repressing the international illicit traffic of narcotics the measures that have been proposed by the Government of the United States, but at this time Spain is unable to name the person or entity that would have to be in relation with the officer of the Treasury Department of the country Your Excellency so worthily represents, Colonel Nutt, because there is now awaiting the decision of the Government of His Majesty a project connected with the narcotic traffic and measures for the repression of illicit traffic, whereby it is aimed to eradicate in our country the social vice of toxicomania, a fight in which Spain takes a keen part, not only for the purpose of promoting her national interests, but also by giving her help towards solving those problems from the international viewpoint.

As soon as the entity which is to take up the subject of the traffic in narcotics, in accordance with the new project above referred to, is organized, I shall hasten to make it known to Your Excellency for the purpose in which your office is interested.

I avail myself of this opportunity to renew to you the assurances of my high consideration.

B. ALMEIDA

The Ministry of State to the American Ambassador

[TRANSLATION]

No. 153 MADRID, *May 24, 1928*

EXCELLENCY: My dear Sir:

Supplementing my note of March 10th last, in which I informed Your Excellency that, pending the solution by His Majesty's Government of a project relating to the traffic in narcotics and the means of suppressing its illegal traffic, I could not at the moment designate the person or the office in Spain which could be addressed by the official of the United States Treasury, Colonel Nutt, I have the honor to enclose herewith to Your Excellency the GACETA DE MADRID in which is published the Royal Decree-Law concerning narcotics, on reading which Your Excellency will see that Colonel Nutt can address the Director del Instituto Técnico de Comprobación for the work of mutual cooperation toward the suppression of illegal traffic in narcotics.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

B. ALMEIDA

His Excellency
Mr. OGDEN H. HAMMOND
Ambassador of the United States of America

CLAIMS

Exchanges of notes at Washington August 24, 1927, and May 13 and June 20, 1929
Entered into force June 20, 1929

47 Stat. 2641; Executive Agreement Series 18

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

DEPARTMENT OF STATE
WASHINGTON, *August 24, 1927*

SIR:

The Ambassador's note of July 26, 1927, with further reference to the claim of the heirs of Señor Manuel Arias Brios, and to the suggestions made in my note of May 31, last, relative to the desirability of an informal consideration of such claims as either Government may now desire to bring to the attention of the other, was duly received and has had consideration.

With respect to His Excellency's request for a statement of the precise steps contemplated for the consideration of such claims, it is suggested (1) that each Government should submit to the other on or before a specified date in the near future, a list of the claims which each desires to urge for the consideration and allowance of the other, together with a brief statement of the facts. This Government would suggest that such lists should be exchanged by January 1, 1928. (2) Subsequently, at the expiration of an agreed period of time, say three months, required for the examination of the claims presented, the two Governments should designate representatives, one each, to confer together in an effort to decide upon the merits of the claims, and, if possible to concur in conclusions as to the appropriate disposition to be made of each of the claims presented. (3) The claims which the representatives agree should be paid shall be referred by them to the respective Governments with their recommendations. (4) Cases in which the representatives do not agree or in which the recommendations of the representatives are not accepted by the two Governments might be disposed of by such further agreement as might at the time seem expedient.

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

FRANK B. KELLOGG

Señor Don MARIANO DE AMOEDO Y GALARMENDI
Chargé d'Affaires ad interim of Spain

308-582—73——15

The Secretary of State to the Spanish Ambassador

DEPARTMENT OF STATE
WASHINGTON, *May 13, 1929*

EXCELLENCY:

Reference is made to this Government's note of August 24, 1927, to the Chargé d'Affaires *ad interim* of Spain concerning an arrangement for the informal consideration of claims of the United States against Spain and Spanish claims against this Government.

As no reply to this communication has been received this Government is uncertain as to the acquiescence of the Spanish Government in the suggestions made therein. As previously indicated this Government is desirous of settling all outstanding claims between the two Governments and is willing to submit for consideration by the Spanish Government a list of claims in which it feels that satisfaction should be made. Before proceeding to the preparation of such list, however, it desires to be informed whether the arrangement proposed in its note of August 24, 1927, is concurred in by the Spanish Government and whether that Government will submit a list of its claims to this Government for use in carrying out the purposes of the proposed arrangement.

It is understood that the claims referred to are distinct from those of American citizens and protegés which have arisen in that part of Morocco commonly known as the Spanish Zone and which were made the subject of a special arrangement through my predecessor's note of November 7, 1927, and Your Excellency's note of February 1 [11], 1928, in reply thereto.

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

HENRY L. STIMSON

His Excellency
SEÑOR DON ALEJANDRO PADILLA Y BELL
Ambassador of Spain

The Spanish Ambassador to the Secretary of State

[TRANSLATION]

ROYAL SPANISH EMBASSY
No. 80/23 WASHINGTON, *June 20, 1929*

MR. SECRETARY:

With reference to Your Excellency's kind note of May 13, 1929, relating to the previous one of August 24, 1927, in which was expressed a desire on the part of the Government of the United States to arrive at a conclusion on the reciprocal claims now pending between Spain and North America, I have the honor to inform Your Excellency that I have received a telegraphic answer from Madrid informing me that the Government of His Majesty gladly

agrees to begin a study of the case and to that end will send me by mail detailed instructions to start the work.

I avail myself of this opportunity, Mr. Secretary, to renew to Your Excellency the assurances of my highest consideration.

ALEJANDRO PADILLA

The Honorable
HENRY L. STIMSON
Secretary of State

DOUBLE TAXATION: SHIPPING PROFITS

Exchange of notes at Washington April 16 and June 10, 1930
Entered into force June 10, 1930; operative from January 1, 1921

47 Stat. 2584; Executive Agreement Series 6

The Spanish Ambassador to the Acting Secretary of State

[TRANSLATION]

ROYAL SPANISH EMBASSY
WASHINGTON, *April 16, 1930*

No. 84–15

MR. SECRETARY:

I have the honor to refer to Your Excellency's kind note of the 5th instant relative to the exemption from taxation in the United States on revenue derived from operations of Spanish vessels, giving me a transcript of the communication which had been received in the matter from the Treasury Department, points of which were quoted thereunder.

It is a satisfaction for me to be able to express to Your Excellency the pleasure with which I have seen that the recent statements of the Spanish Minister of Finance, expressed in my note of February 11, 1930, accord with the proposals which the American Secretary of the Treasury was good enough to make in the letter of August 2, 1929 which he addressed to the Compañía Trasatlántica, through my intermediary.

In view of the foregoing, I request Your Excellency to be so good as to give the appropriate instructions to the corresponding authorities in order that they may take into account this decision with respect to the Spanish Shipping Companies in the sense that the profits of Spanish citizens which consist exclusively in earnings derived from vessels documented in Spain shall be exempt from taxation in the United States by the laws of this country, and particularly with respect to that set forth by Your Excellency in your note of September 26, 1929, regarding the case of the Compañía Trasatlántica.

As soon as I received the above-mentioned note of the 5th of the current month of April from Your Excellency, I hastened to transmit the correspondence in copy to the Ministry of State at Madrid, and while I await a reply, it is my pleasing duty to express to Your Excellency my gratitude

for the good will which from the beginning I have been able to value, both in the Treasury Department and in the Department under Your Excellency's worthy direction, to arrive at a favorable solution of this matter, which cannot do less than strengthen the good relations existing between our two countries.

I avail myself [etc.] ALEJANDRO PADILLA

Honorable J. P. COTTON
[Acting] Secretary of State
Department of State
Washington, D.C.

The Secretary of State to the Spanish Ambassador

DEPARTMENT OF STATE
WASHINGTON, *June 10, 1930*

EXCELLENCY:

I have the honor to refer to previous correspondence concerning the desire of Spanish nationals to be exempted from income taxation in this country on revenue derived from the operation of Spanish ships and to inform you that a communication in the matter has been received from the Treasury Department, the pertinent portions of which are quoted hereunder:

"Under date of March 31, 1930, this office expressed the opinion that Spain meets the reciprocal exemption provisions of the Revenue Acts of 1921, 1924, and 1926, and stated that accordingly the income of Spanish nationals which consists exclusively of earnings derived from operation of ships documented under the laws of Spain would be exempted from taxation by the United States under those Acts. It was further stated that inasmuch as sections 212(b) and 231(b) of the Revenue Act of 1928,[1] relating to exemption of the income of nonresident aliens and foreign corporations, are substantially the same as section 213(b)(8) of the Revenue Acts of 1921, 1924, and 1926,[2] the exemption would be extended to the taxable years governed by the Revenue Act of 1928.

"In order to put the arrangement into effect this Department, under date of April 25, 1930, issued Treasury Decision 4289 which amended article 89 of Regulations 62, 65, and 69, and article 1042 of Regulations 74, pertaining to the reciprocal exemption from income tax of earnings derived by nonresident aliens and foreign corporations from the operation of ships documented under the laws of foreign countries. The effect of that Treasury decision is to include Spain in the list of countries which exempt from tax so much

[1] 45 Stat. 847, 849.
[2] 42 Stat. 239; 43 Stat. 269; 44 Stat. 25.

of the income of citizens of the United States nonresident in such foreign countries and of corporations organized in the United States as consists of earnings derived from the operation of a ship or ships documented under the laws of the United States, and to exclude Spain from the list of countries which do not grant such exemption.

"In addition to the formal Treasury decision issued by this Department the Collector of Internal Revenue, Customhouse, New York, New York, was specifically advised under date of April 23, 1930, as to the ruling contained in the letter from this department addressed to your Department under date of March 31, 1930, and was informed that the Compania Transatlantica (Spanish Royal Mail Line) would not be held liable for income tax on income which consists exclusively of earnings derived from the operation of ships documented under the laws of Spain for the taxable years arising under the Revenue Acts of 1921, 1924, 1926, and 1928."

Accept [etc.]

For the Secretary of State:
FRANCIS WHITE

HIS EXCELLENCY
SEÑOR DON ALEJANDRO PADILLA Y BELL
Ambassador of Spain

AIR TRANSPORT SERVICES

Exchange of notes at Madrid December 2, 1944, with text of agreement and related notes
Entered into force December 2, 1944
Amended by agreements of December 21, 1945, and January 15, 1946; [1] *February 21 and March 12, 1946;* [2] *July 4, 1950;* [3] *and July 21, 1954* [4]
Supplemented by agreement of April 30, 1971 [5]

58 Stat. 1473; Executive Agreement Series 432

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 3482 MADRID, *December 2, 1944*

EXCELLENCY:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Spain for the conclusion of a reciprocal air transport agreement.

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

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND SPAIN RELATING TO THE OPERATION OF INTERNATIONAL AIR TRANSPORT SERVICES

ARTICLE I [6]

(a) 1. Air carriers of the United States are permitted to operate, pick up and discharge passengers, cargo and mail in international traffic at the fol-

[1] TIAS 2131, *post*, p. 700.
[2] TIAS 2132, *post*, p. 703.
[3] 1 UST 732; TIAS 2140.
[4] 5 UST 1483; TIAS 3022.
[5] 22 UST 578; TIAS 7105.
[6] For amendments of art. I, see agreements of Dec. 21, 1945, and Jan. 15, 1946 (TIAS 2131, *post*, p. 700); Feb. 21 and Mar. 12, 1946 (TIAS 2132, *post*, p. 703); July 4, 1950 (1 UST 732; TIAS 2140); and July 21, 1954 (5 UST 1483; TIAS 3022).

lowing points within the territory under the jurisdiction of the Spanish Government, in operations over the following routes:

Route 1

A route from New York through Lisbon to Madrid and Barcelona, proceeding therefrom to Marseilles, and points beyond, return being made over the same route.

Route 2

A route from New York through Lisbon to Madrid, proceeding therefrom to Algiers, and points beyond, return being made over the same route.

Route 3

A route from New York or Miami through South America, West Africa, Villa-Cisneros, and French Morocco, to Seville, Madrid, and Barcelona, proceeding therefrom to Paris and points beyond, return being made over the same route.

2. Spanish air carriers will be permitted to operate and pick up and discharge passengers, cargo and mail in international traffic at such point or points within the territory under the jurisdiction of the United States of America as will provide a route or routes of similar aviation importance to those granted to the United States and set out in this Agreement. The specific point or points of access shall be determined by negotiation between Spain and the United States, in accordance with Article IX of this Agreement, at such time as the Spanish Government desires to prepare for the inauguration of service by a Spanish air carrier.

(b) Subject to the conditions set forth in this Agreement, the terms of the permits to be issued by each contracting party in favor of the air transport enterprise or enterprises designated by the other contracting party, the technical aspects of the operation, and other appropriate details of the conduct of the air transport services covered by this Agreement, shall be determined by direct consultation between the aeronautical authorities of each contracting party wherever feasible. Matters outside the scope of the aforementioned categories shall be dealt with as provided in Article IX of this Agreement.

(c) Aircraft of one contracting party using the public airports of the other contracting party, under any conditions permitted by this Agreement, shall also be entitled to use these airports, and all air navigation facilities available to civil traffic, on a national and most-favored-nation basis.

Article II

(a) Each contracting party will designate its own air carrier enterprise or enterprises which are to operate the services for which rights have been granted, pursuant to Article I (a) of this Agreement. Each party may authorize one or more of its air carriers to operate the service over each of the routes for which rights are granted to said party in conformity with Article I

(a). Any permit issued by either party to an air carrier enterprise of the other party, in accordance with the terms of this Agreement, will be valid only so long as the holder of the permit is authorized by its own government to operate the services covered by such permit.

(b) The contracting parties may, at any time, freely replace their respective air carrier enterprises designated for the operation of the services in accordance with section (a) of this article, the newly designated air carrier succeeding to all the rights and obligations of the air carrier which it replaces. Under no circumstances will a change of designated air carrier by one contracting party justify the replaced air carrier in petitioning for indemnity of any kind from, or exercising judicial action of any type against, the other contracting party.

(c) Each of the contracting parties reserves the right to withhold the granting of a certificate or permit to an air carrier enterprise of the other contracting party in any case where it appears that substantial ownership or control is vested in nationals of a third country. When it appears that substantial ownership or control of an air carrier enterprise of either party holding a certificate or permit issued by the other party is vested in nationals of a third country, the party issuing such certificate or permit may revoke it or make it subject to conditions or limitations; provided that revocation shall not be ordered nor conditions or limitations imposed without prior consultation with the other party.

(d) At least two weeks before beginning to operate the services which are the object of this Agreement, the carrier or carriers designated by either contracting party will notify the competent authorities of the other contracting party of the schedules, tariffs, general terms of carriage and type of aircraft which it is proposed to use. Similar notification will be given whenever the above-mentioned data are to be modified.

Article III [7]

The certificates of airworthiness, certificates of competency or licenses issued or rendered valid by one of the contracting parties for the aircraft and crews which are to effect the services of the lines covered by the present Agreement will be valid in the territory of the other contracting party.

Article IV

On the basis of most-favored-nation treatment, each of the contracting parties agrees not to impose, and to use its best efforts to prevent the imposition of, any restrictions or limitations as to use of airports and airways, connections with other transportation services, or pertinent facilities in general

[7] For an amendment of art. III, see agreement of July 4, 1950 (1 UST 732; TIAS 2140).

to be utilized within its territory, which might be competitively or otherwise disadvantageous to the air carrier enterprises of the other party.

Article V

(a) The importation or exportation of fuels, lubricants, spare parts, motors, equipment and material in general intended for exclusive use by aircraft of, or for operations by the air carrier enterprises of, both contracting parties will be effected on the basis of most-favored-nation treatment with respect to the payment of customs duties, inspection fees and other taxes and charges.

(b) The fuel and lubricants, as well as the legitimate equipment and stores on board the aircraft of either of the contracting parties arriving in and departing from the territory of the other contracting party, shall be exempt from customs duties or charges, even when the mentioned fuel, lubricants, equipment and stores aboard are used by the aircraft on a flight in that territory.

Article VI [8]

The commercial air traffic between two points under the national sovereignty or jurisdiction of one of the two contracting parties is exclusively reserved to the party which exercises said sovereignty or jurisdiction. Each of the contracting parties shall be entitled to most-favored-nation treatment with respect to the carriage of such traffic in the territory of the other contracting party. For purposes of this Agreement, national sovereignty or jurisdiction is understood to mean the national metropolitan territory and outlying territories, possessions and colonies, and the territorial waters adjacent thereto.

Article VII

The rights conceded by either contracting party to the air carrier enterprises of the other contracting party shall be subject to compliance with all applicable laws of the issuing government and all valid rules, regulations and orders issued thereunder, including air traffic rules and customs and immigration requirements applicable to all foreign aircraft.

Any restrictions or prohibitions against flight over prohibited areas shall apply to the commercial aircraft of both parties.

Article VIII

Offenses committed in the territory of one of the contracting parties by the personnel of the designated air carrier enterprises of the other contracting party shall be reported to the competent authorities of such other contracting party by the party in whose territory the offense was committed. If the offense is of a serious character the competent authorities will have the right to request the withdrawal of the offending employee or employees of the designated air carrier enterprise. In case of a definite repetition of an offense, the withdrawal of the designated air carrier enterprise may be requested.

[8] For an understanding relating to art. VI, see exchange of notes, p. 698.

ARTICLE IX

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

ARTICLE X

(a) This Agreement shall come into force on December 2, 1944 and shall remain in force until it is terminated in accordance with the procedure established in paragraph (b) of this Article.

(b) Either of the contracting parties may, at any time, give notice in writing to the other contracting party of its desire to terminate this Agreement. Such notice of termination may be given by either party to the other party only after consultation between both parties for a period of at least ninety days. The termination shall be effective after three months from the date on which the said notice is given by one of the parties to the other.[9]

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the Agreement reached as the result of the negotiations are as above set forth. If so it is suggested that the Agreement become effective on December 2, 1944; if your Government concurs in this proposal the Government of the United States will regard it as becoming effective on that date.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

CARLTON J. H. HAYES

His Excellency
JOSÉ FÉLIX LEQUERICA Y ERQUIZA
Minister of Foreign Affairs
Madrid

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MADRID, *December 2, 1944*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date in which you communicate to me the terms of an agreement on air transport between the Spanish Government and the Government of the

[9] For additional arts. XI and XII, agreement of July 4, 1950 (1 UST 732; TIAS 2140).

United States of America, which has been agreed to in the negotiations now concluded between both Governments.

The terms of said agreement which Your Excellency has communicated to me are the following:

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

I have instructions to inform Your Excellency that my Government accepts the terms of the agreement in the form in which they have been communicated to me, and likewise that it agrees to Your Excellency's proposal that said agreement enter into effect December 2, considering it therefore as being in force from the indicated date.

I avail myself of this opportunity, Mr. Ambassador, to reiterate to Your Excellency the assurances of my high consideration.

José F. de Lequerica

His Excellency

Carlton Joseph Huntley Hayes

Ambassador of the United States of America in Madrid

& & &

The Minister of Foreign Affairs to the American Ambassador

[translation]

Madrid, *December 2, 1944*

Mr. Ambassador:

With respect to the agreement signed on this date and in particular to article VI thereof, I have the honor to advise Your Excellency that the Spanish Government understands the application of the most-favored-nation clause—insofar as it refers to commercial air traffic between two points under the national sovereignty or jurisdiction of either of the contracting parties—as having to be the object in each case of a special agreement.

It is understood that the stipulations with respect to most-favored-nation treatment established in the present agreement include the right of each of the parties to said most-favored-nation treatment with respect to any other special agreement or concessions granted by either of the contracting parties to third parties.

It is further understood that the North American air line companies that operate in accordance with the present agreement will be authorized to maintain in Spain the North American personnel which may be necessary for administrative and technical purposes, subject to the previous consent of the Air Ministry.

I avail myself of this opportunity, Mr. Ambassador, to reiterate to Your Excellency the assurances of my high consideration.

José F. de Lequerica

His Excellency
Carlton Joseph Huntley Hayes
Ambassador of the United States of America
in Madrid

The American Ambassador to the Minister of Foreign Affairs

Embassy of the
United States of America
Madrid, *December 2, 1944*

No. 3483

Excellency:

I have the honor to confirm the understanding set forth in Your Excellency's Note of today's date to the effect that, with respect to the Agreement concluded this day, and particularly with respect to Article VI of that Agreement, the application of the most-favored-nation clause, in so far as it refers to commercial air traffic between two points under the national sovereignty or jurisdiction of each of the contracting parties, is to be the subject of a special agreement in each case.

It is also understood that the stipulations established in the present Agreement relative to most-favored-nation treatment include the right of each of the parties to the said most-favored-nation treatment in regard to any other special agreement or concessions granted by either contracting party to third parties.

It is further understood that the American airline companies which will operate under the present Agreement will be authorized to maintain in Spain such American personnel as may be necessary for administrative and technical purposes, subject to previous consent of the Air Ministry.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Carlton J. H. Hayes

His Excellency
José Félix de Lequerica y Erquiza
Minister for Foreign Affairs

AIR TRANSPORT SERVICES

Exchange of notes verbales at Madrid December 21, 1945, and January 15, 1946, amending agreement of December 2, 1944
Entered into force January 15, 1946

62 Stat. 4078; Treaties and Other International Acts Series 2131

The American Embassy to the Ministry for Foreign Affairs

No. 1379

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to inform the Ministry, under instructions received today from the Department of State, that Transcontinental World Airways, the airline indicated by the Civil Aeronautics Board of the United States to operate the route between the United States and Madrid via Lisbon, plans to inaugurate its service to Madrid on January 1, 1946 from New York, via Newfoundland, Ireland and Lisbon. The first flight is due to reach Madrid on January 2. It would depart from Madrid on its return flight on January 3. The service, for the time being, would be weekly; departures from New York being on January 1, 8, 15, etc. and from Madrid on Jan. 3, 10, 17, etc. However, it is the Embassy's understanding that the runway extension at present under construction at Barajas airport probably will not be completed in time to permit of this service being inaugurated as planned by the company, which is being kept informed of the progress of the construction work at Barajas by the Embassy.

Until such time as this airline is enabled to extend its services eastward from Madrid, this city will be its European terminus. At such time as this route can be extended to conform with the Transcontinental and Western Airline's route as communicated to the Ministry of Foreign Affairs in the Embassy's Note Verbale No. 535 of July 11, 1945, this company will provide service through Madrid to Algiers, as authorized in Article I (a) (Route No. 2) of the Civil Air Agreement signed at Madrid on December 2, 1944.[1]

Under date of July 11, the Embassy communicated to the Ministry the details of the air routes between the United States and Europe by which the

[1] EAS 432, *ante*, p. 693.

CAB of the United States had authorized three airlines of the United States to operate. The Ministry will have noted that the route allocated to Transcontinental and Western Airlines provides for a spur route to be operated by this company from Madrid to Rome, thence to North Africa via Athens. This spur route is not covered in Article I (a) 2 of the Civil Air Agreement of December 2, 1944.

In accordance with instructions from the Department of State the Embassy has the honor to inform the Ministry of Foreign Affairs that it would appreciate its consent to the effecting of an appropriate revision of the route definition as set forth in Article I (a) 2 of the Bilateral Air Agreement referred to above, to be modified to read as follows:

"Route 2. A route from the United States through Lisbon to Madrid, proceeding therefrom (a) to Rome and points beyond and (b) to Algiers and points beyond, return being made over the same route."

The establishment of two routes to be operated from Madrid by Transcontinental World Airways (the name of this company having been modified recently to better describe the greater scope of its operations) will add considerably to the volume of traffic through Madrid, particularly as the route which it is now proposed to add will permit of through service by TWA from New York to Madrid, thence to the important traffic centers of Rome and Athens, which would be touched on the route to Cairo.

The Embassy expresses the hope that approval for this additional route through Madrid may be formalized by an early indication of the Ministry's willingness to effect the appropriate modification of Article I (a) 2 of the agreement of December 2, 1944, as set forth above.

MADRID, *December 21, 1945*

The Ministry for Foreign Affairs to the American Embassy

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
No. 63

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and in reply to the Embassy's Note Verbale No. 1379 of December 21, 1945, has the honor to inform it that it agrees that the definition of Route 2 as set forth in Article I(a)1 of the "Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services" signed on December 2, 1944, be modified to read as follows:

Route 2

"A route from the United States through Lisbon to Madrid, proceeding therefrom:

a) To Rome and points beyond; and
b) To Algiers and points beyond, return being made over the same route".

At the same time the Ministry informs the Embassy that it has taken note of the fact that, as soon as the Madrid-Barajas airport is in condition to receive large transoceanic transport planes, the line operated by Transcontinental World Airways will begin to function, and that this service will be weekly.

MADRID, *January 15, 1946*

THE EMBASSY OF THE
UNITED STATES OF AMERICA IN MADRID

AIR TRANSPORT SERVICES

Exchange of notes verbales at Madrid February 21 and March 12, 1946, amending agreement of December 2, 1944
Entered into force March 12, 1946

62 Stat. 4081; Treaties and Other International Acts Series 2132

The American Embassy to the Ministry for Foreign Affairs

No. 1626

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to its Note No. 575 of July 14, 1945 concerning the suggested revision of route definitions set forth in Article I (a) 1. of the Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services.[1]

In pursuance of that Note and in view of the desire of Pan American Airways to inaugurate service in the near future over a route from the United States to Lisbon, Barcelona, and Marseilles, the Embassy is desirous of obtaining the early agreement of the Spanish Government to the proposed redefinition of Route 1 to read as follows:

"A route from the United States through Lisbon to Barcelona, proceeding therefrom to Marseilles and possibly points beyond, return being made over the same route."

At the same time, because of its bearing on the safety of United States commercial airline operations between Portugal and the United Kingdom, the agreement of the Spanish Government is requested to the inclusion of the following paragraph (as proposed also in the Embassy's Note No. 575) as part of Article I (a) 1. and immediately following the revised route descriptions:

"Rights of transit and non-traffic stop are granted United States airlines in the territory of Spain on a route between Portugal and the United Kingdom."

[1] EAS 432, *ante*, p. 693.

The Embassy has noted with gratification the Ministry's Note Verbale No. 63 (P.E.) of January 15, 1946 [2] conveying the agreement of the Spanish Government to the proposed modification of Route 2, as defined in Article I (a) 1. of the December 2, 1944 Agreement, to cover the projected operations of Transcontinental and Western Air (Trans-World Airlines) into and through Spain.

MADRID, *February 21, 1946*

The Ministry for Foreign Affairs to the American Embassy

[TRANSLATION]

No. 200

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and, in reply to the Embassy's Note Verbale No. 1626 of February 21 last, has the honor to inform it that the Spanish Government agrees to the new definition proposed by the American authorities for Route 1, set forth in Article I (a) of the "Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services", to read as follows:

"A route from the United States through Lisbon to Barcelona, proceeding therefrom to Marseilles and possibly points beyond, return being made over the same route",

The Ministry hopes that Pan American Airways will be able to inaugurate service on this route shortly.

With respect to the second request contained in the aforesaid Note Verbale No. 1626, the Spanish Government also agrees, for the purpose of increasing the safety of United States commercial airline operations between Portugal and the United Kingdom, to the inclusion of the following paragraph as a part of Article I (a) 1. and immediately following the revised route descriptions:

"Rights of transit and non-traffic stop are granted United States airlines in the territory of Spain on a route between Portugal and the United Kingdom".

Since at the present time the possible landing fields for non-traffic stops in that area are not prepared to render service, the Ministry requests the Embassy to be good enough to specify the points in Spanish territory at which aircraft of the line under reference might eventually wish to land, in order that the Ministry may inform the Embassy as to their present condition.

MADRID, *March 12, 1946*

THE EMBASSY OF THE UNITED STATES OF AMERICA

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[2] TIAS 2131, *ante*, p. 701.

SPECIAL TARIFF POSITION OF PHILIPPINES

Exchange of notes at Washington May 4 and July 11, 1946, modifying agreement of October 26 and November 7, 1927
Entered into force July 11, 1946
Terminated August 29, 1963 [1]

61 Stat. 2449; Treaties and Other International Acts Series 1572

The Acting Secretary of State to the Spanish Ambassador

WASHINGTON
May 4, 1946

EXCELLENCY:

With reference to the forthcoming independence of the Philippines on July 4, 1946, my Government considers that provision for a transitional period for dealing with the special tariff position which Philippine products have occupied for many years in the United States is an essential accompaniment to Philippine independence. Accordingly, under the Philippine Trade Act approved April 30, 1946,[2] goods the growth, produce or manufacture of the Philippines will enter the United States free of duty until 1954, after which they will be subject to gradually and regularly increasing rates of duty or decreasing duty-free quotas until 1974 when general rates will become applicable and all preferences will be completely eliminated.

Since the enactment of the Philippine Independence Act approved March 24, 1934,[3] my Government has foreseen the probable necessity of providing for such a transitional period and has since then consistently excepted from most-favored-nation obligations which it has undertaken toward foreign governments advantages which it might continue to accord to Philippine products after the proclamation of Philippine independence. Some thirty

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[1] Date of entry into force of protocol of July 1, 1963 (15 UST 2571; TIAS 5749), for accession of Spain to General Agreement on Tariffs and Trade (TIAS 1700, *ante*, vol. 4, p. 639).

[2] 60 Stat. 141.

[3] 48 Stat. 456.

instruments in force with other governments, for example, permit the continuation of the exceptional tariff treatment now accorded by my Government to Philippine products, irrespective of the forthcoming change in the Commonwealth's political status.

With a view, therefore, to placing the relations between the United States and Spain upon the same basis, with respect to the matters involved, as the relations existing under the treaties and agreements referred to in the preceding paragraph, I have the honor to propose that the provisions of the Commercial Agreement between the United States and Spain effected by an exchange of notes signed October 26 and November 7, 1927,[4] shall not be understood to require the extension to Spain of advantages accorded by the United States to the Philippines.

In view of the imminence of the inauguration of an independent Philippine Government, I should be glad to have the reply of Your Excellency's Government to this proposal at an early date.

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

DEAN ACHESON
Acting Secretary of State

His Excellency
Señor Don JUAN FRANCISCO DE CÁRDENAS
Ambassador of Spain

The Spanish Ambassador to the Acting Secretary of State

[TRANSLATION]

SPANISH EMBASSY
WASHINGTON

No. 170

WASHINGTON, *July 11, 1946*

MR. SECRETARY:

In reference to Your Excellency's courteous note dated May 4, last, concerning the preferences which will be given on the part of the United States to the Philippines, in agreement with that which is set forth in the "Philippine Trade Act" of April 30, 1946, I have the honor to inform you that the Ministry of Foreign Affairs at Madrid has just sent me instructions to inform the Department of State that the Spanish Government states its conformity with the effects on customs deriving from the Independence of the Philippines.

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[4] TS 758–A, *ante*, p. 680.

I avail myself of this opportunity, Mr. Secretary, to renew to you the assurances of my highest consideration.

JUAN F. DE CARDENAS
Ambassador of Spain

His Excellency
DEAN ACHESON
Acting Secretary of State
Washington, D.C.

RESTITUTION OF MONETARY GOLD LOOTED BY GERMANY

Exchange of notes at Madrid April 30 and May 3, 1948
Entered into force May 3, 1948

62 Stat. 4071; Treaties and Other International Acts Series 2123

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

AMERICAN EMBASSY
MADRID, *April 30, 1948*

EXCELLENCY:

Under instructions of my Government, I have the honor to refer to various conversations which have been held by representatives of this Embassy and of Your Excellency's Ministry in connection with the information on Spanish gold holdings requested in this Embassy's Note Verbal No. 2372 of September 26, 1946.

In the course of these conversations, Your Excellency's Government has made available a statement of its gold acquisitions from 1939 to date and of its present gold holdings. From these data, it has been found that eight bars totaling a fine weight of 101.6 kilograms were gold taken by Germany from the Netherlands, although Your Excellency's Government had not been aware of their looted origin either at the time of acquisition or subsequently. I now understand that Your Excellency's Government, in implementation of its declaration of solidarity with Bretton Woods Resolution VI [1] and the Gold Declaration of 1944,[2] is ready to restitute the 101.6 kilograms of fine gold above mentioned.

I therefore have the honor to inform Your Excellency that I am instructed by my Government to state that restitution of that amount by Your Excellency's Government will be considered by my Government as fulfillment of the requirements of the Bretton Woods Resolution and the Gold Declaration, provided the Government of Your Excellency is agreeable to make further restitution of any additional identifiable monetary gold taken by Ger-

[1] For text, see *Department of State Bulletin*, Oct. 8, 1944, p. 384.
[2] For a Treasury Department press release dated Feb. 22, 1944, see *ante*, vol. 3, p. 889.

many, should it be found that any such gold may have been acquired by Spain. In this connection, may I add that no claims for any such additional gold presented after April 30, 1949 will be considered.

I am further instructed to inform Your Excellency that, upon receipt of agreement on the part of Your Excellency's Government to the foregoing, the United States Treasury will publicly make known that Spain will no longer be subject to the Gold Declaration of 1944 and that international gold movements by Spain will be free from restrictions applied on the grounds of any part thereof having been of possible looted origin.

I would greatly appreciate confirmation by Your Excellency of the above understanding in order that I may inform my Government accordingly.

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

PAUL T. CULBERTSON
Chargé d'Affaires ad interim

His Excellency
Don ALBERTO MARTÍN ARTAJO
Minister for Foreign Affairs
Madrid

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

No. 392

MADRID, *May 3, 1948*

DEAR SIR:

I have the honor to acknowledge receipt of your note dated April 30 last, which, in translation, reads as follows:

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

I have the honor to inform you that my Government agrees to the foregoing.

I avail myself of the opportunity, Mr. Chargé d'Affaires, to renew to you the assurances of my distinguished consideration.

ALBERTO MARTIN ARTAJO

Mr. PAUL T. CULBERTSON
Chargé d'Affaires ad interim
of the United States of America

Sweden[1]

AMITY AND COMMERCE

Treaty, with separate article and separate articles 1–5, signed at Paris April 3, 1783
Ratified by Sweden May 23, 1783
Ratified by the Continental Congress July 29, 1783
Proclaimed by the United States September 25, 1783
Ratifications exchanged at Paris February 6, 1784
Entered into force February 6, 1784
Expired February 6, 1799; renewed in respect of articles 2, 5–19, 21–23, and 25, and separate articles 1, 2, 4, and 5 by treaties of September 4, 1816,[2] *and July 4, 1827* [3]
Terminated February 4, 1919 [4]

8 Stat. 60; Treaty Series 346 [5]

[TRANSLATION]

A Treaty of Amity and Commerce Concluded between His Majesty the King of Sweden and the United States of North America

The King of Sweden, of the Goths and Vandals, etc., etc., etc., and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed

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[1] See also SWEDEN AND NORWAY.
[2] Treaty between the United States and the King of Sweden and Norway (TS 347, *post*, p. 868, SWEDEN AND NORWAY).
[3] TS 348, *post*, p. 876, SWEDEN AND NORWAY.
[4] Pursuant to notice of termination, with respect to Sweden, of treaty of July 4, 1827 given by the United States Feb. 4, 1918.
[5] For a detailed study of this treaty, see 2 Miller 123.

relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects; His Majesty and the United States have thought that they could not better accomplish that end than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

With this view, His Majesty the King of Sweden has nominated and appointed for his Plenipotentiary Count Gustavus Philip de Creutz, his Ambassador Extraordinary to His Most Christian Majesty, and Knight Commander of his Orders; and the United States, on their part, have fully empowered Benjamin Franklin, their Minister Plenipotentiary to His Most Christian Majesty. The said Plenipotentiaries, after exchanging their full powers and after mature deliberation, in consequence thereof have agreed upon, concluded, and signed the following articles:

Article 1

There shall be a firm, inviolable, and universal peace and a true and sincere friendship between the King of Sweden, his heirs and successors, and the United States of America, and the subjects of His Majesty, and those of the said States, and between the countries, islands, cities, and towns situated under the jurisdiction of the King and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty shall be perpetual and permanent between the King, his heirs and successors, and the said United States.

Article 2

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

Article 3

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, or in any of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities,

and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Article 4

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns under the dominion of the King of Sweden, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of His said Majesty, or in going to or from the same, from or to any part of the world whatever.

Article 5

There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship, provided he submits, so far as regards the public demonstration of it, to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide, each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

Article 6

The subjects of the contracting parties in the respective states may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favor of such persons as they may think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato,* either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects which the subjects of the two parties, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted from all duty called *droit de détraction* on the part of the Government of the two states respectively. But it is at the same time agreed that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States on their part, or any of them, shall be at liberty to make, respecting this matter, such laws as they think proper.

Article 7

All and every the subjects inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever. And the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports, and havens of powers enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make the merchandises free, and that everything which shall be on board of ships belonging to subjects of the one or the other of the contracting parties shall be considered as free, even though the cargo, or a part of it, should belong to the enemies of one or both, it is nevertheless provided that contraband goods shall always be excepted; which, being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship unless they are soldiers in the actual service of the said enemies.

Article 8

This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article and are distinguished by the name of contraband goods.

Article 9

Under the name of contraband or prohibited goods shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, grenades, saucisses, pitch balls, carriages for ordnance, musket rests, bandoleers, cannon powder, matches, saltpeter, sulphur, bullets, pikes, sabers, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

Article 10

These which follow shall not be reckoned in the number of prohibited goods, that is to say: All sorts of cloths and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together

with the things of which they are commonly made; gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse; tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar; all sorts of salt and provisions which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sailcloth, anchors and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use. All which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods. On the contrary, they may be freely transported by the subjects of the King and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested, and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

Article 11

In order to avoid and prevent, on both sides, all disputes and discord, it is agreed that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea letters or passports expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels, when loaded, shall be provided not only with sea letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises mentioned in the ninth article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

Article 12

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the seventh article, they shall, nevertheless, be bound at all times when required, to exhibit, as well on the high sea as in port, their passports and certificates above mentioned. And not having contraband merchandise on board for an enemy's port, they may freely and

without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

Article 13

If, on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not, however, be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose and until an inventory thereof has been taken. Nor shall it be lawful to sell, exchange, or alienate the cargo, or any part thereof, until legal process shall have been had against the prohibited merchandises and sentence shall have passed declaring them liable to confiscation, saving, nevertheless, as well the ships themselves as the other merchandises which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall immediately let the vessel go and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if, upon examination, she be found to be loaded only with merchandises declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

Article 14

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting, nevertheless, such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months and could not be made sooner after the sale, which is to be public; provided, nevertheless, that if the said merchandises be

contraband, it shall not be in any wise lawful to carry them afterward to a port belonging to the enemy.

ARTICLE 15

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men-of-war of the other party or by privateers, all captains and commanders of ships of His Swedish Majesty and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE 16

For this cause, every individual who is desirous of fitting out a privateer shall, before he receives letters patent or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum to answer all damages and wrongs which the owner of the privateer, his officers, or others in his employ may commit during the cruise, contrary to the tenor of this treaty and contrary to the edicts published by either party, whether by the King of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

ARTICLE 17

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take anything by force from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and

arrests made by order and by the authority of justice and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

ARTICLE 18

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of twenty-four hours, a vessel be retaken by a man-of-war of either of the two parties, it shall be restored to the original owner on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the twenty-four hours, which sums shall be distributed as a gratification among the crew of the men-of-war that shall have made the recapture.

3. The prizes made in manner above mentioned shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men-of-war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5. Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men-of-war and privateers respectively shall be bound to observe with regard to vessels which they shall take and carry into the ports of the two powers.

ARTICLE 19

The ships of war of His Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or sei-

zure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

Article 20

In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day by the owners or their attorney, shall be restored on their paying the costs of salvage, conformable to the laws and customs of the two nations.

Article 21

When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads, or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and everything necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always, that they pay a reasonable price; and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

Article 22

In order to favor commerce on both sides as much as possible, it is agreed that in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but, on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels and the effects which they shall be willing to carry with them. And if anything is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction

shall be made to them on that account. The above-mentioned passports shall also serve as a safe-conduct against all insults or prizes which privateers may attempt against their persons and effects.

ARTICLE 23

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said States, from any prince or state whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any vessel to cruise against the subjects of His Swedish Majesty, or any of them, or their property, from any prince or state whatever with whom His said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque he shall be punished as a pirate.

ARTICLE 24

The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but, on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ARTICLE 25

When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner or to give her chase or force her to quit her intended course.

ARTICLE 26

The two contracting parties grant mutually the liberty of having, each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

ARTICLE 27

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof the respective Plenipotentiaries have signed the above articles and have thereunto affixed their seals.

Done at Paris the third day of April in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP COMTE DE CREUTZ [SEAL]
B. FRANKLIN [SEAL]

SEPARATE ARTICLE

The King of Sweden and the United States of North America agree that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris the third of April in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP COMTE DE CREUTZ [SEAL]
B. FRANKLIN [SEAL]

SEPARATE ARTICLES

ARTICLE 1

His Swedish Majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities, and towns of His said Majesty, and shall use his utmost endeavor to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE 2

In like manner, the United States of North America shall protect and defend the vessels and effects, belonging to the subjects of His Swedish Majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities, and towns of the said States, and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE 3

If, in any future war at sea, the contracting powers resolve to remain

neuter and, as such, to observe the strictest neutrality, then it is agreed that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall in good faith and sincerity give them all necessary assistance; and in such case the ships of war and frigates of either of the powers shall protect and support the merchant ships of the other; provided, nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

Article 4

It is agreed and concluded that all merchants, captains of merchant ships, or other subjects of His Swedish Majesty, shall have full liberty, in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ laborers appointed by public authority for that purpose; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever. And they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

Article 5

It is agreed that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination, but all examination and search must be before lading, and the prohibited merchandises must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her. In which case, only he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the state

whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise being liable to punishment for such contravention.

Done at Paris the third day of April in the Year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP COMTE DE CREUTZ [SEAL]
B. FRANKLIN [SEAL]

EXTRADITION

Treaty signed at Washington January 14, 1893
Senate advice and consent to ratification February 2, 1893
Ratified by the President of the United States February 8, 1893
Ratified by Sweden February 10, 1893
Ratifications exchanged at Washington March 18, 1893
Proclaimed by the President of the United States March 18, 1893
Entered into force April 17, 1893
Supplemented by treaty of May 17, 1934 [1]
Terminated June 4, 1951 [2]

27 Stat. 972; Treaty Series 351

Treaty between the United States of America and Sweden for the Extradition of Criminals

The United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Sweden, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John W. Foster, Secretary of State of the United States; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

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

Article I

The Government of the United States and the Government of Sweden mutually agree to deliver up persons who, having been charged with or

[1] TS 870, *post*, p. 797.
[2] Pursuant to notice of termination given by Sweden Dec. 2, 1950 (received Dec. 4, 1950).

convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided,* that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offense had been there committed.

Article II

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.
2. Arson.
3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary; also housebreaking or shopbreaking.
4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.
5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.
6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than $200 or kronor 740.
7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than $200 or kronor 740.
8. Perjury; subornation of perjury.
9. Rape; abduction; kidnapping.
10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

a. Piracy, by statute or by the law of nations;

b. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master;

c. Wrongfully sinking or destroying a vessel at sea, or attempting to do so;

d. Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.[3]

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished, in the United States as a felony, and in Sweden by imprisonment at hard labor.

ARTICLE III

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and Sweden, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

ARTICLE IV

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the judge or other magistrate authorized to issue warrants of arrest in extradition cases, and present a complaint on oath, as provided by the statutes of the United States.

In the Kingdom of Sweden the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

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[3] For an addition to list of crimes, see supplementary treaty of May 17, 1934 (TS 870), *post*, p. 797.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced, under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

Article V

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

Article VI

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

Article VII

Extradition shall not be granted, in pursuant of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article VIII

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

Article IX

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by Treaty to give preference otherwise.

ARTICLE XI

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, Provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the convention of March 21st 1860,[4] shall, as between the Governments of the United States and of Sweden cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington this fourteenth day of January, one thousand eight hundred and ninety-three.

JOHN W. FOSTER [SEAL]
J. A. W. GRIP [SEAL]

[4] TS 349, *post*, p. 885, SWEDEN AND NORWAY.

ARBITRATION

Convention signed at Washington May 2, 1908
Senate advice and consent to ratification May 6, 1908
Ratified by Sweden June 13, 1908
Ratified by the President of the United States July 6, 1908
Ratifications exchanged at Washington August 18, 1908
Entered into force August 18, 1908
Proclaimed by the President of the United States September 1, 1908
Extended by agreement of June 28, 1913 [1]
Expired August 18, 1918

35 Stat. 2047; Treaty Series 508

The President of the United States of America and His Majesty the King of Sweden desiring in pursuance of the principles set forth in articles 15–19 of the Convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899,[2] to enter into negotiations for the conclusion of an Arbitration Convention, have named as their Plenipotentiaries to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the King of Sweden, W. A. F. Ekengren, His Chargé d'Affaires ad interim at Washington;

who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

Article I

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

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[1] TS 585, *post*, p. 739.
[2] TS 392, *ante*, vol. 1, p. 230.

ARTICLE II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Sweden by the King in such forms and conditions as He may find requisite or appropriate.

ARTICLE III

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof; and by His Majesty the King of Sweden. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the day of the exchange of its ratifications.

ARTICLE IV

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, in the English and French languages, this second day of May, 1908.

ELIHU ROOT [SEAL]
W. A. F. EKENGREN [SEAL]

RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

Convention signed at Washington June 1, 1910
Senate advice and consent to ratification June 13, 1910
Ratified by Sweden February 3, 1911
Ratified by the President of the United States February 27, 1911
Ratifications exchanged at Washington March 18, 1911
Entered into force March 18, 1911
Proclaimed by the President of the United States March 20, 1911
Articles XI and XII terminated March 18, 1921, by exchanges of notes of June 18 and 29, 1920 [1]

37 Stat. 1479; Treaty Series 557

The President of the United States of America and His Majesty the King of Sweden, being mutually desirous of defining the rights, privileges, and immunities of consular officers of the two countries, and deeming it expedient to conclude a consular convention for that purpose, have accordingly named as their Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States of America; and

His Majesty the King of Sweden, Herman Ludvig Fabian de Lagercrantz, his Envoy Extraordinary and Minister Plenipotentiary at Washington;

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

ARTICLE I

Each of the High Contracting Parties agrees to receive from the other consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the High Contracting Parties without also applying to every other power.

[1] 2 League of Nations Treaty Series 154.

ARTICLE II

The consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents of each of the two High Contracting Parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions, and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The Government of each of the two High Contracting Parties shall furnish the necessary exequatur free of charge, and, on the exhibition of this instrument, the said officers shall be permitted to enjoy the rights, privileges, and immunities granted by this Convention.

ARTICLE III

Consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents, citizens of the State by which they are appointed, shall be exempt from arrest except in the case of offenses which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, service in the Regular Army or Navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes—national, State, or municipal—imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where said officers exercise their functions, or for income from pensions of public or private nature enjoyed from said country. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, or consular agents engaged in any profession, business, or trade; but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

ARTICLE IV

When in a civil case a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul, or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally, and it shall be the duty of such officer to comply with this request with as little delay as possible; but in all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain

witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office, and it shall be the duty of such officer to comply with said demand. A similar treatment shall also be extended to the consuls of the United States in Sweden, in the like cases.

Article V

Consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Sweden.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner raise the flag of their country over the boat employed by them in the port and for the exercise of their functions.

Article VI

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate. Nor shall consular officers be required to produce the official archives in court or to testify as to their contents.

Article VII

In the event of the death, incapacity, or absence of consuls-general, consuls, vice-consuls-general, vice-consuls, and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry for Foreign Affairs in Sweden, may temporarily exercise their functions, and while thus acting shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Article VIII

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, and consular agents in the cities, ports, and places within their consular district. These agents may be selected from among citizens of the United States or of Sweden, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Article III.

Article IX

Consuls-general, consuls, vice-consuls-general, vice-consuls, and consular agents shall have the right to address the authorities whether, in the United States, of the Union, the States, or the municipalities, or in Sweden, of the State, the Provinces, or the commune, throughout the whole extent of their consular district in order to complain of any infraction of the treaties and conventions between the United States and Sweden, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they exercise their functions.

Article X

Consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents of the respective countries may, as far as may be compatible with the laws of their own country, take at their offices, their private residences, at the residence of the parties concerned, or on board ship, the depositions of the captains and crews of the vessels of their own country and of passengers thereon, as well as the depositions of any citizen or subject of their own country; draw up, attest, certify, and authenticate all unilateral acts, deeds, and testamentary dispositions of their countrymen, as well as all articles of agreement or contracts to which one or more of their countrymen is or are party; draw up, attest, certify, and authenticate all deeds or written instruments which have for their object the conveyance or encumbrance of real or personal property situated in the territory of the country by which said consular officers are appointed, and all unilateral acts, deeds, testamentary dispositions, as well as articles of agreement or contracts relating to property situated or business to be transacted in the territory of the nation by which the said consular officers are appointed; even in cases where said unilateral acts, deeds, testamentary dispositions, articles of agreement, or contracts are executed solely by citizens or subjects of the country within which said consular officers exercise their functions.

All such instruments and documents thus executed and all copies and translations thereof, when duly authenticated by such consul-general, consul, vice-consul-general, vice-consul, deputy consul-general, deputy consul, or consular agent under his official seal, shall be received as evidence in the United States and in Sweden as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by and executed before a notary or public officer duly authorized in the country by which said consular officer was appointed; provided, always, that they have been drawn and executed in conformity to the laws and regulations of the country where they are intended to take effect.

Article XI

The respective consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of any differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases the aforesaid authorities shall confine themselves to lending aid to the said consular officers, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew list whenever, for any cause, the said officers shall think proper.

Article XII

The respective consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents may cause to be arrested the officers, sailors, and all other persons making part of the crews in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company. Upon such request thus supported, the delivery to them of the deserters can not be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew list. All the necessary aid and protection shall be furnished for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of two months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they be again arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offense shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

Article XIII

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Sweden, and of Swedish vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls, vice-consuls-general, and vice-consuls of the two countries, respectively, and until their arrival by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities until the arrival of the consular officer in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XIV

In case of the death of any citizen of Sweden in the United States or of any citizen of the United States in the Kingdom of Sweden without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstances, in order that the necessary information may be immediately forwarded to parties interested.

In the event of any citizens of either of the two Contracting Parties dying without will or testament, in the territory of the other Contracting Party, the consul-general, consul, vice-consul-general, or vice-consul of the nation to which the deceased may belong, or, in his absence, the representative of such consul-general, consul, vice-consul-general, or vice-consul, shall, so far as the laws of each country will permit and pending the appointment of an administrator and until letters of administration have been granted, take charge of the property left by the deceased for the benefit of his lawful heirs and creditors, and, moreover, have the right to be appointed as administrator of such estate.

It is understood that when, under the provisions of this article, any consul-general, consul, vice-consul-general, or vice-consul, or the representative of each or either, is acting as executor or administrator of the estate of one

of his deceased nationals, said officer or his representative shall, in all matters connected with, relating to, or growing out of the settlement of such estates, be in such capacities as fully subject to the jurisdiction of the courts of the country wherein the estate is situated as if said officer or representative were a citizen of that country and possessed of no representative capacity whatsoever.

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

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

Article XV

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective Constitutions of the two countries, and exchanged at Washington as soon as possible within the period of one year. In case neither Party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force one year longer, and so on, from year to year, until the expiration of a year from the day on which one of the Parties shall have given such notice.

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

Done in duplicate at the City of Washington this first day of June, one thousand nine hundred and ten.

P. C. Knox [seal]
H. L. F. Lagercrantz [seal]

PROTECTION OF INDUSTRIAL PROPERTY IN CHINA

Exchange of notes at Tokyo February 26 and at Peking March 7, 1913
Entered into force March 7, 1913
Made obsolete by United States relinquishment of extraterritorial rights in China, in accordance with terms of treaty of January 11, 1943 [1]

III Redmond 2852

The Swedish Minister at Tokyo to the American Minister at Peking

TOKYO, *February 26, 1913*

MR. MINISTER AND DEAR COLLEAGUE:

The Swedish Government being desirous of reaching an understanding with the Government of the United States for the reciprocal protection in China of Swedish and American industrial property, I have been authorized by my Government to effect with you by an exchange of notes an Agreement for that purpose.

I have therefore the honor to inform you that I have been authorized by my Government to state that henceforth protection will be afforded in accordance with the laws of Sweden, for the inventions, designs and trademarks of Citizens of the United States duly patented or registered in Sweden against infringement in China by persons under Swedish Consular jurisdiction. To that end the Swedish Consular Courts and the Swedish Courts to which the judgment of the Swedish Consular Courts may be appealed, will be competent to hear all such cases presented by American Citizens.

I beg that you will kindly inform me whether Swedish subjects are entitled to the same legal remedies in the Consular Courts of the United States in China and the United States Court for China as regards protection for industrial property.

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[1] TS 984, *ante*, vol. 6, p. 739.

It is understood that the proposed Agreement will be effected by the present note and the reply, which will be forwarded to me.

Accept, Mr. Minister and dear Colleague, the renewed assurance of my highest consideration.

G. O. WALLENBERG

His Excellency
Monsieur WILLIAM J. CALHOUN
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America, etc., etc., etc.,
Peking

The American Chargé d'Affaires ad interim at Peking to the Swedish Minister at Tokyo

PEKING, *March 7, 1913*

MR. MINISTER AND DEAR COLLEAGUE:

I have the honor to acknowledge the receipt of your note of February 26, 1913, informing me that you have been authorized by your Government to effect with me by an exchange of notes an agreement for the reciprocal protection in China of American and Swedish industrial property.

I have the honor to inform you in reply that I have been authorized to state that protection will be afforded, in accordance with the laws of the United States, for the inventions, designs and trade-marks of Swedish subjects duly patented or registered in the United States, against infringement in China by persons under American jurisdiction. To that end the United States Court for China and the American consular courts are competent to hear all such cases presented by subjects of Sweden.

Accept, Mr. Minister and dear Colleague, the renewed assurances of my highest consideration.

E. T. WILLIAMS
Chargé d'Affaires

His Excellency
Mr. G. O. WALLENBERG
Envoy Extraordinary and Minister Plenipotentiary
of Sweden, etc., etc., etc.
Tokyo

ARBITRATION

Agreement signed at Washington June 28, 1913, extending convention of May 2, 1908
Ratified by Sweden August 29, 1913
Senate advice and consent to ratification February 21, 1914
Ratified by the President of the United States March 2, 1914
Ratifications exchanged at Washington March 6, 1914
Entered into force March 6, 1914
Proclaimed by the President of the United States March 6, 1914
Expired August 18, 1918

38 Stat. 1763; Treaty Series 585

The Government of the United States of America and the Government of His Majesty the King of Sweden, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on May 2, 1908,[1] is to remain in force, which period is about to expire, have authorized the undersigned, to wit: William Jennings Bryan, Secretary of State of the United States, and W. A. F. Ekengren, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington, to conclude the following agreement:

ARTICLE I

The Convention of Arbitration of May 2, 1908, between the Government of the United States of America and the Government of His Majesty the King of Sweden, the duration of which by Article IV thereof was fixed at a period of five years from the date of the exchange of ratifications, which period will terminate on August 18, 1913, is hereby extended and continued in force for a further period of five years from August 18, 1913.

ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sweden, and it shall become effective

[1] TS 508, *ante*, p. 728.

upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate in the English and French languages, at Washington this 28th day of June, one thousand nine hundred and thirteen.

WILLIAM JENNINGS BRYAN [SEAL]
W. A. F. EKENGREN [SEAL]

ADVANCEMENT OF PEACE

Treaty signed at Washington October 13, 1914
Senate advice and consent to ratification October 22, 1914
Ratified by Sweden November 13, 1914
Ratified by the President of the United States January 4, 1915
Ratifications exchanged at Washington January 11, 1915
Entered into force January 11, 1915
Proclaimed by the President of the United States January 12, 1915
Supplemented by agreements of November 16, 1915,[1] *and June 30, 1939* [2]

38 Stat. 1872; Treaty Series 607

Treaty for the Settlement of Disputes

The President of the United States of America and His Majesty the King of Sweden, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designed hereinafter, to-wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

His Majesty the King of Sweden, Mr. W. A. F. Ekengren, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

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

Article 1

Any disputes arising between the Government of the United States of America and the Government of His Majesty the King of Sweden, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to arbitration, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the following article.

[1] TS 607–A, *post*, p. 744.
[2] EAS 154, *post*, p. 821.

The High Contracting Parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the Commission and before its report is handed in.

ARTICLE 2

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

In case the two Governments should be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague Convention of 1907 [3] shall be applied.

The Commission shall be organized within six months from the exchange of ratifications of the present convention.[4]

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise (from death, resignation, or cases of physical or moral incapacity) shall be filled within the shortest possible period in the manner followed for the original appointment.

The High Contracting Parties shall, before designating the Commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the Commission.[5]

ARTICLE 3

Differences that may happen to occur between the High Contracting Parties and should fail of settlement by diplomatic methods shall be forthwith referred to the examination of the International Commission which will undertake to make a report. By a note addressed to the International Bureau of the Permanent Court at The Hague, which shall communicate it without delay to both Governments, the President may remind the Parties that the services of the International Commission are at their disposal.

ARTICLE 4

The two High Contracting Parties shall have a right, each on its own part, to state to the President of the Commission what is the subject-matter of

[3] TS 536, *ante*, vol. 1, p. 593.

[4] For an extension of time for organization of commission, see agreement of Nov. 16, 1915 (TS 607–A), *post*, p. 744.

[5] For an understanding relating to the last paragraph of art. 2, see agreement of June 30, 1939 (EAS 154), *post*, p. 821.

the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the Commission.

In case the cause of the dispute should consist of certain acts already committed or about to be committed, the Commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report.

ARTICLE 5

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention 1 of The Hague of 1907.

The High Contracting Parties agree to afford the Commission all means and all necessary facilities for its investigation and report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

ARTICLE 6

The present treaty shall be ratified by the President of the United States of America, upon his being authorized thereto by the American Senate, and by His Majesty the King of Sweden.

The ratifications shall be exchanged at Washington as soon as possible and the treaty shall go into force on the day of the exchange of ratifications.

Its duration shall be five years counted from the exchange of ratifications.

Unless denounced six months at least before the expiration of the said period it shall continue by tacit renewal for another period of five years and so on in periods of five years unless denounced.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 13th day of October, in the year nineteen hundred and fourteen.

WILLIAM JENNINGS BRYAN [SEAL]
W. A. F. EKENGREN [SEAL]

ADVANCEMENT OF PEACE

Exchange of notes at Washington November 16, 1915, supplementing treaty of October 13, 1914
Entered into force November 16, 1915
Terminated upon fulfillment of its terms

Treaty Series 607–A

The Secretary of State to the Swedish Minister

WASHINGTON, *November 16, 1915*

SIR:

The time specified in the Treaty of October 13, 1914,[1] between the United States and Sweden, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired, without the United States non-national Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from July 11, 1915 to January 15, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be regarded by your Government also.

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

ROBERT LANSING

Mr. W. A. F. EKENGREN
The Minister of Sweden

The Swedish Minister to the Secretary of State

WASHINGTON, D.C., *November 16, 1915*

SIR:

I have the honor to inform your Excellency that my Government accepts the suggestion contained in your Excellency's note of today's date that the

[1] TS 607, *ante*, p. 741.

time specified in the Treaty of the 13th October 1914, between the United States and Sweden, for the appointment of the International Commission therein provided, be extended from July 11, 1915 to January 15, 1916.

With renewed assurances of my highest consideration I have the honor to remain your Excellency's most obedient servant.

W. A. F. Ekengren

His Excellency
Mr. Robert Lansing
Secretary of State
etc., etc., etc.

DOUBLE TAXATION: SHIPPING PROFITS

Exchanges of notes at Washington January 27, February 24, May 16 and 30, and August 9, 1922
Entered into force August 9, 1922; operative from January 1, 1921
Superseded by agreement of March 31, 1938 [1]

1923 For. Rel. (II) 875

The Swedish Minister to the Secretary of State

WASHINGTON, *January 27, 1922*

EXCELLENCY:

In accordance with instructions received from my Government I have the honor to inform Your Excellency that the Swedish Government, after having acquainted itself with Paragraph 8, Section 213, of the new American Revenue Law for 1921,[2] mentioned in the note of the Department of State dated December 21, 1921, regarding exemption from taxation of ships of a foreign country granting equivalent exemption to citizens of the United States, has noted with great satisfaction the principle emphasized in said paragraph.

I am further authorized to state that my Government has immediately taken under consideration the adoption of such measures as will prove to the satisfaction of the United States' Government, that American ship owners reciprocally are exempted from taxation in Sweden.

The Government of Sweden interprets the American law in this instance as intended to express the principle that exemption from taxation on terms of reciprocity is desirable in order to promote the mutual interests of the United States and other countries. The above mentioned principle having been agreed upon, and provision for its application incorporated in the new American Revenue Law, the Government of Sweden begs to express the hope that such legislative measures may be taken as will have the effect of making the said provision effective, not only as from January 1, 1921, but will also cover the years 1917, 1918, 1919 and 1920. When framing statutes regarding the exemption from taxation of foreign shipowners in Sweden, the Swedish Government will be guided accordingly.

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[1] EAS 121, *post*, p. 806
[2] 42 Stat. 239.

As a matter of fact, I understand that the shipowners of Sweden have generally understood that the exemption now in force in America would cover past as well as future taxes, and they have not prepared their tax returns for that reason. They have now been advised that the present law, strictly construed, may not apply before January 1st, 1921. Because of their prior understanding, they will not now be able to complete the preparation of their returns by February 14th, when their time expires. Under these circumstances, I am instructed by my Government to ask that, pending the advice of Your Excellency, a further extension of six months may be granted Swedish shipowners within which to file their returns.

With renewed assurances [etc.]

AX. WALLENBERG

The Swedish Minister to the Secretary of State

WASHINGTON, *February 24, 1922*

EXCELLENCY:

In my note of January 27th last, I had the honor to state, among other things, that my Government had, by reason of the provision in the Revenue Act of November 23, 1921, which provides for the exemption from taxation of the income of a non-resident alien or foreign corporation consisting of earnings derived from the operation of ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States, taken under consideration the adoption of measures which would grant equivalent exemptions from income taxation in Sweden to American ship owners.

I am now authorized and directed by my Government to advise and assure Your Excellency, and I hereby do advise and assure Your Excellency,

1) that income of non-resident foreign individuals, companies, and corporations, derived from the operation of ships documented under the laws of the United States, is not now taxed in Sweden, in any manner whatsoever;

2) that the same tax-exemption was effective even further back than January 1, 1917 and

3) that no change with regard to the existing tax exemption is contemplated by the Swedish authorities.

In this connection and in view of the fact that tax-exemption existed in Sweden even further back than January 1, 1917, I again beg to express, on behalf of my Government, the hope that some means may yet be found by Your Government to accord tax-exemption for income derived in this country from the operation of Swedish ships not only from January 1, 1920 [1921] on, but also for the years 1917, 1918, 1919 and 1920.

With renewed assurances [etc.]

AX. WALLENBERG

The Secretary of State to the Swedish Minister

WASHINGTON, *May 16, 1922*

SIR:

I have the honor to refer further to your note of February 24, 1922, in which you express the hope that it may be possible for this Government to exempt from taxation the income derived in this country from the operation of Swedish ships, not only from January 1, 1921, but also during the years 1917 to 1920 inclusive, and to state that in the statutes now in force no provision is made for the exemption from taxation by this Government of the income derived from the operation of foreign ships prior to January 1, 1921.

Accept [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

The Swedish Minister to the Secretary of State

WASHINGTON, *May 30, 1922*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your note of the 16th instant, by which you were good enough to inform me that in the statutes now in force no provision is made for the exemption from taxation by the United States Government of the income derived from the operation of foreign ships prior to January 1, 1921.

The Swedish Government, being aware of this circumstance, had, however, in view of the facts:

1) that income of non-resident, foreign individuals, companies and corporations, derived from the operation of ships documented under the laws of the United States, is not now taxed in Sweden in any manner whatsoever; and

2) that the same tax exemption was effective even further back than January 1, 1917,

cherished the hope that the United States Government would deem it proper to enact such legislative measures as would extend the same exemption from taxation from the United States Government for the years prior to January 1, 1921.

Under such circumstances I beg leave to again apply for Your Excellency's kind intermediary, in order that the question may be submitted to Congress for such legislation as would secure a satisfactory arrangement between our two countries.

With renewed assurances [etc.]

AX. WALLENBERG

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

WASHINGTON, *August 9, 1922*

SIR:

I have the honor to refer further to your note of May 30, 1922, in which you express the hope that it may be possible to modify the statutes now in force in this country, so as to provide for the exemption of Swedish shipowners from the payment of income taxes for the years 1917 to 1920, inclusive, and to state that the appropriate authorities advise the Department that they can not see their way clear to recommend to Congress any modification of the statutes as you suggest.

Accept [etc.]

CHARLES E. HUGHES

SUPPRESSION OF SMUGGLING

Convention signed at Washington May 22, 1924
Senate advice and consent to ratification May 26, 1924
Ratified by Sweden June 13, 1924
Ratified by the President of the United States August 15, 1924
Ratifications exchanged at Washington August 18, 1924
Entered into force August 18, 1924
Proclaimed by the President of the United States August 18, 1924

43 Stat. 1830; Treaty Series 698

The President of the United States of America and His Majesty the King of Sweden being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. Charles Evans Hughes, Secretary of State of the United States;

His Majesty the King of Sweden, Mr. V. Assarsson, Counselor of His Legation at Washington;

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

ARTICLE I

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

(1) His Majesty agrees that he will raise no objection to the boarding of private vessels under the Swedish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of

the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Swedish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Swedish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907.[1] The Arbitral Tribunal shall be constituted in ac-

[1] TS 536, *ante*, vol. 1, p. 577.

cordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent., on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moities by the two Governments.

Article V

This Treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the Treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Treaty shall lapse.

Article VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Treaty the said Treaty shall automatically lapse, and, on such lapse or whenever this Treaty shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Treaty not been concluded.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sweden; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate in the English and Swedish languages and have thereunto affixed their seals.

Done at the city of Washington this twenty-second day of May, in the year of our Lord one thousand nine hundred and twenty-four.

CHARLES EVANS HUGHES [SEAL]
V. ASSARSSON [SEAL]

ARBITRATION

Convention and exchange of notes signed at Washington June 24, 1924
Senate advice and consent to ratification January 10, 1925
Ratified by Sweden January 16, 1925
Ratified by the President of the United States January 17, 1925
Ratifications exchanged at Washington March 18, 1925
Entered into force March 18, 1925
Proclaimed by the President of the United States March 18, 1925
Superseded April 15, 1929, by treaty of October 27, 1928 [1]

44 Stat. 1993; Treaty Series 708

Convention

The Government of the United States of America and the Government of His Majesty the King of Sweden desiring, in pursuance of the principles set forth in Articles XXXVII–XL [37–40] of the Convention for the Pacific Settlement of International Disputes signed at The Hague October 18, 1907,[2] to enter into negotiations for the conclusion of an Arbitration Convention have named as their Plenipotentiaries, to wit:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the King of Sweden: Captain Axel F. Wallenberg, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following Articles:

Article I

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Conventions of July 29, 1899,[3] and October 18, 1907, provided, nevertheless, that they do

[1] TS 783, *post*, p. 760.
[2] TS 536, *ante*, vol. 1, p. 591.
[3] TS 392, *ante*, vol. 1, p. 230.

not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II

In each individual case the Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Sweden by the King in such forms and conditions as he may find requisite or appropriate.

ARTICLE III

The present Convention shall be ratified by the Contracting Parties. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of ratifications.

ARTICLE IV

The present Convention is concluded for a term of five years, dating from the exchange of ratifications. In case neither Contracting Party should give notice, six months before the expiration of that period of its intention to terminate the Convention, it will continue binding until the expiration of six months from the day when either Contracting Party shall have denounced it.

Done in duplicate at the city of Washington, in the English and French languages, this twenty-fourth day of June, one thousand nine hundred and twenty-four.

CHARLES EVANS HUGHES [SEAL]
AX. WALLENBERG [SEAL]

EXCHANGE OF NOTES

The Secretary of State to the Swedish Minister

WASHINGTON, *June 24, 1924*

SIR:

In connection with the signing today of a Convention of Arbitration between the United States and Sweden, providing for the submission of differences of certain classes which may arise between the two Governments to the Permanent Court of Arbitration established at The Hague under the Conventions for the Pacific Settlement of International Disputes concluded in 1899 and 1907, I have the honor to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On February 24, 1923, the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague. In the event that the Senate gives its assent to the proposal, I understand that the Government of Sweden will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

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

CHARLES E. HUGHES

Captain AXEL F. WALLENBERG
Minister of Sweden

The Swedish Minister to the Secretary of State

WASHINGTON, D.C., *June 24, 1924*

SIR,

I have the honor to acknowledge the receipt of Your note of today's date, in which you were so good as to inform me, in connection with the signing of a convention of arbitration between Sweden and the United States, that the President of the United States had proposed to the Senate the adherence of the United States, under certain conditions, to the protocol of the 16th of December, 1920, creating the Permanent Court of International Justice at The Hague, and that, if the Senate assents to this proposal, you understand that the Royal Swedish Government would not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Under instructions from the Swedish Minister of Foreign Affairs I have the honor to confirm your understanding of my Government's attitude on this point and to state that if the Senate approve the President's proposal, my Government will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

With renewed assurances of my highest consideration, I have the honor to remain Your most obedient servant,

AX. WALLENBERG

Hon. CHARLES EVANS HUGHES
Secretary of State
etc. etc. etc.

WAIVER OF VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Stockholm June 29 and 30, 1925
Entered into force July 5, 1925
Modified by agreement of September 4 and 11 and October 5, 1939 [1]
Made obsolete June 1, 1947, by agreement of April 10 and 30, 1947 [2]

Department of State files

The American Chargé d'Affaires ad interim to the Acting Minister of Foreign Affairs

No. 244
URGENT

STOCKHOLM, *June 29, 1933*

EXCELLENCY:

I have the honor, acting under instructions from my Government, to inform Your Excellency that the Government of the United States will, after the fourth of July, 1925, collect no fee for visaing passports or executing applications therefor in the case of citizens or subjects of Sweden desiring to visit the United States (including insular possessions), who are not "immigrants" as defined in the Immigration Act of the United States of 1924; [3] namely, 1) a government official, his family, attendants, servants and employees, 2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, 3) an alien in continuous transit through the United States, 4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, 5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and, 6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation; and that it is understood that from the same date the Government of Sweden will extend similar treatment, on the basis of reciprocity, to

[1] EAS 198, *post*, p. 823.
[2] TIAS 1798, *post*, p. 834.
[3] 43 Stat. 153.

non-immigrant citizens of the United States of like classes desiring to visit Sweden.

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

ALEXANDER R. MAGRUDER

His Excellency
RICKARD SANDLER
Acting Royal Swedish Minister for Foreign Affairs
Etc., Etc., Etc.
Stockholm

The Acting Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

STOCKHOLM, *June 29th 1925*

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honor to inform you that the Swedish Government will, after the 4th of July 1925, collect no fee for visaing passports or executing applications therefor in the case of citizens of the United States desiring to visit Sweden, belonging to the categories mentioned below, viz:

1) A Government official, his family, attendants, servants and employees,

2) A citizen of the United States visiting Sweden temporarily as a tourist or temporarily for business or pleasure,

3) A citizen of the United States in continuous transit through Sweden,

4) A citizen of the United States lawfully admitted to Sweden, who later goes in transit from one part of Sweden to another through foreign contiguous territory,

5) A bona fide seaman, serving as such on a vessel arriving at a port of Sweden and seeking to enter temporarily Sweden solely in the pursuit of his calling as a seaman,

6) A citizen of the United States entitled to enter Sweden solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation,

and that it is understood that from the same date the Government of the United States will extend similar treatment, on the basis of reciprocity, to non-immigrant Swedish subjects of like classes desiring to visit the United States.

However it is presumed that the category referred to above under 2) shall be considered as including persons, who, for the purpose of studies or in order to acquire extended experience in their professions are desirous to go to Sweden resp. the United States.

I avail myself of this opportunity to renew to you, Monsieur le Chargé d'Affaires, the assurance of my high consideration.

For the Minister:
K. I. WESTMAN

The American Chargé d'Affaires ad interim to the Acting Minister of Foreign Affairs

No. 245 STOCKHOLM, *June 30, 1925*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of June 29, 1925, in which you were good enough to inform me that the Swedish Government will, after the fourth of July, 1925, collect no fee for visaing passports or executing applications therefor in the case of citizens of the United States desiring to visit Sweden belonging to the six categories which you enumerated.

In reply I beg to inform Your Excellency that the Immigration Act of the United States of 1924 does not class students as non-immigrants and that, consequently, persons, desirous of proceeding to the United States for the purpose of study or to acquire extended experience in their professions, do not fall within any of the categories mentioned in your note under acknowledgment.

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

ALEXANDER R. MAGRUDER

His Excellency
RICKARD SANDLER
Acting Royal Minister for Foreign Affairs
Etc., Etc., Etc.
Stockholm

ARBITRATION

Treaty signed at Washington October 27, 1928
Senate advice and consent to ratification December 18, 1928
Ratified by the President of the United States January 4, 1929
Ratified by Sweden March 7, 1929
Ratifications exchanged at Washington April 15, 1929
Entered into force April 15, 1929
Proclaimed by the President of the United States April 15, 1929

46 Stat. 2261; Treaty Series 783

The President of the United States of America and His Majesty the King of Sweden

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on June 24, 1924,[1] and for that purpose they have appointed as their respective Plenipotentiaries;

The President of the United States of America,
Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Sweden,
W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

[1] TS 708, *ante*, p. 754.

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington, October 13, 1914,[2] and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,[3] or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Sweden in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Sweden in accordance with the Covenant of the League of Nations.[4]

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Sweden with consent of the Swedish Riksdag.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications, from which date the arbitration convention signed June 24, 1924, shall cease to have any force or effect. It shall thereafter remain in force

[2] TS 607, *ante*, p. 741.
[3] TS 536, *ante*, vol. 1, p. 577.
[4] *Ante*, vol. 2, p. 48.

continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Swedish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-seventh day of October, in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
W. BOSTRÖM [SEAL]

EXEMPTION OF PLEASURE YACHTS FROM NAVIGATION DUES

Exchange of notes at Stockholm October 22 and 29, 1930
Entered into force October 29, 1930

47 Stat. 2655; Executive Agreement Series 21

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

MINISTRY FOR
FOREIGN AFFAIRS

STOCKHOLM, *October 22, 1930*

MR. CHARGÉ D'AFFAIRES:

By a letter dated January 3, 1930, you kindly informed my predecessor that the United States Government is disposed to conclude an arrangement with the Swedish Government with a view to exempting on a basis of reciprocity the pleasure yachts of the two countries from all navigation dues in their ports.

Referring to this letter, I have the honor to inform you that, according to the provisions of section 126 of the Swedish Customs Regulations and of the Royal Decree dated October 7, 1927, yachts belonging to yacht clubs of countries where the same facilities are accorded to Swedish yachts are exempted in Swedish ports from all navigation dues—except dues of pilotage when they have actually a pilot on board—provided that they be furnished with a certificate delivered by the authorities of the country and on the understanding that they are not equipped for commercial purposes.

If your Government consents to grant upon a basis of reciprocity the same facilities to pleasure yachts belonging to Swedish yacht clubs, I permit myself to propose that the present note and the reply which you may make thereto will serve as an agreement reached between our two countries.

Please accept, Mr. Chargé d'Affaires, the assurances of my most distinguished consideration.

RAMEL

MR. EDWARD SAVAGE CROCKER
Chargé d'Affaires a. i. of the United States of America
etc., etc., etc.

Section 126 of the Swedish Customs Regulations

[translation]

A master of a vessel belonging to a public yacht club or other similar association and which is not equipped for commercial purposes (pleasure yachts) shall, when the vessel arrives or departs from a port in the customs territory without being used for conveying goods other than foodstuffs and articles necessary for the vessel during the journey, be exempt from the duty to submit to the customs authorities a written report regarding the vessel and from obtaining a permit for it from the customs authorities.

When arriving from a port outside of the customs territory, the master may not visit any other port with the vessel than a customs port or a place where coast-guards are stationed. When arriving from and departing to a place outside of the customs territory, it is the duty of a master to report personally to the nearest customs office or coast-guard station and to submit a certificate, issued by a public authority or the board of the association, showing the name of the vessel, number and tonnage, the name of the owner of the vessel and domicile, as well as the name of the association to which the vessel belongs.

If the owner or master of a pleasure yacht has here in the country been found guilty of illegal import or export of articles, the provisions granted in this section shall not apply to any of the vessels belonging to the association as long as he owns or commands the vessel. However, the advantages shall be discontinued not earlier than fifteen days after the General Customs Board has informed the board of the association of the misdemeanor committed.

The provisions of this section shall not apply to vessels belonging to an association in Sweden, provided His Majesty has not granted the association similar rights for its vessels, and shall not either apply to vessels belonging to a foreign association, unless Swedish pleasure yachts enjoy the same advantages in the respective country.

Royal Decree of the Swedish Government

[translation]

No. 394

ROYAL DECREE

Regarding Exemption in Certain Cases for Salvage Vessels and Pleasure Yachts from Payment of Maritime Dues

Given at the Palace of Stockholm, October 7, 1927

His Royal Majesty has deemed fit to decree that salvage vessels and pleasure yachts referred to in sections 124 and 126 of the Customs Regulations, under the conditions mentioned in these sections, shall in Swedish ports be exempt

from all those fees which are generally assessed for vessels in such ports, with the exception of pilotage fees where a pilot is employed.

This decree shall enter into force on May 1, 1928, on and from which day the regulations in the letter to the Board of Trade of April 24, 1863 (No. 23), relating to the exemption from certain fees in Swedish ports accorded vessels intended for diving and salvage activities, shall cease to be effective.

Let all concerned duly comply herewith. In faith whereof, We have signed this with Our own hand and have caused it to be confirmed by Our Royal Seal. The Palace of Stockholm, October 7, 1927.

GUSTAF
(L. S.)
FELIX HAMRIN

(Department of Commerce)

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
STOCKHOLM, *October 29, 1930*

No. 56

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note dated October 22, 1930, in reply to my note dated January 3, 1930, addressed to Your Excellency's predecessor, relating to the desire of my Government to obtain an agreement on the part of the Swedish Government to accord to American yachts in Swedish ports treatment in the matter of the payment of various port charges reciprocal to that which is now enjoyed by Swedish vessels calling at ports of the United States.

Your Excellency is so good as to inform me that, according to the terms of Section 126 of the Swedish Customs Regulations and of the Royal Decree dated October 7, 1927, yachts belonging to yacht clubs of countries where the same facilities are accorded to Swedish yachts are exempted in Swedish ports from all navigation dues—except dues of pilotage when they have actually a pilot on board—provided that they be furnished with a certificate delivered by the authorities of the country and on the understanding that they are not equipped for commercial purposes.

In conclusion Your Excellency states that, if my Government consents to grant upon a basis of reciprocity the same facilities to pleasure yachts belonging to Swedish yacht clubs, Your Excellency proposes that the note under reference and the reply which I may make thereto will serve as an agreement reached between our two countries.

In reply I have the honor to state that, inasmuch as the provisions of the Statutes of the United States for the collection of tonnage and light dues (U.S. Code, Title 46, Sections 121 and 128) permit the suspension of those

charges in behalf of vessels of foreign countries which accord national treatment to vessels of the United States, I am accordingly gratified that there appears to be no further obstacle to the enjoyment by the pleasure yachts of each country of treatment reciprocal to that enjoyed in the ports of the other.

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

EDWARD SAVAGE CROCKER

His Excellency
FREDRIK RAMEL
Royal Minister for Foreign Affairs
Stockholm

CLAIMS: MOTORSHIPS "KRONPRINS GUSTAF ADOLF" AND "PACIFIC"

Special agreement signed at Washington December 17, 1930
Ratified by Sweden January 3, 1931
Senate advice and consent to ratification February 14, 1931
Ratified by the President of the United States April 17, 1931
Ratifications exchanged at Washington October 1, 1931
Entered into force October 1, 1931
Proclaimed by the President of the United States October 2, 1931
Terminated July 18, 1932 [1]

47 Stat. 1911; Treaty Series 841

WHEREAS, the Government of Sweden has presented to the Government of the United States of America certain claims on behalf of Rederiaktiebolaget Nordstjernan, a Swedish corporation, for losses said to have been incurred as a result of the alleged detention in ports of the United States of America, in contravention of provisions of treaties in force between the United States of America and Sweden, of the motorship KRONPRINS GUSTAF ADOLF and the motorship PACIFIC belonging to said Swedish corporation; and

WHEREAS, the Government of the United States of America has disclaimed any liability to indemnify the Government of Sweden in behalf of the owners of the said motorships, therefore:

The President of the United States of America and His Majesty the King of Sweden being desirous that this matter of difference between their two Governments should be submitted to adjudication by a competent and impartial Tribunal have named as their respective plenipotentiaries, that is to say:

The President of the United States of America,
Henry L. Stimson, Secretary of State of the United States of America; and

His Majesty the King of Sweden,
W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

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[1] For text of arbitral decision dated July 18, 1932, see *American Journal of International Law*, vol. 26, p. 834.

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

ARTICLE I

There shall be submitted to arbitration pursuant to the Convention for the Pacific Settlement of International Disputes, signed at The Hague, October 18, 1907,[2] and the Arbitration Convention between the United States of America and Sweden, signed at Washington, October 27, 1928,[3] the following questions:

First, Whether the Government of the United States of America detained the Swedish motorship KRONPRINS GUSTAF ADOLF between June 23, 1917 and July 12, 1918, and the Swedish motorship PACIFIC between July 1, 1917 and July 19, 1918, in contravention of the Swedish-American Treaties of April 3, 1783 [4] and July 4, 1827.[5]

Second, Whether, if the first question be decided in the affirmative, the Government of the United States of America is liable to the Government of Sweden in behalf of the owners of the motorships for damages resulting from such unlawful detention; and,

Third, Should the reply be in the affirmative what pecuniary reparation is due to the Government of Sweden on behalf of the owners of the motorships above mentioned.

ARTICLE II

The questions stated in Article I shall be submitted for a decision to a sole arbitrator who shall not be a national of either the United States of America or Sweden. In the event that the two Governments shall be unable to agree upon the selection of a sole arbitrator within two months from the date of the coming into force of this Agreement they shall proceed to the establishment of a Tribunal consisting of three members, one designated by the President of the United States of America, one by His Majesty the King of Sweden, and the third, who shall preside over the Tribunal, selected by mutual agreement of the two Governments. None of the members of the Tribunal shall be a national of the United States of America or of Sweden.

ARTICLE III

The procedure in the arbitration shall be as follows:

(1) Within ninety days from the date of the exchange of ratifications of this Agreement, the agent for the Government of Sweden shall present to

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[2] TS 536, *ante,* vol. 1, p. 577.
[3] TS 783, *ante,* p. 760.
[4] TS 346, *ante,* p. 710.
[5] Treaty between the United States and the King of Sweden and Norway signed at Stockholm July 4, 1827 (TS 348, *post,* p. 876, SWEDEN AND NORWAY).

the Agent for the Government of the United States of America a statement of the facts on which the Government of Sweden rests the claim against the United States of America, and the demand for indemnity. This statement shall be accompanied by the evidence in support of the allegations and of the demand made;

(2) Within a like period of ninety days from the date on which this Agreement becomes effective, as aforesaid, the Agent for the Government of the United States of America shall present to the Agent for the Government of Sweden at Washington a statement of facts relied upon by the Government of the United States of America together with evidence in support;

(3) Within sixty days from the date on which the exchange of statements provided for in paragraphs (1) and (2) of this Article is completed each Agent shall present in the manner prescribed by paragraphs (1) and (2) an answer to the statement of the other together with any additional evidence and such argument as they desire to submit.

ARTICLE IV

When the development of the record is completed in accordance with Article III hereof, the Government of the United States of America and the Government of Sweden shall forthwith cause to be forwarded to the International Bureau at The Hague, for transmission to the Arbitrator or Arbitrators, as the case may be, three complete sets of the statements, answers, evidence and arguments presented by their respective Agents to each other.

ARTICLE V

Within thirty days from the delivery of the record to the Arbitrator or Arbitrators in accordance with Article IV, the Tribunal shall convene at Washington for the purpose of hearing oral arguments by Agents or Counsel, or both, for each Government.

ARTICLE VI

When the Agent for either Government has reason to believe that the other Government possesses or could obtain any document or documents which are relevant to the claim but which have not been incorporated in the record such document or documents shall be submitted to the Tribunal at the request of the Agent for the other Government and shall be available for inspection by the demanding Agent. In agreeing to arbitrate the claim of the Kingdom of Sweden in behalf of Rederiaktiebolaget Nordstjernan the Government of the United States of America does not waive any defense which was available prior to the concluding of the Agreement.

ARTICLE VII

The decision of the Tribunal shall be made within two months from the date on which the arguments close, unless on the request of the Tribunal the Parties shall agree to extend the period. The decision shall be in writing.

The decision of the majority of the members of the Tribunal, in case a sole arbitrator is not agreed upon, shall be the decision of the Tribunal.

The language in which the proceedings shall be conducted shall be English.

The decision shall be accepted as final and binding upon the two Governments.

ARTICLE VIII

Each Government shall pay the expenses of the presentation and conduct of its case before the Tribunal; all other expenses which by their nature are a charge on both Governments, including the honorarium for the Arbitrator or Arbitrators, shall be borne by the two Governments in equal moieties.

ARTICLE IX

This Special Agreement shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect immediately upon the exchange of ratifications, which shall take place at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed this Special Agreement and have hereunto affixed their seals.

Done in duplicate at Washington this seventeenth day of December, nineteen hundred and thirty.

HENRY L. STIMSON [SEAL]
W. BOSTRÖM [SEAL]

CUSTOMS PRIVILEGES FOR CONSULAR OFFICERS

Exchange of notes at Stockholm June 23 and 29, 1931
Entered into force July 1, 1931

Department of State files

The American Legation to the Ministry for Foreign Affairs

No. 105

NOTE VERBALE

The American Legation presents its compliments to the Royal Ministry for Foreign Affairs and has the honor to refer to a resolution passed by the Riksdag on March 23, 1931, amending Paragraph 5 of the Swedish Customs Tariff of 1929, so as to grant the right to import personal supplies without the payment of duty to foreign consular officers (consuls general, consuls, and vice consuls) in Sweden of countries according Swedish consular officers the corresponding privilege.

The American Legation, acting under instructions from its Government, has the honor to inform the Royal Ministry that the Treasury Department has in view of this resolution consented to extend, effective July first next, the free importation privilege to Swedish consular officers in the United States. Therefore, in addition to the free entry of baggage and effects upon arrival and return to their posts in the United States after visits abroad, which Swedish consular officers assigned to the United States already enjoy, such officers, who are Swedish nationals and not engaged in any other business, will be accorded on the basis of reciprocity the privilege of importing free of duty articles for their personal or family use at any time during their official residence, with the understanding that no article, the importation of which is prohibited by the laws of the United States, shall be imported by them.

The American Legation therefore has the honor to request the good offices of the Royal Ministry for Foreign Affairs with a view to arranging for the extension of similar privileges to American consular officers assigned to Sweden.

STOCKHOLM, *June 23, 1931*

The Ministry for Foreign Affairs to the American Legation

[TRANSLATION]

MINISTRY FOR
FOREIGN RELATIONS

In its note verbale of the twenty-third of this month, the Legation of the United States of America informed the Ministry for Foreign Affairs of the decision taken by the American Government as a result of the modification effected in Swedish legislation relating to the matter, to grant from the first of July next free entry for goods imported by Swedish career consuls in the United States and destined for their personal use.

At the same time the Legation expressed the desire that measures be taken to instruct the customs officials to extend the same privilege to American consuls of career functioning in Sweden.

In acknowledging to the Legation of the United States the receipt of this obliging communication, the Ministry has the honor to inform it that, under the terms of a resolution of June 19, 1931, which will enter into force the first of July next, the free customs entry which is at present enjoyed by foreign diplomats in Sweden is accorded under the same conditions, on condition of reciprocity, to foreign consular representatives of career (consuls general, consuls and vice consuls) functioning in this country and not engaged in private activities with gainful purposes.

By virtue of a decree likewise promulgated on June 19, 1931, the enjoyment of this privilege is subject to the same rules, by analogy, as those established for diplomats, and of which the Legation was informed by a letter from the Ministry for Foreign Affairs dated June 27, 1927. But in order to claim a shipment it will be necessary besides for the interested consular representative to make an express declaration that he is not exercising in Sweden any activity of the nature described above.

In view of the fact that the reciprocity contemplated by the new Swedish regulation will exist henceforth, according to the note verbale under reference, for the Swedish consular representatives of career in the United States, it follows that the consular representatives of career of the United States of America in Sweden will likewise enjoy, from the first of July 1931, customs free entry.

The Ministry will be obliged to the Legation if it will be kind enough to invite the above-mentioned consular representatives to examine carefully the conditions to be followed and the formalities to be observed for the enjoyment of the privilege in question.

The Legation will please find enclosed herewith the text of the regulation and of the decree above-mentioned.

STOCKHOLM, *June 29, 1931*

To the LEGATION OF THE
UNITED STATES OF AMERICA

RECOGNITION OF LOAD-LINE CERTIFICATES

Exchange of notes at Stockholm January 27 and June 1, 1932
Entered into force June 1, 1932
Terminated January 1, 1933 [1]

47 Stat. 2707; Executive Agreement Series 35

The American Minister to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
STOCKHOLM, *January 27, 1932*

No. 140

EXCELLENCY:

Referring to Minister Gyllenswärd's note of June 29, 1931, expressing the willingness of the Government of the King to conclude a reciprocal load line agreement with my Government, I have the honor, acting under instructions from my Government, to inform Your Excellency that the competent executive authorities of my Government have examined the Swedish load line regulations and have found them to be as effective as the United States load line regulations.

I am also instructed to state to Your Excellency that my Government is prepared to agree that, pending the coming into force of the international load line convention in the United States and Sweden, the competent authorities of the Governments of the United States and Sweden, respectively, will recognize as equivalent the load line marks and the certificate of such marking of merchant vessels of the other country made pursuant to the regulations in force in the respective countries: provided, that the load line marks are in accordance with the load line certificates; that the hull and super-structures of the vessel certificated have not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the

(1) Protection of openings,
(2) Guard rails,

[1] Date of entry into force for the United States and Sweden of international load-line convention of July 5, 1930 (TS 858, *ante*, vol. 2, p. 1076).

(3) Freeing ports,
(4) Means of access to crews quarters,

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

I am also desired to state that my Government is prepared to agree that the competent authorities of the Governments of the United States and Sweden, respectively, will recognize load lines applicable to tankers and to vessels of special type which have been determined in accordance with tanker and vessels of special type rules as set forth in the international load line convention of 1930. In this connection my Government is desirous that the Government of Sweden agree that the load line certificates of Swedish tankers and Swedish vessels of special type contain information, when applicable, to the effect that the load line marks are located in accordance with the terms and conditions of the international load line convention of July 5, 1930.

I am further desired to state that it will be understood by my Government that on the receipt by the Legation of a note from Your Excellency expressing the concurrence of the Government of Sweden in the agreement and understanding as above set forth, the reciprocal agreement will be regarded as having become effective.

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

JOHN M. MOREHEAD

His Excellency
BARON FREDRIK RAMEL
Royal Minister for Foreign Affairs
Stockholm

The Minister of Foreign Affairs to the American Chargé d'Affaires

[TRANSLATION]

MINISTRY FOR
FOREIGN AFFAIRS

STOCKHOLM, *June 1, 1932*

MR. CHARGÉ D'AFFAIRES:

By letter of January 27 last Mr. Morehead informed me that—pending the coming into force between Sweden and the United States of America of the international load line convention of July 5, 1930—the United States Government is prepared to agree with the Government of the King that the competent Swedish and American authorities reciprocally recognize the load line marks of merchant vessels of the other country, determined in conformance with the regulations in force in the respective countries, as well as the load line certificates delivered in conformance with the same regulations, on condition, however, that the marks should correspond to the indications

set forth in the load line certificates, that the hull and the superstructures certified shall not have undergone after the delivery of the certificate modifications of sufficient importance to affect the calculation upon which the load line was based and that alterations have not been made so that the

(1) protection of openings,
(2) guard rails,
(3) freeing ports, and
(4) means of access to crews quarters

have rendered the vessels manifestly unfit to proceed to sea without danger to human life. Mr. Morehead informed me at the same time that his Government is likewise prepared to agree with the Royal Government that the competent Swedish and American authorities reciprocally recognize load line marks for tankers and ships of special types determined in conformance with the regulations set forth by the above-mentioned convention for ships of special types; he informed me furthermore of the desire of his Government to see the load line certificates delivered in such case by the Swedish authorities bear the indication that the load line marks are determined in conformance with the rules under reference.

In reply to this courteous communication I have the honor to inform you that the Government of the King approves the arrangement set forth above and that it is ready to conform with the desire expressed by your Government concerning the indication to be carried in the load line certificates delivered for tankers and ships of special types marked in conformance with the regulations of the international load line convention of July 5, 1930.

It is understood that the present exchange of Mr. Morehead's note under reference and of the present note shall be considered as an agreement reached between our two countries on this subject.

Please accept, Mr. Chargé d'Affaires, the assurances of my most distinguished consideration.

RAMEL

Mr. EDWARD SAVAGE CROCKER
Chargé d'Affaires of the United States of America (etc., etc., etc.)
Stockholm

CUSTOMS PRIVILEGES FOR DIPLOMATIC PERSONNEL

Exchange of notes at Washington January 5 and 17, 1933
Entered into force January 17, 1933

Department of State files

The Secretary of State to the Swedish Minister

JANUARY 5, 1933

SIR:

I have the honor to inform you that the Department has been advised by the American Minister at Stockholm that clerks and other Legation employees not of Swedish nationality enjoy the privilege of importing articles for their personal use free of duty, as well as free entry on arrival and return from leave. Upon receipt of this information, the Department communicated with the Treasury Department with a view to obtaining like privileges for the clerks and other employees of Swedish nationality at the Swedish Legation in Washington.

I have pleasure in informing you that the Department is now in receipt of a reply from the Treasury Department consenting to the extension of the above mentioned privilege to the clerks and other employees of your Legation who are Swedish nationals and not engaged in any private occupation for gain, on the understanding that no article the importation of which is prohibited by the laws of the United States shall be imported by them. The arrangement, which will be effective immediately, includes free entry on arrival and return to their posts after leave of absence spent abroad and free entry of articles imported by such employees for personal use at any time during their employment as above stated. Domestic servants employed by members of the Legation Staff will not be accorded the privilege of free importation of articles for their personal use subsequent to arrival.

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

For the Secretary of State:
W. R. CASTLE, JR.

Mr. W. BOSTROM
Minister of Sweden

The Swedish Minister to the Secretary of State

LEGATION OF SWEDEN
WASHINGTON, D.C.

JANUARY 17, 1933

SIR:

I have the honour to acknowledge with best thanks the receipt of Your Excellency's note dated January 5, 1933, by which you were kind enough to inform me that according to information received from the Treasury Department clerks and other employees of this Legation who are Swedish nationals and not engaged in any private occupation for gain will be accorded the privilege of importing articles for their personal use, free of duty, as well as free entry on arrival and return from leave, on the understanding that no article the importation of which is prohibited by the laws of the United States shall be imported by them.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

W. BOSTROM

The Honourable,
HENRY L. STIMSON
Secretary of State
etc. etc. etc.
Washington, D.C.

MILITARY SERVICE: DUAL NATIONALITY

Convention signed at Stockholm January 31, 1933
Ratified by Sweden June 2, 1933
Senate advice and consent to ratification February 6, 1935
Ratified by the President of the United States February 11, 1935
Ratifications exchanged at Washington February 20, 1935
Entered into force May 20, 1935
Proclaimed by the President of the United States May 20, 1935

49 Stat. 3195; Treaty Series 890

The President of the United States of America and His Majesty the King of Sweden, being desirous of regulating the question of exemption from military obligations of persons possessing the nationality of both the High Contracting Parties, have decided to enter into a Convention for that purpose, and have appointed as Their Plenipotentiaries:

The President of the United States of America:
The Honorable John Motley Morehead, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Stockholm;

His Majesty the King of Sweden:
Mr. Östen Undén, acting Chief of His Ministry for Foreign Affairs, Minister without portfolio;

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

ARTICLE 1

A person possessing the nationality of both the High Contracting Parties who habitually resides in the territory of one of them and who is in fact most closely connected with that Party shall be exempt from all military obligations in the territory of the other Party.

ARTICLE 2

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sweden with the consent of the Riksdag of

Sweden and shall enter in effect three months after the exchange of ratifications at Washington and shall remain in force until the expiration of six months from the day on which one of the Parties shall have given notice to the other for its termination.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate in the English and Swedish languages and have thereunto affixed their seals.

Done at Stockholm the 31st day of January, 1933.

JOHN MOTLEY MOREHEAD [SEAL]
ÖSTEN UNDÉN [SEAL]

AIR NAVIGATION

Exchange of notes at Washington September 8 and 9, 1933, with text of arrangement
Entered into force October 9, 1933
Supplemented by agreement of December 16, 1944 [1]

48 Stat. 1788; Executive Agreement Series 47

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

DEPARTMENT OF STATE
WASHINGTON, *September 8, 1933*

SIR:

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

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

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN CONCERNING THE OPERATION OF CIVIL AIRCRAFT OF THE ONE COUNTRY IN THE TERRITORY OF THE OTHER COUNTRY

ARTICLE 1

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

ARTICLE 2

The present arrangement shall apply to continental United States of America, exclusive of Alaska, and to Sweden, including the adjacent territorial waters of the two countries.

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[1] EAS 431, *post*, p. 825.

ARTICLE 3

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

ARTICLE 4

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory with or without intermediary landing, shall be subject to the prior consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Each party to this arrangement agrees that its consent for operations over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5

The aircraft of each of the parties to this arrangement, their crews and passengers, shall, while within the territory of the other party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the

aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either party may proceed from any aerodrome in the territory of the other party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

Article 6

Each of the parties to this arrangement reserves the right to forbid flights over certain areas of its territory which are or may hereafter be designated as prohibited areas.

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

Article 7

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

Article 8

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

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

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

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

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other party as the corresponding documents issued or rendered valid by the latter.

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

ARTICLE 9

Aircraft of either of the parties to this arrangement may carry wireless apparatus in the territory of the other party only if a license to install and work such apparatus shall have been issued by the competent authorities of the party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

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

ARTICLE 10

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

ARTICLE 11

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

ARTICLE 12

Aerodromes open to public air traffic in the territory of one of the parties to this arrangement shall in so far as they are under the control of the party in whose territory they are situated be open to all aircraft of the other party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under the control of the party

in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accomodation or other charge, with respect to the aircraft of each party in the territory of the other party, shall in so far as such charges are under the control of the party in whose territory they are made be the same for the aircraft of both parties.

Article 13

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

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each party to this arrangement are accorded the right to enter the territory of the other party subject to compliance with quarantine regulations in force therein.

The parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

Article 14

Each of the parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so either between certain points, or close by an aviation customs office in that territory, at such altitude that signals can be received, even though there should be no landing of the aircraft. The contracting parties shall inform each other of the points where the respective frontiers thus may be crossed.

It is understood that neither of the courses mentioned in the preceding paragraph exempts aircraft crossing the frontiers of either party from the obligation of landing at a regular airport of entry, as stipulated in Article 13.

Article 15

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

Article 16

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose

shall have been given by the authorities of the territory in which such unloading or discharge takes place.

ARTICLE 17

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

ARTICLE 18

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

ARTICLE 19

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

I shall be glad to have you inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

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

CORDELL HULL

Baron JOHAN BECK-FRIIS
Chargé d'Affaires ad interim of Sweden

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

LEGATION OF SWEDEN
WASHINGTON, D.C., *September 8, 1933*

SIR:

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

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

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

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so,

it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

The Honourable
CORDELL HULL
Secretary of State
etc. etc. etc.

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

LEGATION OF SWEDEN
WASHINGTON, D.C., *September 9, 1933*

SIR:

I have the honour to acknowledge receipt of Your Excellency's communication of September 8, 1933, and to state that the text given therein of the arrangement between Sweden and the United States of America, governing the operation of civil aircraft of the one country in the other country, meets with the approval of the Swedish Government. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

The Honourable
CORDELL HULL
Secretary of State
etc. etc. etc.

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

DEPARTMENT OF STATE
WASHINGTON, *September 9, 1933*

SIR:

I have the honor to acknowledge receipt of your communication of September 8, 1933, and to state that the text given therein of the arrangement between the United States of America and Sweden, governing the operation of civil aircraft of the one country in the other country, meets with the ap-

proval of the Government of the United States. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

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

CORDELL HULL

Baron JOHAN BECK-FRIIS
Chargé d'Affaires ad interim of Sweden

PILOT LICENSES FOR CIVIL AIRCRAFT

Exchange of notes at Washington September 8 and 9, 1933, with text of arrangement
Entered into force October 9, 1933

48 Stat. 1799; Executive Agreement Series 48

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

DEPARTMENT OF STATE
WASHINGTON, *September 8, 1933*

SIR:

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Sweden for the conclusion of a reciprocal arrangement between the United States of America and Sweden providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft.

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

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN CONCERNING THE ISSUANCE BY THE ONE COUNTRY OF LICENSES TO NATIONALS OF THE OTHER COUNTRY AUTHORIZING THEM TO PILOT CIVIL AIRCRAFT

ARTICLE 1

The present arrangement between the United States of America and Sweden relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

(*a*) The Office of Civil Aviation (Luftfartsmyndigheten) of Sweden will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Office covering the licensing of pilots.

(*b*) The Department of Commerce of the United States of America will issue pilots' licenses to Swedish nationals upon a showing that they

are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

(*a*) Pilots' licenses issued by the Department of Commerce of the United States of America to Swedish nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(*b*) Pilots' licenses issued by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Swedish nationals.

ARTICLE 4

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6

(*a*) Swedish nationals shall while holding valid pilot licenses issued by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own government made after the pilot has entered Continental United States of America. No person to whom this provision applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country unless he shall, prior to the expiration of such period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(*b*) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in Sweden for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil air-

craft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own government made after the pilot has entered Sweden. No person to whom this provision applies shall be allowed to operate civil aircraft in Sweden for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden in the manner provided for in this arrangement.

(*c*) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country, as provided for in this article, shall be as stipulated in the air navigation arrangement [1] in force between the parties to this arrangement for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7

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

I shall be glad to have you inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

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

CORDELL HULL

Baron JOHAN BECK-FRIIS
Chargé d'Affaires ad interim of Sweden

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

LEGATION OF SWEDEN
WASHINGTON, D.C., *September 8, 1933*

SIR:

Reference is made to the negotiations which have taken place between the Government of Sweden and the Government of the United States of

[1] EAS 47, *ante*, p. 780.

America for the conclusion of a reciprocal arrangement between Sweden and the United States of America providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft.

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

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

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

The Honourable
CORDELL HULL
Secretary of State
etc. etc. etc.

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

LEGATION OF SWEDEN
WASHINGTON, D.C., *September 9, 1933*

SIR:

I have the honour to acknowledge receipt of Your Excellency's communication of September 8, 1933, and to state that the text given therein of the arrangement between Sweden and the United States of America, providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft, meets with the approval of the Swedish Government. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

The Honourable
CORDELL HULL
Secretary of State
etc. etc. etc.

308-582—73——52

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

DEPARTMENT OF STATE
WASHINGTON, *September 9, 1933*

SIR:

I have the honor to acknowledge receipt of your communication of September 8, 1933, and to state that the text given therein of the arrangement between the United States of America and Sweden, providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft, meets with the approval of the Government of the United States. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

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

CORDELL HULL

Baron JOHAN BECK-FRIIS
Chargé d'Affaires ad interim of Sweden

RECOGNITION OF CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT

Exchange of notes at Washington September 8 and 9, 1933, with text of arrangement
Entered into force October 9, 1933
Replaced by agreement of December 22, 1954 [1]

48 Stat. 1805; Executive Agreement Series 49

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

DEPARTMENT OF STATE
WASHINGTON, *September 8, 1933*

SIR:

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Sweden for the conclusion of a reciprocal arrangement between the United States of America and Sweden providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

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

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN CONCERNING THE ACCEPTANCE BY THE ONE COUNTRY OF CERTIFICATES OF AIRWORTHINESS FOR AIRCRAFT EXPORTED FROM THE OTHER COUNTRY AS MERCHANDISE

ARTICLE 1

The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Sweden; and to civil aircraft constructed in Sweden and exported to continental United States of America, exclusive of Alaska.

ARTICLE 2

The same validity shall be conferred on certificates of airworthiness issued

[1] 5 UST 3003; TIAS 3159.

by the competent authorities of the Government of the United States in respect of aircraft subsequently registered in Sweden as if they had been issued under the regulations in force on the subject in Sweden provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities in respect of the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of Sweden in respect of aircraft subsequently registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

ARTICLE 3

This arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes, and to aircraft engines and spare parts of aircraft and engines.

ARTICLE 4

The present arrangement may be terminated by either Government on sixty days' notice given to the other Government. In the event, however, that either Government should be prevented by future action of its legislature from giving full effect to the provisions of this arrangement it shall automatically lapse.

I shall be glad to have you inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

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

CORDELL HULL

Baron JOHAN BECK-FRIIS
Chargé d'Affaires ad interim of Sweden

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

LEGATION OF SWEDEN
WASHINGTON, D.C., *September 8, 1933*

SIR:

Reference is made to the negotiations which have taken place between the Government of Sweden and the Government of the United States of America for the conclusion of a reciprocal arrangement between Sweden and the United States of America providing for the acceptance by the

one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

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

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

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

The Honourable
CORDELL HULL
Secretary of State
etc. etc. etc.

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

LEGATION OF SWEDEN
WASHINGTON, D.C., *September 9, 1933*

SIR:

I have the honour to acknowledge receipt of Your Excellency's communication of September 8, 1933, and to state that the text given therein of the arrangement between Sweden and the United States of America, providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise, meets with the approval of the Swedish Government. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

The Honourable
CORDELL HULL
Secretary of State
etc. etc. etc.

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

DEPARTMENT OF STATE
WASHINGTON, *September 9, 1933*

SIR:

I have the honor to acknowledge receipt of your communication of September 8, 1933, and to state that the text given therein of the arrangement between the United States of America and Sweden, providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise, meets with the approval of the Government of the United States. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

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

CORDELL HULL

Baron JOHAN BECK-FRIIS
Chargé d'Affaires ad interim of Sweden

EXTRADITION

Treaty signed at Washington May 17, 1934, supplementing treaty of January 14, 1893
Senate advice and consent to ratification June 15, 1934
Ratified by the President of the United States June 27, 1934
Ratified by Sweden July 24, 1934
Ratifications exchanged at Stockholm July 31, 1934
Entered into force July 31, 1934
Proclaimed by the President of the United States August 11, 1934
Terminated June 4, 1951 [1]

49 Stat. 2688; Treaty Series 870

The President of the United States of America and His Majesty the King of Sweden, being desirous of enlarging the list of crimes and offenses on account of which extradition may be granted under the Extradition Treaty of January 14, 1893,[2] between the United States of America and Sweden, have resolved to conclude a Supplementary Treaty for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America:
Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Sweden:
W. Boström, Envoy Extraordinary and Minister Plenipotentiary of Sweden at Washington,

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

To the list of crimes and offenses numbered 1 to 12 in Article II of the Treaty of January 14, 1893, the following, contained in a paragraph numbered 13, is added:

13. Crimes and offenses against the bankruptcy laws, provided the act in the United States of America is punishable as a felony and in Sweden is regarded as a crime that may be punished according to the Swedish Penal Law by imprisonment at hard labor.

[1] Pursuant to notice of termination given by Sweden Dec. 2, 1950 (received Dec. 4, 1950).
[2] TS 351, *ante*, p. 723.

ARTICLE II

The present Treaty shall be considered as an integral part of the said Extradition Treaty of January 14, 1893, Article II of which shall be read as if the list of crimes and offenses therein contained had originally comprised the additional crimes and offenses specified and numbered 13 in the first Article of the present Treaty.

The present Treaty shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible. It shall take effect on the date of the exchange of ratifications.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Supplementary Treaty and have thereto affixed their seals.

DONE, in duplicate, at Washington this seventeenth day of May, in the year of our Lord one thousand nine hundred and thirty-four.

CORDELL HULL [SEAL]
W. BOSTRÖM [SEAL]

RECIPROCAL TRADE

Agreement signed at Washington May 25, 1935 [1]
Approved by the President of the United States June 12, 1935
Ratified by Sweden June 15, 1935
Approval and ratification exchanged at Stockholm July 6, 1935
Proclaimed by the President of the United States July 8, 1935
Entered into force August 5, 1935
Modified by agreement of June 24, 1947 [2]
Terminated June 30, 1950, by agreement of May 25, 1950 [3]

49 Stat. 3755; Executive Agreement Series 79

The President of the United States of America and His Majesty the King of Sweden, being desirous of strengthening the traditional bonds of friendship between the two countries by maintaining and giving the fullest possible effect to the principle of equality of treatment in their commercial relations and by granting mutual and reciprocal concessions and advantages for the promotion of trade, have through their respective Plenipotentiaries arrived at the following Agreement:

Article I

The United States of America and Sweden will grant each other unconditional and unrestricted most-favored-nation treatment in all matters concerning the customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either of the countries shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

[1] For schedules annexed to agreement, see 49 Stat. 3768 or p. 14 of EAS 79.
[2] TIAS 1711, *post*, p. 837.
[3] 2 UST 641; TIAS 2216.

Similarly, natural or manufactured products exported from the territory of the United States of America or Sweden and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or Sweden in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory in Sweden or the United States of America, respectively, and irrespective of the nationality of the carrier.

Article II

Neither the United States of America nor Sweden shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country in favor of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of rations or quotas being established by either the United States of America or Sweden for the importation of any article it is agreed that in the allocation of the quantity of restricted goods which may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it would normally enjoy.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, the United States of America and Sweden agree to extend to each other every favor granted to a third country.

Article III

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I [4] annexed to this Agreement and made a part thereof, shall, on their importation into Sweden, be exempt from ordinary customs duties in excess of those set forth in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges

[4] See footnote 1, p. 799.

or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of Sweden in force on the day of the signature of this Agreement.

ARTICLE IV

Articles the growth, produce or manufacture of Sweden enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

ARTICLE V

In respect of articles the growth, produce or manufacture of the United States of America or Sweden, enumerated and described in Schedules I and II,[4] respectively, imported into the other country, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, it is understood and agreed that the bases and methods of determining dutiable value and of converting currencies shall be no less favorable to importers than the bases and methods prescribed under presently existing laws and regulations of Sweden and the United States of America, respectively.

ARTICLE VI

Articles the growth, produce or manufacture of the United States of America or Sweden, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to the granting of national treatment shall not apply to taxes imposed in the United States of America on coconut oil or on any combination or mixture containing a substantial quantity of coconut oil; nor shall they affect the regulations which are now in force or which may in future come into force in Sweden whereby alcohol distilled from foreign raw materials, starch manufactured from foreign raw materials and tobacco imported from abroad are subject to special taxation. In these respects, however, most-favored-nation treatment shall apply.

ARTICLE VII

No prohibitions, import quotas, import licenses, or any other form of quantitative regulation, whether or not operated in connection with any agency or centralized control, shall be imposed by Sweden on the importation

or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, nor by the United States of America on the importation or sale of any article the growth, produce or manufacture of Sweden enumerated and described in Schedule II.

The foregoing provision shall not apply to quantitative restrictions in whatever form imposed by either country on the importation or sale of any article the growth, produce or manufacture of the other country in conjunction with governmental measures operating to regulate or control the production, market supply, or prices of like domestic articles. Whenever the Government of either country proposes to establish or change any restriction authorized by this paragraph, it shall give notice thereof in writing to the other Government and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposes to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

Article VIII

In the event that the United States of America or Sweden establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

Article IX

The tariff advantages and other benefits provided for in this Agreement are granted by the United States of America and Sweden to each other subject to the condition that if the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the ad-

ministration of any form of control of foreign exchange by the principle that, as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

Article X

In the event that a wide variation occurs in the rate of exchange between the currencies of the United States of America and Sweden, the Government of either country, if it considers the variation so substantial as to prejudice the industries or commerce of the country, shall be free to propose negotiations for the modification of this Agreement; and if an agreement with respect thereto is not reached within thirty days following receipt of such proposal, the Government making such proposal shall be free to terminate this Agreement in its entirety on thirty days' written notice.

Article XI

The Government of each country will accord sympathetic consideration to, and, when requested, will afford adequate opportunity for consultation regarding such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life, or health.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

Article XII

The provisions of this Agreement relating to the treatment to be accorded by the United States of America or Sweden to the commerce of the other country do not apply to advantages now accorded or which may hereafter be accorded to neighboring states in order to facilitate frontier traffic, or to advantages resulting from a customs union to which either country may become a party.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, munitions, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favor of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions;

1. relating to public security;
2. imposed on moral or humanitarian grounds;
3. designed to protect human, animal or plant life or health;
4. relating to prisonmade goods;
5. relating to the enforcement of police or revenue laws.

Article XIII

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the United States of America and Sweden, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam or to the Panama Canal Zone.

The provisions of this Agreement regarding most-favored-nation treatment shall apply to articles the growth, produce or manufacture of any territory under the sovereignty or authority of the United States of America or Sweden, imported from or exported to any territory under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

The advantages now accorded or which may hereafter be accorded by the United States of America, its territories and possessions and the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands irrespective of any change that may take place in the political status of the Philippine Islands.

This Agreement shall not apply to the advantages which Sweden has granted or hereafter may grant to Denmark or Norway or both countries insofar as these advantages are not extended to any other country.

Article XIV

The Government of each country reserves the right to withdraw the concession granted on any article under this Agreement, or to impose quantita-

tive restrictions on any such article if at any time there should be evidence that, as a result of the extension of such concession to any third country, such country will obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such article will take place: Provided that before the Government of either country shall avail itself of the foregoing reservation, it shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposes to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

ARTICLE XV

The present Agreement shall be approved by the President of the United States of America and ratified by His Majesty the King of Sweden with the consent of the Riksdag.

The Agreement shall come into full force on the thirtieth day after the exchange at Stockholm of the instruments of approval and ratification, and shall remain in force for the term of three years thereafter, unless terminated pursuant to the provisions of Article VII, Article X, or Article XIV.

Unless at least six months before the expiration of the aforesaid term of three years the Government of either country shall have given to the other Government notice of intention to terminate the Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter, subject to termination under the provisions of Article VII, Article X, or Article XIV, until six months from such time as the Government of either country shall have given notice to the other Government.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and Swedish languages, both authentic, at the City of Washington, this 25th day of May, 1935.

For the President of the United States of America:

CORDELL HULL [SEAL]

For His Majesty the King of Sweden:

W. BOSTRÖM [SEAL]

[For schedules annexed to agreement, see 49 Stat. 3768 or p. 14 of EAS 79.]

DOUBLE TAXATION: SHIPPING PROFITS

Exchange of notes at Washington March 31, 1938; United States memorandum dated March 31, 1938
Entered into force March 31, 1938

52 Stat. 1490; Executive Agreement Series 121

EXCHANGE OF NOTES

The Secretary of State to the Swedish Minister

DEPARTMENT OF STATE
WASHINGTON, *March 31, 1938*

SIR:

In order to insure that American shipping will continue to enjoy the benefits of tax exemption which have been in effect in Sweden pursuant to the exchange of notes commencing with the Swedish Legation's notes of January 27, 1922, and February 24, 1922,[1] I have the honor to inform you that, on condition of reciprocity, corporations, including maritime shipping companies, organized in Sweden, the vessels of which, documented under the laws of Sweden, call at ports in the United States of America either to load or to unload cargo, or to embark or to land passengers, shall be exempted by the Government of the United States of America from the payment of taxes on income or profits derived exclusively from the operation of such vessels.

In consequence thereof, Sweden is held to have satisfied the equivalent exemption provisions of Sections 212(b) and 231(e) of the Revenue Act of 1936 [2] and the provisions for taxation of the income of corporations contained in said Act shall in no case be applied to corporations, including maritime shipping companies, organized in Sweden.

This exemption shall apply even though a Swedish corporation or company has an agency or a branch office in the United States, provided that the activities of the agency or branch office are limited to the direct operation of vessels.

[1] *Ante*, p. 746.
[2] 49 Stat. 1715 and 1717.

By "maritime shipping companies", shall be understood companies which are managed by an "owner" of vessels, the term "owner" including charterers.

Income or profits derived from the operation of vessels shall also include income or profits derived from the sale in the United States of steamship tickets issued by a Swedish corporation or company.

The same exemption from taxation shall, on condition of reciprocity, likewise be enjoyed by subjects of Sweden, not residents in the United States of America, for income which consists exclusively of earnings derived from the operation of a vessel, or vessels, documented under the laws of Sweden.

This exemption may be terminated at any time by either Government on six months' notice given to the other Government.

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

CORDELL HULL

The Honorable
W. BOSTRÖM
Minister of Sweden

The Swedish Minister to the Secretary of State

LEGATION OF SWEDEN
WASHINGTON, D.C., *March 31, 1938*

SIR:

In order to insure that Swedish shipping will continue to enjoy the benefits of tax exemption which have been in effect in the United States of America pursuant to the exchange of notes commencing with the Swedish Legation's notes of January 27, 1922, and February 24, 1922, I have the honour to inform you that, on condition of reciprocity, corporations, including maritime shipping companies, organized in the United States of America, the vessels of which, documented under the laws of the United States, call at Swedish ports either to load or to unload cargo, or to embark or to land passengers, shall be exempted by the Government of Sweden from the payment of taxes on income or profits derived exclusively from the operation of such vessels.

In consequence thereof, the Royal Ordinance of September 28, 1928, concerning Income and Property Taxation, and The Swedish Communal Taxation Law of the same date shall in no case be applied to American shipping corporations, including maritime shipping companies, organized in the United States of America.

This exemption shall apply even though an American corporation or company has an agency or a branch office in Sweden, provided that the activities of the agency or branch office be limited to the direct operation of vessels.

By "maritime shipping companies", shall be understood companies which are managed by an "owner" of vessels, the term "owner" including charterers.

Income or profits derived from the operation of vessels shall also include income or profits derived from the sale in Sweden of steamship tickets issued by an American corporation or company.

The same exemption from taxation shall, on condition of reciprocity, likewise be enjoyed by citizens of the United States of America, not residents in Sweden, for income which consists exclusively of earnings derived from the operation of a vessel, or vessels, documented under the laws of the United States of America.

This exemption may be terminated at any time by either Government on six months' notice given to the other Government.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

W. Boström

The Honourable Cordell Hull
Secretary of State of the United States of America

United States Memorandum

The Department of State advises the Swedish Legation that so far as it is advised the income of foreign shipping companies is not being taxed by the state authorities.

Department of State
Washington, March 31, 1938

DOUBLE TAXATION: INCOME AND OTHER TAXES

Convention and protocol signed at Washington March 23, 1939
Senate advice and consent to ratification August 2, 1939
Ratified by Sweden August 21, 1939
Ratified by the President of the United States September 8, 1939
Ratifications exchanged at Stockholm November 14, 1939
Entered into force November 14, 1939; operative January 1, 1940
Proclaimed by the President of the United States December 12, 1939
Supplemented September 11, 1964, by convention of October 22, 1963 [1]

54 Stat. 1759; Treaty Series 958

Convention

The President of the United States of America and His Majesty the King of Sweden, being desirous of avoiding double taxation and of establishing rules of reciprocal administrative assistance in the case of income and other taxes, have decided to conclude a Convention and for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America:
Sumner Welles, Acting Secretary of State of the United States of America; and

His Majesty the King of Sweden:
W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

Article I

The taxes referred to in this Convention are:

(a) In the case of the United States of America:

(1) The Federal income taxes, including surtaxes and excess-profits taxes.

[1] 15 UST 1824; TIAS 5656.

(2) The Federal capital stock tax.

(b) In the case of Sweden:

(1) The National income and property tax, including surtax.

(2) The National special property tax.

(3) The communal income tax.

It is mutually agreed that the present Convention shall also apply to any other or additional taxes imposed by either contracting State, subsequent to the date of signature of this Convention, upon substantially the same bases as the taxes enumerated herein.

The benefits of this Convention shall accrue only to citizens and residents of the United States of America, to citizens and residents of Sweden and to United States or Swedish corporations and other entities.

Article II

An enterprise of one of the contracting States is not subject to taxation by the other contracting State in respect of its industrial and commercial profits except in respect of such profits allocable to its permanent establishment in the latter State. The income thus taxed in the latter State shall be exempt from taxation in the former State.

No account shall be taken, in determining the tax in one of the contracting States, of the mere purchase of merchandise effected therein by an enterprise of the other State.

The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

Article III

When an enterprise of one of the contracting States, by reason of its participation in the management or capital of an enterprise of the other contracting State, makes or imposes on the latter in their commercial or financial relations conditions different from those which would be made with an independent enterprise, any profits which should normally have appeared in the balance sheet of the latter enterprise but which have been in this manner diverted to the former enterprise may, subject to applicable measures of appeal, be incorporated in the taxable profits of the latter enterprise. In such case consequent rectifications may be made in the accounts of the former enterprise.

Article IV

Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State is taxable only in the State in which registered. Income derived by such an enterprise from the operation of ships or aircraft not so registered shall be subject to the provisions of Article II.

Article V

Income of whatever nature derived from real property, including gains derived from the sale of such property, but not including interest from mortgages or bonds secured by real property, shall be taxable only in the contracting State in which the real property is situated.

Article VI

Royalties from real property or in respect of the operation of mines, quarries, or other natural resources shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

Other royalties and amounts derived from within one of the contracting States by a resident or by a corporation or other entity of the other contracting State as consideration for the right to use copyrights, patents, secret processes and formulas, trade-marks and other analogous rights, shall be exempt from taxation in the former State.

Article VII [2]

1. Dividends shall be taxable only in the contracting State in which the shareholder is resident or, if the shareholder is a corporation or other entity, in the contracting State in which such corporation or other entity is created or organized; provided, however, that each contracting State reserves the right to collect and retain (subject to applicable provisions of its revenue laws) the taxes which, under its revenue laws, are deductible at the source, but not in excess of 10 per centum of the amount of such dividends. For the purposes of this Article the National income and property tax imposed by Sweden shall be deemed to be a tax deducted at the source.

2. Notwithstanding the provisions of Article XXII of this Convention, the provisions of this Article may be terminated by either of the contracting States at the end of two years from the date upon which this Convention enters into force or at any time thereafter, provided at least six months' prior notice of termination is given, such termination to become effective on the first day of January following the expiration of such six-month period. In the event the provisions of this Article are terminated, the provisions of—

(1) Article XIII (2), in so far as they relate to the special property tax imposed by Sweden upon shares in a corporation;

(2) Article XIV (b)(2), relating to the allowance of an additional deduction from taxes on dividends; and

(3) Article XVI, in so far as they relate to exchange of information with respect to dividends,

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[2] For new provisions replacing art. VII, see convention of Oct. 22, 1963 (15 UST 1824; TIAS 5656).

will likewise terminate.

Article VIII [3]

Interest on bonds, notes, or loans shall be taxable only in the contracting State in which the recipient of such interest is a resident or, in the case of a corporation or other entity, in the State in which the corporation or other entity is created or organized; provided, however, that each contracting State reserves the right to collect and retain (subject to applicable provisions of its revenue laws) the taxes which, under its revenue laws, are deductible at the source.

Article IX

Gains derived in one of the contracting States from the sale or exchange of capital assets by a resident or a corporation or other entity of the other contracting State shall be exempt from taxation in the former State, provided such resident or corporation or other entity has no permanent establishment in the former State.

Article X

Wages, salaries and similar compensation and pensions paid by one of the contracting States or by the political subdivisions or territories or possessions thereof to individuals residing in the other State shall be exempt from taxation in the latter State.

Private pensions and life annuities [4] derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

Article XI

(a) Compensation for labor or personal services, including the practice of the liberal professions, shall be taxable only in the contracting State in which such services are rendered.

(b) The provisions of paragraph (a) are, however, subject to the following exceptions:

A resident of Sweden shall be exempt from United States tax upon compensation for labor or personal services performed within the United States of America if he falls within either of the following classifications:

1. He is temporarily present within the United States of America for a period or periods not exceeding a total of one hundred eighty days during the taxable year and his compensation is received for labor or personal

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[3] For new provisions replacing art. VIII, see convention of Oct. 22, 1963 (15 UST 1824; TIAS 5656).

[4] For an understanding relating to the term "life annuities," see protocol, p. 819.

services performed as an employee of, or under contract with, a resident or corporation or other entity of Sweden; or

2. He is temporarily present in the United States of America for a period or periods not exceeding a total of ninety days during the taxable year and the compensation received for such services does not exceed $3,000.00 in the aggregate.

In such cases Sweden reserves the right to the taxation of such income.

(c) The provisions of paragraph (b) of this Article shall apply, mutatis mutandis, to a resident of the United States of America deriving compensation for personal services performed within Sweden.

(d) The provisions of paragraphs (b) and (c) of this Article shall have no application to the professional earnings of such individuals as actors, artists, musicians and professional athletes.

(e) The provisions of this Article shall have no application to the income to which Article X relates.

Article XII [5]

Students or business apprentices from one contracting State residing in the other contracting State exclusively for purposes of study or for acquiring business experience shall not be taxable by the latter State in respect of remittances received by them from within the former State for the purposes of their maintenance or studies.

Article XIII

In the case of taxes on property or increment of property the following provisions shall be applicable:

(1) If the property consists of:

(a) Immovable property and accessories appertaining thereto;

(b) Commercial or industrial enterprises, including maritime shipping and air transport undertakings;

the tax may be levied only in that contracting State which is entitled under the preceding Articles to tax the income from such property.

(2) In the case of all other forms of property, the tax may be levied only in that contracting State where the taxpayer has his residence or, in the case of a corporation or other entity, in the contracting State where the corporation or other entity has been created or organized.

The same principles shall apply to the United States capital stock tax with respect to corporations of Sweden having capital or other property in the United States of America.

[5] For new provisions replacing art. XII, see convention of Oct. 22, 1963 (15 UST 1824; TIAS 5656).

Article XIV [6]

It is agreed that double taxation shall be avoided in the following manner:

(a) Notwithstanding any other provision of this Convention, the United States of America in determining the income and excess-profits taxes, including all surtaxes, of its citizens or residents or corporations, may include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States of America as though this Convention had not come into effect. The United States of America shall, however, deduct the amount of the taxes specified in Article I(b)(1) and (3) of this Convention or other like taxes from the income tax thus computed but not in excess of that portion of the income tax liability which the taxpayer's net income taxable in Sweden bears to his entire net income.

(b)(1) Notwithstanding any other provision of this Convention, Sweden, in determining the graduated tax on income and property of its residents or corporations or other entities, may include in the basis upon which such tax is imposed all items of income and property subject to such tax under the taxation laws of Sweden. Sweden shall, however, deduct from the tax so calculated that portion of such tax liability which the taxpayer's income and property exempt from taxation in Sweden under the provisions of this Convention bears to his entire income and property.

(2) There shall also be allowed by Sweden from its National income and property tax a deduction offsetting the tax deducted at the source in the United States of America, amounting to not less than 5 per centum of the dividends from within the United States of America and subject to such tax in Sweden. It is agreed that the United States of America shall allow a similar credit against the United States income tax liability of citizens of Sweden residing in the United States of America.

Article XV

With a view to the more effective imposition of the taxes to which the present Convention relates, each of the contracting States undertakes, subject to reciprocity, to furnish such information in the matter of taxation, which the authorities of the State concerned have at their disposal or are in a position to obtain under their own law, as may be of use to the authorities of the other State in the assessment of the taxes in question and to lend assistance in the service of documents in connection therewith. Such information and correspondence relating to the subject matter of this Article shall be exchanged between the competent authorities of the contracting States in the ordinary course or on demand.

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[6] For understandings relating to art. XIV, see protocol, p. 819; for new provisions replacing art. XIV(b), see convention of Oct. 22, 1963 (15 UST 1824; TIAS 5656).

Article XVI

1. In accordance with the preceding Article, the competent authorities of the United States of America shall forward to the competent authorities of Sweden as soon as practicable after the close of each calendar year the following information relating to such calendar year:

(a) The names and addresses of all addressees within Sweden deriving from sources within the United States of America dividends, interest, royalties, pensions, annuities, or other fixed or determinable annual or periodical income, showing the amount of such income with respect to each addressee;

(b) Any particulars which the competent United States authorities may obtain from banks, savings banks or other similar institutions concerning assets belonging to individuals resident in Sweden or to Swedish corporations or other entities;

(c) Any particulars which the competent United States authorities may obtain from inventories in the case of property passing on death concerning debts contracted with individuals resident in Sweden or Swedish corporations or other entities.

2. The competent authorities of Sweden shall forward to the competent authorities of the United States of America as soon as practicable after the close of each calendar year the following information relating to such calendar year:

(a) The particulars contained in the forms delivered to the Swedish authorities in connection with the payment to individuals or corporations or other entities whose addresses are within the United States of America of dividends on shares in a corporation or participation certificates in cooperative societies, and interest on bonds or other similar securities;

(b) The particulars contained in permits accorded to individuals resident in the United States of America or to United States corporations or other entities to enable them to acquire for business purposes immovable property situated in Sweden;

(c) Any particulars which the central Swedish authorities may obtain from banks, savings banks or other similar institutions concerning assets belonging to individuals resident in the United States of America or to United States corporations or other entities;

(d) Any particulars which the central Swedish authorities may obtain from inventories in the case of property passing on death, concerning debts contracted with individuals resident in the United States of America, or United States corporations or other entities;

(e) A list of the names and addresses of all United States citizens resident in the United States of America who have made declarations to the Central Committee in Stockholm in charge of the taxation of taxpayers not resident in Sweden for purposes of the Swedish tax on income and property;

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(f) Particulars concerning annuities and pensions, public or private, paid to individuals resident in the United States of America.

Article XVII

Each contracting State undertakes, in the case of citizens or corporations or other entities of the other contracting State, to lend assistance and support in the collection of the taxes to which the present Convention relates, together with interest, costs, and additions to the taxes and fines not being of a penal character. The contracting State making such collection shall be responsible to the other contracting State for the sums thus collected.

In the case of applications for enforcement of taxes, revenue claims of each of the contracting States which have been finally determined shall be accepted for enforcement by the other contracting State and collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes. The State to which application is made shall not be required to enforce executory measures for which there is no provision in the law of the State making the application.

The applications shall be accompanied by such documents as are required by the laws of the State making the application to establish that the taxes have been finally determined.[7]

If the revenue claim has not been finally determined the State to which application is made may, at the request of the other contracting State, take such measures of conservancy as are authorized by the revenue laws of the former State.

Article XVIII

The competent authority of each of the contracting States shall be entitled to obtain, through diplomatic channels, from the competent authority of the other contracting State, particulars in concrete cases relative to the application to citizens or to corporations or other entities of the former State, of the taxes to which the present Convention relates. With respect to particulars in other cases, the competent authority of each of the contracting States will give consideration to requests from the competent authority of the other contracting State.

Article XIX

In no case shall the provisions of Article XVII, relating to mutual assistance in the collection of taxes, or of Article XVIII, relating to particulars in concrete cases, be construed so as to impose upon either of the contracting States the obligation

(1) to carry out administrative measures at variance with the regulations and practice of either contracting State, or

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[7] For an understanding regarding the term "finally determined," see protocol, p. 820.

(2) to supply particulars which are not procurable under its own legislation or that of the State making application.

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a business, industrial or trade secret or practice. In such case it shall inform, as soon as possible, the State making the application.

Article XX

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled to lodge a claim with the State of which he is a citizen or, if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

Article XXI

The competent authorities of the two contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention. With respect to the provisions of this Convention relating to exchange of information, service of documents and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection and related matters.

Article XXII

The present Convention shall be ratified, in the case of the United States of America, by the President, by and with the advice and consent of the Senate, and in the case of Sweden, by His Majesty the King, with the consent of the Riksdag. The ratifications shall be exchanged at Stockholm.

This Convention shall become effective on the first day of January following the exchange of the instruments of ratification and shall apply to income realized and property held on or after that date. The Convention shall remain in force for a period of five years and indefinitely thereafter but may be terminated by either contracting State at the end of the five-year period or at any time thereafter, provided at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed their seals hereto.

Done in duplicate, in the English and Swedish languages, both authentic, at Washington, this twenty-third day of March, nineteen hundred and thirty-nine.

For the President of the United States of America:
SUMNER WELLES [SEAL]

For His Majesty the King of Sweden:
W. BOSTRÖM [SEAL]

PROTOCOL [8]

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income and other taxes, this day concluded between the United States of America and Sweden, the undersigned plenipotentiaries have agreed that the following provisions shall form an integral part of the Convention:

1. As used in this Convention:

(a) The term "permanent establishment" includes branches, mines and oil wells, plantations, factories, workshops, warehouses, offices, agencies, installations, and other fixed places of business of an enterprise but does not include the casual or temporary use of merely storage facilities. A permanent establishment of a subsidiary corporation shall not be deemed to be a permanent establishment of the parent corporation. When an enterprise of one of the contracting States carries on business in the other State through an employee or agent, established there, who has general authority to contract for his employer or principal, it shall be deemed to have a permanent establishment in the latter State. But the fact that an enterprise of one of the contracting States has business dealings in the other State through a bona fide commission agent, broker or custodian shall not be held to mean that such enterprise has a permanent establishment in the latter State.

(b) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(c) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Swedish enterprise".

(d) The term "United States enterprise" means an enterprise carried on in the United States of America by a resident of the United States of America or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States of America or under the law

[8] For new provisions replacing parts of paras. 1 and 6 and paras. 7 and 13, see convention of Oct. 22, 1963 (15 UST 1824; TIAS 5656).

of the United States of America or of any State or Territory of the United States of America.

(e) The term "Swedish enterprise" is defined in the same manner, mutatis mutandis, as the term "United States enterprise".

2. The term "corporation" includes associations, joint-stock companies, and insurance companies.

3. A citizen of one of the contracting States not residing in either shall be deemed, for the purpose of this Convention, to be a resident of the contracting State of which he is a citizen.

When doubt arises with respect to residence or with respect to the taxable status of corporations or other entities, the competent authorities of the two contracting States may settle the question by mutual agreement.

4. The provisions of Swedish law concerning the taxation of the undivided estates of deceased persons shall not apply where the beneficiaries are directly liable to taxation in the United States of America.

5. The term "life annuities" referred to in Article X of this Convention means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum paid for such obligation.

6. The Swedish so-called "fees tax" (bevillningsavgift för vissa offentliga föreställningar) based on gross income in so far as it affects such individuals as actors, artists, musicians and professional athletes shall be deemed to be an income tax for the purposes of Article XIV (a).

The credit for taxes provided in Article XIV shall have no application to taxes deducted at the source from dividends and interest except to the extent provided in paragraph (b) (2) of that Article.

In the application of the provisions of this Convention the benefits of section 131 of the United States Revenue Act of 1938, relating to credits for foreign taxes, shall be accorded, but the credit provided for in Article XIV (a) shall not extend to United States excess-profits taxes nor to the surtax imposed on personal holding companies.

7. Citizens of each of the contracting States residing within the other contracting State shall not be subjected in the latter State to other or higher taxes than are imposed upon the citizens of such latter State.

8. The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers, nor to deny to either of the contracting States the right to subject to taxation its own diplomatic and consular officers.

9. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

10. In the administration of the provisions of this Convention relating to exchange of information, service of documents, and mutual assistance in collection of taxes, fees and costs incurred in the ordinary course shall be borne by the State to which application is made but extraordinary costs incident to special forms of procedure shall be borne by the applying State.

11. Documents and other communications or information contained therein, transmitted under the provisions of this Convention by one of the contracting States to the other contracting State shall not be published, revealed or disclosed to any person except to the extent permitted under the laws of the latter State with respect to similar documents, communications or information.

12. As used with respect to revenue claims in Article XVII of this Convention the term "finally determined" shall be deemed to mean:

(a) In the case of Sweden, claims which have been finally established, even though still open to revision by exceptional procedure;

(b) In the case of the United States of America, claims which are no longer appealable, or which have been determined by decision of a competent tribunal, which decision has become final.

13. As used in this Convention the term "competent authority" or "competent authorities" means, in the case of the United States of America, the Secretary of the Treasury and in the case of Sweden, the Finance Ministry.

14. The term "United States of America" as used in this Convention in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

15. Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

16. The present Convention and Protocol shall not be deemed to affect the exchange of notes between the United States of America and Sweden providing relief from double income taxation on shipping profits, signed March 31, 1938.[9]

Done at Washington, this twenty-third day of March, nineteen hundred and thirty-nine.

SUMNER WELLES [SEAL]
W. BOSTRÖM [SEAL]

[9] EAS 121, *ante*, p. 806.

ADVANCEMENT OF PEACE

Exchange of notes at Stockholm June 30, 1939, supplementing treaty of October 13, 1914
Entered into force June 30, 1939

53 Stat. 2428; Executive Agreement Series 154

The American Minister to the Minister of Foreign Affairs

LEGATION OF
UNITED STATES OF AMERICA
STOCKHOLM, *June 30, 1939*

No. 49

EXCELLENCY:

I have the honor to refer to our recent conversations concerning the provisions of the last paragraph of Article 2 of the Treaty for the Advancement of Peace, between the United States of America and His Majesty the King of Sweden, signed at Washington, October 13, 1914 [1] and to inform Your Excellency that my understanding of the agreement reached on behalf of our respective Governments with reference to the compensation to be paid to the Commissioners holding office under the terms of that Treaty is as follows:

"A. The Commissioners shall be compensated only for the time spent in the performance of the duties with which they are charged as a body under the provisions of the Treaty, it being understood that compensation for each Commissioner shall be paid on and from the day on which he leaves his usual place of residence to assume his official duties.

"B. Each Commissioner shall be paid:

(1) A salary at the rate of $10,000 per annum.

(2) Actual travel expenses necessary to fulfillment of the duties of the Commission, including travel to and from the place or places of meeting, and

(3) A per diem of not exceeding $10.00 in lieu of actual subsistence.

"C. One half of the foregoing expenses shall be borne by the Government of the United States of America and one half by Sweden."

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[1] TS 607, *ante*, p. 741.

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

F. A. Sterling

His Excellency
Rickard Sandler
Royal Minister for Foreign Affairs
Stockholm

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTRY OF
FOREIGN AFFAIRS

Stockholm, *June 30, 1939*

Mr. Minister,

By a letter under today's date you have been good enough to propose with respect to the remuneration for the commissioners designated under the provisions of the Treaty for the Settlement of Disputes, concluded at Washington on October 13, 1914, the following arrangement:

A. The commissioners shall only be compensated for the time spent in the performance of the duties with which the Commission is charged under the terms of the provisions of the treaty, it being understood that each commissioner will be paid from the day on which he leaves his usual place of residence to assume his official duties.

B. Each commissioner shall be paid:

(1) A salary set at the rate of $10,000 a year;

(2) The actual expenses of travel necessitated by the fulfillment of the duties of the Commission, including the expenses of travel to and from the place or places of meeting; and

(3) A daily allowance not exceeding $10.00 in lieu of actual subsistence.

C. The Swedish Government and the Government of the United States shall each bear half of the expenses mentioned above.

In reply to this note I have the honor to inform you that the Swedish Government accepts the arrangement proposed in your letter mentioned above.

Please accept, Mr. Minister, the assurances of my high consideration.

For the Minister,
The Director of Political Affairs:
Staffan Söderblom

Mr. Frederick A. Sterling
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
etc. etc. etc.

VISA FEES

Exchange of notes at Washington September 4 and 11, 1939, and related note dated October 5, 1939, modifying agreement of June 29 and 30, 1925 [1]
Operative September 5 and October 1, 1939
Made obsolete June 1, 1947, by agreement of April 10 and 30, 1947 [2]

54 Stat. 2489; Executive Agreement Series 198

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

LEGATION OF SWEDEN
WASHINGTON, D.C.

The Swedish Chargé d'Affaires ad interim presents his compliments to the Honourable the Secretary of State and, acting upon instructions, has the honour to inform Him that the Swedish Government has decided to require for entrance into Sweden, beginning on September 5th, a regular visa on passports issued to American citizens. A visa fee of Kronor 4 will be levied on passports for which no visa has hitherto been required.

The Swedish Chargé d'Affaires will return to this matter as soon as detailed instructions have been received.

WASHINGTON, D.C., *September 4, 1939.*

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

The Secretary of State presents his compliments to the Chargé d'Affaires ad interim of Sweden and refers to the Legation's note of September 4, 1939 stating that the Swedish Government has decided to require, for entrance into Sweden, beginning September 5, 1939, a regular visa on passports issued to American citizens for which a fee of Kronor 4 will be charged.

Appropriate note has been taken of this decision on the part of the Swedish Government and American diplomatic and consular officers have been instructed to collect, beginning September 5, 1939, a corresponding fee of

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[1] *Ante*, p. 757.
[2] TIAS 1798, *post*, p. 834.

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$1.25 for the issuance of passport visas to non-immigrant Swedish subjects, with the exception of Government officials, temporarily visiting the United States.

DEPARTMENT OF STATE
WASHINGTON, *September 11, 1939*

The Swedish Minister to the Secretary of State

[TRANSLATION]

LEGATION OF SWEDEN
WASHINGTON, D.C.

According to the terms of article 59 of the decree of November 26, 1937, in which are set forth the regulations relative to the law of June 11, 1937 on the stay of foreigners in Sweden, the diplomatic agents and the consular agents of career of foreign powers in Sweden, as well as their families and their servants, must be provided with passports of their countries or other identification papers which are accepted in their stead. In the cases for which provision is made by the Minister of Foreign Affairs, the passports or other identification papers must bear a visa.

With reference to the note verbale of the Legation of September 4, 1939, the Minister of Sweden has the honor to advise The Honorable, the Secretary of State of the United States that His Majesty's Minister of Foreign Affairs, because of the existing situation, has been obliged to extend to the persons of the categories referred to above in the first paragraph the visa requirement, excepting, however, Danish, Finnish, Icelandic, and Norwegian nationals. Passport inspectors have therefore been ordered to make sure, *starting October 1, 1939,* that passports or other identification papers of the said persons bear a *visa.*

The Minister of Sweden wishes to add that entry visas and nonimmigrant visas to be delivered to diplomatic agents and to consular agents of career, to the members of their families and to their servants shall, subject to reciprocity, be worded so as to permit the interested parties to make an unlimited number of journeys into Sweden and that they shall be delivered free of charge.

WASHINGTON, *October 5, 1939*

AIR TRANSPORT SERVICES

Exchange of notes at Washington December 16, 1944, with text of agreement supplementing agreement of September 8 and 9, 1933
Entered into force January 1, 1945
Amended by agreements of December 4, 1945; [1] *August 6, 1954;* [2] *July 8, 1958,*[3] *and June 7, 1966* [4]

58 Stat. 1466; Executive Agreement Series 431

The Secretary of State to the Swedish Minister

DEPARTMENT OF STATE
WASHINGTON
December 16, 1944

SIR:

I have the honor to refer to negotiations which have recently taken place at the International Civil Aviation Conference in Chicago between the Swedish delegation headed by the Honorable Ragnar Kumlin and representatives of the Government of the United States of America, for the conclusion of a reciprocal air transport agreement.

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

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

The Governments of the United States of America and Sweden signed on September 8 and 9, 1933,[5] an air navigation arrangement relating to the operation of civil aircraft of the one country in the territory of the other country, in which each party agreed that consent for the operations over its territory by air transport companies of the other party might not be refused on unreasonable or arbitrary grounds. Pursuant to the aforementioned arrangement of 1933, the two Governments hereby conclude the following

[1] TIAS 1550, *post*, p. 830.
[2] 5 UST 1411; TIAS 3013.
[3] 9 UST 1012; TIAS 4073.
[4] 17 UST 743; TIAS 6026.
[5] EAS 47, *ante*, p. 780.

supplementary arrangement covering the operation of scheduled airline services:

ARTICLE 1

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

ARTICLE 2

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

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

ARTICLE 3

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

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

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

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

ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

Either contracting party may terminate the rights for services granted by it under this agreement by giving one year's notice to the other contracting party.

ARTICLE 9

Except as may be modified by the present agreement, the general principles of the aforementioned air navigation arrangement of 1933 as applicable to scheduled air transport services shall continue in force until otherwise agreed upon by the two contracting parties.

ARTICLE 10 [6]

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

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN [7]

A. Airlines of the United States authorized under the present agreement are accorded rights of transit and non-traffic stop in Swedish territory, as as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Stockholm, on the following route:

> New York or Chicago, via intermediate points, to Stockholm; in both directions.

B. Airlines of Sweden authorized under the present agreement are accorded rights of transit and non-traffic stop in the territory of the United States, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at New York or Chicago, on the following route:

> Stockholm, via intermediate points, to New York or Chicago, in both directions.

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

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[6] For amendments adding new articles and deleting art. 10, see agreement of Aug. 6, 1954 (5 UST 1411; TIAS 3013).

[7] For an amendment to annex, see agreement of Dec. 4, 1945 (TIAS 1550), *post*, p. 830; for amendments replacing annex, see agreements of July 8, 1958 (9 UST 1012; TIAS 4073), and June 7, 1966 (17 UST 743; TIAS 6026).

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the agreement resulting from the negotiations are as above set forth. If so, it is suggested that January 1, 1945 become the effective date. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective at such time.

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

For the Secretary of State:
STOKELEY W. MORGAN

The Honorable
W. BOSTROM
Minister of Sweden

The Swedish Minister to the Secretary of State

LEGATION OF SWEDEN
WASHINGTON, D.C.

DECEMBER 16, 1944

SIR:

I have the honor to acknowledge the receipt of your note of December 16, 1944 in which you communicated to me the terms of a reciprocal air transport agreement between Sweden and the United States of America, as understood by you to have been agreed to in negotiations, now terminated, between the Delegations of the Royal Swedish Government and the Government of the United States at the International Civil Aviation Conference in Chicago.

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

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

I am instructed to state that the terms of the agreement as communicated to me are agreed to by my Government. Furthermore, I am pleased to add that your suggestion that the agreement become effective on January 1, 1945, is acceptable to my Government.

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

W. BOSTRÖM

The Honorable
EDWARD R. STETTINIUS, Jr.
Secretary of State

AIR TRANSPORT SERVICES

Exchange of notes at Stockholm December 4, 1945, amending agreement of December 16, 1944
Entered into force December 4, 1945
Superseded by agreement of July 8, 1958 [1]

60 Stat. 1859; Treaties and Other International Acts Series 1550

The American Legation to the Ministry for Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA

No. 868

The Legation of the United States of America presents its compliments to the Royal Ministry of Foreign Affairs and, with reference to the latter's note of September 27, 1945 regarding certain changes in paragraphs A and B of the Annex to the Air Transport Agreement [2] between Sweden and the United States, has the honor to inform the Royal Ministry that the Government of the United States agrees to the modifications proposed therein.

Accordingly, paragraph A of the Annex would read "United States, via intermediate points, to Stockholm and points beyond: in both directions", and paragraph B would read "Sweden via intermediate points to New York or Chicago and points beyond; in both directions".

It would also be necessary to change the phrase immediately preceding the route descriptions in paragraphs A and B to: "To the following route or routes".

If agreeable to the Royal Ministry, the Government of the United States suggests that the date on which these changes become effective be the date of this note.

STOCKHOLM, *December 4, 1945*

C. M. R.

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[1] 9 UST 1012; TIAS 4073.
[2] Agreement of Dec. 16, 1944 (EAS 431, *ante*, p. 825).

The Ministry for Foreign Affairs to the American Legation

[TRANSLATION]

MINISTRY OF
FOREIGN AFFAIRS

By a note of December 4, 1945, No. 868, the Legation of the United States was good enough to inform the Royal Ministry of Foreign Affairs that the Government of the United States accepts, for its part, the proposed amendments to paragraphs A and B of the Annex to the Air Agreement of December 16, 1944, between Sweden and the United States, and proposes that these amendments enter into force on the date of the above-mentioned note.

Referring to the foregoing, the Royal Ministry hastens to inform the Legation that the King's Government, for its part, agrees to the above-mentioned proposal and that, as a result, the aforesaid amendments shall enter into force on the date of the present note.

The text of paragraphs A and B of the Annex will thus read as follows:

"A. Airlines of the United States authorized under the present agreement are accorded rights of transit and non-traffic stop in Swedish territory, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Stockholm, on the following route or routes:

United States, via intermediate points, to Stockholm and points beyond; in both directions.

B. Airlines of Sweden authorized under the present agreement are accorded rights of transit and non-traffic stop in the territory of the United States, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at New York or Chicago, on the following route or routes:

Sweden, via intermediate points, to New York or Chicago and points beyond; in both directions."

STOCKHOLM, *December 4, 1945*

[SEAL]

LEGATION OF THE UNITED STATES OF AMERICA

AIR SERVICE FACILITIES

Agreement signed at Stockholm September 30, 1946
Entered into force September 30, 1946

61 Stat. 3893; Treaties and Other International Acts Series 1742

MINISTÈRE DES
AFFAIRES ÉTRANGÈRES

SERVICE AGREEMENT

The Swedish Government agrees:

1) to operate and maintain all facilities continuously in a manner adequate for the air traffic operating into and away from the airdrome at which the facilities are located and along the recognized international air routes converging on that airdrome and in order to insure this standard of service, the Swedish Government agrees to abide by approved Provisional International Civil Aviation Organization (PICAO)[1] standards of operation unless and until changed by other international agreement to which the United States and Sweden are parties;

2) to provide the full service of all facilities to all aircraft on a non-discriminatory basis with charges, if any, only for non-operational messages until an international agreement on charges has been promulgated by the PICAO;

3) to transmit weather reports according to PICAO standards to such stations as are required to insure an integrated meteorological network for the international air routes unless and until changed by international agreement to which the United States and Sweden are a party covering all meteorological requirements;

4) to continue the operation of all types of facilities in their original location until new facilities are installed in accordance with standards promulgated by the PICAO, or until it is determined by the Swedish Government and the United States Government that there is no longer a need for the original facilities, it being understood that the aeronautical communication service facilities will be devoted exclusively to that service and will not be diverted to the general communication service;

[1] EAS 469, *ante*, vol. 3, p. 929.

5) to provide English-speaking operators at air to ground and control tower communication positions until regulations covering such voice transmissions are promulgated by the PICAO;

6) to select radio frequencies for air to ground and control tower operations only in accordance with PICAO standards and recommendations after coordination with the using United States carriers and with adjacent stations on the recognized international air routes converging on the airdrome in order to minimize (a) radio interference and (b) the number [of] frequencies to be operated by aircraft;

7) to authorize and facilitate day-to-day adjustments in air communication service matters by direct communication between the operating agency of Sweden and the service agency of the United States Government, United States air carriers, or a communication company representing one or more of them;

8) the agency prescribed by the Swedish Government will operate these communication facilities according to PICAO regulations and recommendations and in a manner which will assure the safety and efficiency of United States airline operations. If it is deemed necessary, the agency designated by the Swedish Government will, furthermore, request the United States air carriers, or the Civil Aeronautics Administration to designate a technical adviser to advise and assist it in the operation of these facilities.

Done at Stockholm, in duplicate, in the English language, this 30th day of September, 1946.

SVEN GRAFSTRÖM

Sven Grafström, *Chief of the Political Department of the Royal Swedish Ministry for Foreign Affairs, on behalf of the Royal Swedish Government.*

L. RANDOLPH HIGGS

L. Randolph Higgs, *Chargé d'Affaires ad interim of the American Legation, on behalf of the Government of the United States of America.*

WAIVER OF VISAS AND VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Washington April 10 and 30, 1947
Entered into force April 30, 1947; operative for Sweden May 1, 1947, for the United States June 1, 1947

61 Stat. 4050; Treaties and Other International Acts Series 1798

The Swedish Minister to the Acting Secretary of State

LEGATION OF SWEDEN
WASHINGTON, D.C.
No. 140

The Minister of Sweden presents his compliments to the Honourable the Acting Secretary of State and, with reference to informal discussions between officials of the Visa Division of the Department of State and the Swedish Legation, has the honour to bring to the Acting Secretary's knowledge that the Swedish Government is prepared to abolish visa requirements, but not passport requirements, for American citizens traveling in Sweden. However, existing Swedish regulations which require special permission to stay in Sweden longer than three months or to take employment in Sweden will remain in force unchanged. At present the fee for such permits varies from 4 to 12 Swedish crowns, depending upon the period of validity of the permit.

The necessary steps for abolishing the visa requirements for American citizens visiting Sweden will be taken forthwith by the Swedish Government provided the United States Government is willing to waive, in respect of Swedish citizens, the fees for non-immigrant visas and applications therefor, and to extend to twenty-four months the validity of visas granted to Swedish citizens who may be considered habitual visitors to the United States for bona-fide business purposes.

The Minister would appreciate to be informed of the attitude of the American Government in this matter.

WASHINGTON, D.C., *April 10, 1947.*

The Acting Secretary of State to the Swedish Minister

The Acting Secretary of State presents his compliments to the Honorable the Minister of Sweden and has the honor to refer to the Legation's Note No. 140 of April 10, 1947, in which it is stated that the Swedish Government is prepared to abolish visa requirements, but not passport requirements, for American citizens traveling to Sweden, although the Swedish regulations requiring the payment of fees for residence permits will remain in effect.

A reciprocal arrangement, effective July 4 [5], 1925,[1] was concluded between the Government of the United States and the Government of Sweden whereby the fees for nonimmigrant passport visas and applications therefor were waived for American citizens proceeding to Sweden, and for Swedish citizens or subjects proceeding to the United States. At the request of the Government of Sweden this arrangement was amended, effective September 5 [and October 1], 1939,[2] whereby there was established a fee of Kroner 4 for visaing the passport of an American citizen and a fee of $1.25 for granting a non-immigrant passport visa to a Swedish citizen or subject.

The Government of the United States understands from the Swedish Legation's Note No. 140 that visa requirements, but not passport requirements, will be waived for American citizens proceeding to Sweden or Swedish territory and that such citizens who desire to remain in Sweden or Swedish territory for a period of time longer than three months, or to take employment therein, except in the cases of officials of the United States Government, their families, servants, and employees, will be required to obtain a permit, the fee for which will be 4 crowns for a stay of one month, 6 crowns for three months, and 12 crowns for more than three months; these periods of time being in addition to the original period of three months for which no visa or residence fee will be required. It is further understood that any number of entries may be made into Sweden or Swedish territory without a visa provided the total time spent in Sweden or Swedish territory does not exceed three months in any nine months period, but that this time limit does not apply to crew members of commercial aircraft who enter Sweden or Swedish territory and whose names appear on the aircraft's manifest on which they arrive provided they leave Sweden or Swedish territory within a reasonable time.

In view of the understanding outlined herein the Government of the United States will waive the passport visa fees, effective on and after June 1, 1947, for citizens or subjects of Sweden who are *bona fide* nonimmigrants within the meaning of the immigration laws of the United States. A nonimmigrant passport visa granted by an American diplomatic or consular officer is valid for any number of applications for admission into the United States or United States territory during a period of twelve months from date

[1] Exchange of notes at Stockholm June 29 and 30, 1925 (*ante*, p. 757).
[2] EAS 198, *ante*, p. 823.

of issuance, provided the passport of the bearer is valid for that period. The Government of the United States proposes that passport visas may be granted to nonimmigrants for an initial period of two years on and after June 1, 1947. The period of validity of the visa relates only to the period within which it may be used in connection with an application for admission at a port of entry and not to the length of stay in the United States which may be permitted the bearer if he is admitted. The period of stay is a matter within the discretion of the immigration authorities.

The fee for an immigration visa to permit an alien to apply for admission into the United States with the privilege of residing permanently in this country is $10.00. The amount of this fee is prescribed by the Immigration Act of 1924,[3] and it may not be changed on the basis of a reciprocal arrangement.

G. J. H.

DEPARTMENT OF STATE
Washington, April 30, 1947

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

LEGATION OF SWEDEN
WASHINGTON, D.C.
No. 167

The Chargé d'Affaires a. i. of Sweden presents his compliments to the Honourable the Secretary of State and, with reference to the Department of State's note, dated today, has the honour to inform the Secretary that the Swedish Government, as of May 1, 1947, will abolish visa requirements, but not passport requirements, for American citizens traveling to Sweden. Existing Swedish regulations which require special permission to stay in Sweden longer than three months or to take employment there remain in force unchanged.

The Chargé d'Affaires has taken notice of the contents of the above-mentioned note of the Department of State i.a. stating that the Government of the United States will waive the passport visa fees, effective on and after June 1, 1947, for citizens or subjects of Sweden who are bona-fide non-immigrants within the meaning of the Immigration Laws of the United States, and that the Government of the United States proposes that passport visas may be granted to non-immigrants for an initial period of two years on and after June 1, 1947, which measures will be much appreciated by the Swedish Government.

WASHINGTON, D.C., *April 30, 1947*

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[3] 43 Stat. 153.

RECIPROCAL TRADE: QUANTITATIVE IMPORT RESTRICTIONS

Exchange of aide memoire and supplementary exchange of letters at Washington June 24, 1947, modifying agreement of May 25, 1935
Entered into force June 24, 1947; operative July 1, 1947
Modified by agreements of February 11, 1948; [1] *June 12, 1948;* [2] *and June 27, 1949* [3]
Terminated April 30, 1950 [4]

61 Stat. 3745; Treaties and Other International Acts Series 1711

The Swedish Legation to the Department of State

LEGATION OF SWEDEN
WASHINGTON, D.C.

AIDE-MEMOIRE

The Government of Sweden wishes to refer to the discussions which have recently taken place between its representatives and representatives of the Government of the United States of America, concerning the problems, in relation to the Commercial Agreement between the United States of America and Sweden of May 25, 1935,[5] which have arisen as a result of the imposition of quantitative import restrictions by the Swedish Government on March 15, 1947.

1. During the course of these discussions the Swedish representatives have presented extensive information setting forth the serious reduction in Sweden's reserves of gold and foreign exchange, and the resulting necessity of imposing measures of control for the purpose of correcting this situation.

2. With respect to goods en route or on order at the time of the imposition of quantitative import restrictions on March 15, 1947, the Government of Sweden, after consultation with the United States Government, has announced that licenses will be granted for the import of all commodities which were placed under import restrictions on that date, provided that the Swedish importer when applying for an import license establishes the following facts:

[1] TIAS 1712, *post*, p. 846.
[2] TIAS 1800, *post*, p. 850.
[3] TIAS 1953, *post*, p. 866.
[4] Date on which Sweden became a contracting party to the General Agreement on Tariffs and Trade (TIAS 1700, *ante*, vol. 4, p. 639).
[5] EAS 79, *ante*, p. 799.

a. that a bona fide contract contemplating delivery prior to October 1, 1947 had been entered into, on or before March 15, 1947, and

b. that the delivery in Sweden of the goods mentioned in the contract will be effected before October 1, 1947.

3. The Government of Sweden brings to the notice of the United States Government the statement of its support of the principle of unrestricted, multilateral trade on the basis of free competition and of those policies which have for their purpose the encouragement of this principle, recently made in the official communique of May 12, 1947, regarding discussions between the Ministers of Foreign Affairs and other representatives of the Governments of Denmark, Norway and Sweden. The Swedish Government has officially announced its desire that the quantitative restrictions upon imports, imposed by it on March 15, 1947, shall be of as short duration as possible. The Swedish Government also brings to the notice of the United States Government the Government Bill of May 30, 1947, in which it indicated its desire, due consideration being given to existing trade agreements, to see an expansion of the volume and a development of the direction of Swedish exports serving to redress Sweden's international balance of payments at the earliest possible date. The Swedish Government has not at present any undertaking, and does not propose to enter into undertakings, that specific commodities will be delivered to specific countries unless such a policy should form part of a fair allocation among all importing countries of essential commodities in short supply.

4. During the period while the quantitative import restrictions remain in force, the Government of Sweden, which has taken note of the fact that the Government of the United States of America does not in relation to Sweden restrict the free disposition of dollar earnings or assets, except as provided for in the exchange of letters of March 18 and 25, 1947 [6] establishing the procedure for unblocking of Swedish assets in the United States, will continue to authorize all current payments, including payments for imports and the transfer of earnings and remittances, and will limit such control of foreign exchange as it may become necessary to maintain to the control of international capital movements.[7]

5. During the period while the quantitative restrictions upon imports remain in force the Government of Sweden when administering the controls will observe the following principles:

a. Commodities will be licensed without regard to the country of origin, except as stated below.

b. In those instances where, during the period covered by the present arrangements, the above licensing principle would exert a restrictive in-

[6] Not printed.

[7] See also exchange of letters, p. 840. For a modification of para. 4, see agreement of Feb. 11, 1948 (TIAS 1712), *post,* p. 846.

fluence on the overall volume of international trade by reducing imports from areas experiencing a serious shortage of gold and/or convertible currencies in a way which would not improve Sweden's multilateral payments possibilities, Sweden in granting import licenses may take into consideration the special payments possibilities which may exist between Sweden and the country of origin.

c. Licenses will, unless otherwise agreed, be granted permitting the importation of commodities from the United States listed in Schedule I [8] of the Commercial Agreement between the United States of America and Sweden of 1935, and not on the unrestricted list, to an amount, for the period from January 1, 1947 to June 30, 1948, equivalent to not less than 150% of the volume of like imports from the United States during 1946.

d. No commodity or class of commodities imported from the United States during the operation of the Commercial Agreement between the United States of America and Sweden of 1935 shall be entirely excluded.

e. No commodity now on the unrestricted list and imported from the United States during the operation of the Commercial Agreement between the United States of America and Sweden of 1935 shall be removed from that list without equitable transitional arrangements having been provided.

6. The Government of Sweden will place in operation as of July 1, 1947 the system of administering the import controls envisaged in this aide-memoire.

7. The Government of Sweden recognizes that the Commercial Agreement between the United States of America and Sweden of 1935 remains in full force and effect, save for those temporary modifications in its operation provided for in this exchange of memoranda.

8. If unforeseen developments require a temporary modification in the terms of the understanding embodied in this exchange of memoranda, and in any event before the expiration of this understanding on June 30, 1948, the Government of Sweden agrees to review the situation with the Government of the United States of America for the purpose of considering such action as the circumstances may demand.

WASHINGTON, D.C., *June 24, 1947*

H. E.

The Department of State to the Swedish Legation

AIDE-MEMOIRE

The Government of the United States of America refers to the aide-memoire of the Government of Sweden, dated June 24, 1947, concerning

[8] For schedules, see 49 Stat. 3768 or p. 14 of EAS 79.

the problems, in relation to the Commercial Agreement between the United States of America and Sweden of May 25, 1935, which have arisen as a result of the imposition of quantitative import restrictions by the Swedish Government on March 15, 1947. The Government of the United States of America:

1. Takes note of the extensive information presented by the representatives of the Swedish Government with respect to the serious reduction in Sweden's reserves of gold and convertible exchange indicating the necessity of imposing measures to correct this situation;

2. Acknowledges the declaration made by the Government of Sweden of its adherence to the principle of unrestricted, multilateral trade on the basis of free competition, and takes note of the desire of the Swedish Government that the quantitative restrictions upon imports imposed by it on March 15, 1947 shall be of as short duration as possible;

3. Takes note of the statements of the Government of Sweden with respect to the administration of the quantitative import restrictions;

4. Agrees for the duration of the present arrangement not to invoke the provisions of Articles II and VII of the Commercial Agreement between the United States of America and Sweden of 1935, in respect of the measures taken or to be taken by the Government of Sweden as set forth in its aide-memoire;

5. Recognizes that the Commercial Agreement between the United States of America and Sweden of 1935 remains in full force and effect, save for those temporary modifications in its operation provided for in this exchange of memoranda;

6. Agrees to review the situation with the Government of Sweden prior to July 1, 1948 for the purpose of considering such action as the circumstances may demand.

DEPARTMENT OF STATE
Washington, June 24, 1947

The Swedish Minister to the Assistant Secretary of State for Economic Affairs

LEGATION OF SWEDEN
WASHINGTON, D.C.

JUNE 24, 1947

MY DEAR MR. SECRETARY:

In connection with the discussions which have recently taken place between representatives of the Government of Sweden and of the Government of the United States concerning the problems arising as a result of the imposition of quantitative import restrictions by the Swedish Government on March 15,

1947, the Government of Sweden transmitted a memorandum to the Government of the United States on June 24, 1947, which stated in part:

"The Government of Sweden . . . will continue to authorize all current payments, including payments for imports and the transfer of earnings and remittances and will limit such control of foreign exchange as it may become necessary to maintain to the control of international capital movements."

In applying the principles set forth in this memorandum the Swedish Government agrees to make the registration and control of foreign exchange and the restriction of capital movements subject to the following conditions:

a. The Swedish Government will not impose restrictions on current transactions additional to those now in use and thus will continue to authorize current payments of a customary nature from Sweden to the United States (payment of profits, dividends, interest, royalties, payments for commercial purposes and other payments relating to current business provided that the underlying transactions, wherever necessary, have been duly authorized (including balances accrued from the same sources in the past)). With regard to balances accumulated from the same sources in the past, transfer will be authorized unless the funds in question have been voluntarily invested in Sweden. The appropriate agencies of the Swedish Government, moreover, will examine carefully with due regard to the Swedish exchange position requests for transfers of capital from Sweden to the United States when transfers of that type might serve a useful commercial and economic purpose, and where transfers of small amounts are of substantial importance to the interested parties. They will examine in the same spirit requests for transfers of funds to the United States filed by American nationals residing in Sweden.

b. The Swedish Government or the appropriate agencies thereof will likewise continue to authorize persons residing in Sweden who without having violated Swedish law owe bona fide dollar obligations to any governmental agency, individual or firm in the United States, to discharge such obligations when they are due, and if necessary, it will authorize such persons to purchase dollars for that purpose.

If unforeseen circumstances require temporary modification of the principles set forth above, the Government of Sweden, in accordance with the provisions of its memorandum of June 24, 1947, will review the situation with the Government of the United States.

Sincerely,

HERMAN ERIKSSON

Mr. WILLARD L. THORP
Assistant Secretary for Economic Affairs
Department of State
Washington, D.C.

The Assistant Secretary of State for Economic Affairs to the Swedish Minister

DEPARTMENT OF STATE
WASHINGTON
June 24, 1947

MY DEAR MR. MINISTER:

I am pleased to have received your letter of June 24, 1947, setting forth the policies which the Swedish Government will follow in accomplishing the registration and control of foreign exchange and the restriction of capital movements.

I take pleasure in stating that the provisions of this letter are acceptable to the Government of the United States.

Sincerely yours,

WILLARD L. THORP

The Honorable
HERMAN ERIKSSON
Minister of Sweden

EXCHANGE OF PUBLICATIONS

Exchange of notes at Stockholm December 16, 1947
Entered into force December 16, 1947

61 Stat. 3605; Treaties and Other International Acts Series 1688

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
STOCKHOLM, *December 16, 1947*

No. 15

EXCELLENCY:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of Sweden in regard to the exchange of official publications, and to inform Your Excellency that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which are indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the Smithsonian Institution. The official exchange office for the transmission of publications of the Government of Sweden shall be the Royal Swedish Library.

3. The publications shall be received on behalf of the United States of

America by the Library of Congress and on behalf of the Kingdom of Sweden by the Royal Swedish Library.

4. The present agreement does not obligate either of the two Governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Sweden, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

H. Freeman Matthews

His Excellency
Östen Undén
Minister for Foreign Affairs
Stockholm

The Minister of Foreign Affairs to the American Ambassador

ROYAL SWEDISH
MINISTRY FOR FOREIGN AFFAIRS

Stockholm, *December 16, 1947*

Sir,

With reference to your note of December 16, 1947, and to the conversations between representatives of the Government of the United States of America in regard to the exchange of official publications, I have the honor to inform you that the Government of Sweden agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

[For text of provisions, see numbered paragraphs in U.S. note, above.]

The Government of Sweden considers that your note and this reply consti-

tute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

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

ÖSTEN UNDÉN

M. H. FREEMAN MATTHEWS
Ambassador Extraordinary and Minister Plenipotentiary
of the United States of America
etc. etc. etc.

RECIPROCAL TRADE: QUANTITATIVE IMPORT RESTRICTIONS AND DEFERMENT OF PAYMENTS

Exchange of memorandums and exchange of letters at Washington February 11, 1948, modifying agreement of June 24, 1947
Entered into force February 11, 1948
Extended by agreement of June 12, 1948 [1]

62 Stat. 1840; Treaties and Other International Acts Series 1712

The Department of State to the Swedish Embassy

MEMORANDUM

The Government of the United States of America wishes to refer to discussions which have recently been held between its representatives and those of the Government of Sweden concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

1. After a careful examination of the facts relating to the payments position of Sweden it is recognized that a temporary suspension of the commitments undertaken by the Government of Sweden in paragraph 4 of its aide-memoire dated June 24, 1947 [2] is necessary to permit the Government of Sweden to meet its present payments difficulties. The principles governing the temporary suspension of paragraph 4 of the cited aide-memoire are set forth in a letter dated February 11, 1948 from Mr. Aminoff, Swedish Chargé d'Affaires, to Mr. Thorp, Assistant Secretary of State for Economic Affairs.

2. The Government of the United States recognizes that the commitments undertaken by the Government of Sweden in paragraph 5(c) of its aide-memoire dated June 24, 1947 with respect to quotas applicable to the importation of commodities listed in Schedule I of the Commercial Agreement between the two Governments signed May 25, 1935,[3] have, in general, been fulfilled, total imports being in excess of the total of the amounts stipulated. In view of this development, caused substantially by the operation

[1] TIAS 1800, *post*, p. 850.
[2] TIAS 1711, *ante*, p. 837.
[3] For schedules, see 49 Stat. 3768 or p. 14 of EAS 79.

of the transitional rules applied by the Government of Sweden, and because of the serious and unanticipated deficit incurred by Sweden in its balance of payments which has resulted in serious loss of gold and convertible foreign exchange, the Government of the United States agrees not to invoke, for the six months period ending June 30, 1948, the provisions of paragraph 5(c) of the Swedish aide-memoire dated June 24, 1947, with respect to the application of Swedish import controls to the importation of items listed in Schedule I of the Commercial Agreement of 1935.

3. In applying quantitative restrictions necessary to safeguard its external financial and balance of payments position to all imports from the United States, including those listed in Schedule I, the Government of Sweden will issue licenses to cover hardship cases in connection with contracts (previously based on valid import licenses, wherever necessary, or assurances thereof) involving goods which have been, or are, in the process of being specifically made or prepared for use in Sweden. Favorable consideration will also be given to cases involving goods for which, in connection with contracts, specific preparations have been made for shipment to Sweden.

4. Because of the large deficit in the Swedish balance of payments with the hard currency areas of the world, it is recognized that the Government of Sweden is faced with the necessity of taking measures to correct its present imbalance of trade, and to conserve its foreign exchange.

5. It is, therefore, understood between the Governments of Sweden and the United States that the balance of payments problems of Sweden are similar to those of other countries which gave rise to the provisions of the General Agreement on Tariffs and Trade, concluded at Geneva, Switzerland, on October 30, 1947 by the United States and twenty-two other signatories and that, therefore, the two Governments agree to undertake negotiations with a view to the temporary relaxation of the requirements of Articles II and VII of the Commercial Agreement of 1935, to become effective July 1, 1948 along the lines of the balance of payments provisions of the General Agreement on Tariffs and Trade, which both Governments consider appropriate under the circumstances.

DEPARTMENT OF STATE
Washington, February 11, 1948

The Swedish Embassy to the Department of State

EMBASSY OF SWEDEN
WASHINGTON, D.C.

MEMORANDUM

The Government of Sweden wishes to refer to discussions which have recently been held between its representatives and those of the Government

of the United States of America concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

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

WASHINGTON, D.C., *February 11, 1948*

A.F.F.

The Swedish Chargé d'Affaires ad interim to the Assistant Secretary of State for Economic Affairs

EMBASSY OF SWEDEN
WASHINGTON, D.C.

FEBRUARY 11, 1948

MY DEAR MR. SECRETARY:

Reference is made to the Minister's letter of June 24, 1947 [4] setting forth the policies of the Swedish Government in connection with foreign exchange transactions between Sweden and the United States. It will be recalled that the final paragraph of the letter reads as follows:

"If unforeseen circumstances require temporary modification of the principles set forth above, the Government of Sweden in accordance with the provisions of its memorandum of June 24, 1947, will review the situation with the Government of the United States".

Last December the Government of Sweden, having decided that the payments position of Sweden required a further review with the Government of the United States, initiated discussions on the subject in Washington. It was pointed out in the discussions that Sweden has been and is taking steps to bring its payments and receipts into equilibrium for 1948, except as to a carryover of import commitments covered by import licenses issued in 1947 and a seasonal deficit anticipated during the first quarter of 1948.

After careful examination of the facts, it now appears advisable to find a solution of Sweden's immediate payments difficulties through (a) reduction of import commitments referred to in the foregoing paragraph insofar as this is feasible and through (b) temporary modifications of the policies described in the letter, already cited, governing payments and transfers to the United States, involving deferments of such payments and transfers. In accordance with (b) above, the Government of Sweden therefore proposes that in cases where the authorizing of a payment between Sweden and the United States would cause Swedish gold and hard currency assets

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[4] TIAS 1711, *ante*, p. 840.

to fall below a minimum working balance, a reasonable delay in authorizing such payment will not be considered a violation of paragraph 4 of the Swedish aide-memoire of June 24, 1947 or of the terms of the Minister's letter of the same date.

The Swedish Government considers the above proposal as an exceptional and temporary measure which it intends to withdraw as soon as Sweden's reserves of gold and convertible foreign exchange reach such levels that payments and transfers may be made to the United States on a current basis without adversely affecting Sweden's payments position. Accordingly, my Government would be pleased to have a review of the situation whenever either of our Governments considers that such action would be appropriate. It is the understanding of my Government that the temporary arrangements outlined in this letter would remain in effect until terminated or modified following a review of the situation as provided above.

Sincerely yours,

A. AMINOFF

Mr. WILLARD L. THORP
Assistant Secretary for Economic Affairs
Department of State
Washington, D.C.

The Assistant Secretary of State for Economic Affairs to the Swedish Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
February 11, 1948

MY DEAR MR. CHARGÉ D'AFFAIRES:

I have received your letter of February 11, 1948, setting forth the proposals of the Government of Sweden for temporary modification of the provisions of the letter from the Swedish Minister dated June 24, 1947, regarding foreign exchange transactions between Sweden and the United States.

It gives me pleasure to state that the provisions of your letter are acceptable to the Government of the United States.

Sincerely yours,

WILLARD L. THORP

Mr. ALEXIS DE AMINOFF
Chargé d'Affaires ad interim of Sweden

RECIPROCAL TRADE: QUANTITATIVE IMPORT RESTRICTIONS AND DEFERMENT OF PAYMENTS

Exchange of memorandums at Washington June 12, 1948, modifying agreement of June 24, 1947, as modified
Entered into force June 12, 1948
Extended by agreement of June 27, 1949 [1]

62 Stat. 2647; Treaties and Other International Acts Series 1800

The Swedish Embassy to the Department of State

EMBASSY OF SWEDEN
WASHINGTON, D.C.

MEMORANDUM

The Government of Sweden wishes to refer to discussions which have recently been held between its Embassy in Washington and representatives of the Government of the United States of America concerning the problems faced by the Government of Sweden as the result of the serious loss of its gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

1. Because of the large deficit in the Swedish balance of payments with the hard currency areas of the world it is recognized that the Government of Sweden continues to be faced with the necessity of taking measures to correct its present imbalance of trade and to conserve its foreign exchange. The import restrictions imposed by the Government of Sweden on March 15, 1947, as presently applied are understood to serve these purposes.

2. It is therefore agreed that the provisions contained in the exchange of aide-memoire between the two Governments dated June 24, 1947,[2] as modified by the exchange of memoranda dated February 11, 1948 [3] shall continue to be applied after June 30, 1948, until the Government of Sweden becomes a contracting party to the General Agreement on Tariffs and Trade concluded at Geneva Switzerland on October 30, 1947, or until June 30, 1949, whichever is the earlier. If by May 1, 1949, Sweden has not adhered to the General Agreement on Tariffs and Trade, the two Govern-

[1] TIAS 1953, *post*, p. 866.
[2] TIAS 1711, *ante*, p. 837.
[3] TIAS 1712, *ante*, p. 846.

ments agree to review the situation for the purpose of considering such actions as the circumstances may demand.

It is further agreed that either Government after consultation as to the continued justification for this understanding may terminate it on sixty days written notice.

WASHINGTON, D.C., *June 12, 1948*

A. A. F. F.

The Department of State to the Swedish Embassy

MEMORANDUM

The Government of the United States of America wishes to refer to discussions which have recently been held between its representatives and representatives of the Embassy of Sweden concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange, and to the memorandum of today's date from the Embassy of Sweden setting forth the understanding reached in these discussions. The Government of the United States of America confirms the understanding reached in these discussions as set forth in the memorandum from the Embassy of Sweden.

W. L. T.

DEPARTMENT OF STATE
Washington, June 12, 1948

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

Exchange of notes at Stockholm July 3, 1948
Entered into force July 3, 1948
Expired in accordance with its terms

62 Stat. 2930; Treaties and Other International Acts Series 1833

The American Ambassador to the Minister of Foreign Affairs

No. 109 STOCKHOLM, *July 3, 1948*

EXCELLENCY:

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

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany or the Free Territory of Trieste, the Government of Sweden will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Sweden signed May 25, 1935 [1] (including, for its duration, the memoranda as to its application exchanged June 12, 1948),[2] or, for such time as the Governments of the United States of America and Sweden may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947,[3] the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement of 1935 shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade

[1] EAS 79, *ante*, p. 799.
[2] TIAS 1800, *ante*, p. 850.
[3] TIAS 1700, *ante*, vol. 4, p. 639.

permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Sweden.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [4] relating to the reduction of tariffs on a mutually advantageous basis.

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

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

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

H. Freeman Matthews

His Excellency
Östen Undén
Minister of Foreign Affairs
Stockholm

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[4] Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents*, 1941–1949 (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

The Minister of Foreign Affairs to the American Ambassador

KUNGL. UTRIKES
DEPARTEMENTET

STOCKHOLM, *July 3, 1948*

MR. AMBASSADOR,

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

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

Please accept, Mr. Ambassador, the renewed assurances of my highest consideration.

ÖSTEN UNDÉN

Mr. H. FREEMAN MATTHEWS
Ambassador of the United States of America
etc., etc., etc.
Stockholm

ECONOMIC COOPERATION

Agreement and annex signed at Stockholm July 3, 1948
Ratified by Sweden July 21, 1948
Entered into force July 21, 1948
Amended by agreements of January 5 and 17, 1950,[1] *and February 8 and 23, 1951* [2]

62 Stat. 2541; Treaties and Other International Acts Series 1793

Economic Cooperation Agreement between the United States of America and Sweden

Preamble

The Governments of the United States of America and Sweden:

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

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

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

Considering that in furtherance of these principles the Government of Sweden has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, under which the signatories of that Convention agreed to undertake as their immediate

[1] 1 UST 181; TIAS 2034.
[2] 3 UST 2800; TIAS 2448.

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task the elaboration and execution of a joint recovery program, and that the Government of Sweden is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

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

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

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

Have agreed as follows:

ARTICLE I

(Assistance and Cooperation)

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

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

[3] 62 Stat. 137.

action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

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

ARTICLE II

(General Undertakings)

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

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

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

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

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

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may

be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Sweden to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of steel, transportation facilities and food;

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

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

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

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

Article III

(Guaranties)

1. The Governments of the United States of America and Sweden will, upon the request of either Government, consult respecting projects in Sweden proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b) (3) of the Economic Cooperation Act of 1948.

2. The Government of Sweden agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any kronor or credits in kronor, assigned or transferred to the Government of the United States of America pursuant to

that section shall be recognized as property of the Government of the United States of America.

ARTICLE IV

(Access to Materials)

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

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America and of the participating countries, the Government of Sweden will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in Sweden which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from Sweden, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any State or Territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of Sweden, and, (c) an agreed schedule of increased production of such materials where practicable in Sweden and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of Sweden, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to

further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Sweden.

ARTICLE V

(Travel Arrangements)

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

ARTICLE VI

(Consultation and Transmittal of Information)

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

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

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

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

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

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

ARTICLE VII

(Publicity)

1. The Governments of the United States of America and Sweden recognize that it is in their mutual interest that full publicity be given to the

objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

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

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

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

Article VIII

(Missions)

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

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

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

ARTICLE IX

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Sweden agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court.[4] The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

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

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

ARTICLE X

(Definitions)

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

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

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

for so long as such country is a party to the Convention for European Eco-

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TS 993, *ante*, vol. 3, p. 1186.

nomic Cooperation and adheres to a joint program for European recovery designed to accomplish the purpose of this Agreement.

ARTICLE XI

(Entry into Force, Amendment, Duration)

1. This agreement shall become effective on the date of ratification by His Majesty the King of Sweden with the consent of the Riksdag. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

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

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Sweden are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

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

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

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

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

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

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

DONE at Stockholm, in duplicate, in the English and Swedish languages, both texts authentic, this 3rd day of July 1948.

For the Government of the United States of America:
H. FREEMAN MATTHEWS [SEAL]

For the Swedish Government:
ÖSTEN UNDÉN [SEAL]

ANNEX

(Interpretative Notes)

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

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

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

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

5. It is understood that the phrase in Article IV "after due regard for the reasonable requirements of Sweden for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article IV might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[5] in the event that stockpiles are liquidated.

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

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

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

9. It is understood that in the event it is proposed to make assistance available to Sweden on a grant basis, the two Governments will consult with a view to amending the Agreement so as to make adequate provision for the deposit of local currency in accordance with the requirements of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder.

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[5] Unperfected. Art. 32(3) of the Havana Charter reads as follows:

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

RECIPROCAL TRADE: QUANTITATIVE IMPORT RESTRICTIONS AND DEFERMENT OF PAYMENTS

Exchange of memorandums at Washington June 27, 1949, modifying agreement of June 24, 1947, as modified
Entered into force June 27, 1949
Terminated April 30, 1950 [1]

63 Stat. 2612; Treaties and Other International Acts Series 1953

The Swedish Embassy to the Department of State

EMBASSY OF SWEDEN
WASHINGTON, D.C.

MEMORANDUM

The Government of Sweden wishes to refer to discussions which have been held between its representatives in Washington and representatives of the Government of the United States of America concerning the problems faced by the Government of Sweden as the result of the serious loss of its gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

1. Because of the large deficit in the Swedish balance of payments with the hard currency areas of the world, it is recognized that the Government of Sweden continues to be faced with the necessity of taking measures to correct its present imbalance of trade and to conserve its foreign exchange. The import restrictions imposed by the Government of Sweden on March 15, 1947, as presently applied, are understood to serve these purposes.

2. It is therefore agreed that the provisions contained in the exchange of aide-memoire between the two Governments dated June 24, 1947,[2] as modified by the exchange of memoranda dated February 11, 1948 [3] and June 12, 1948 [4] shall continue to be applied after June 30, 1949, until the Government of Sweden becomes a contracting party to the General Agreement on Tariffs and Trade concluded at Geneva, Switzerland, on

[1] Date on which Sweden became a contracting party to the General Agreement on Tariffs and Trade (TIAS 1700, *ante*, vol. 4, p. 639).
[2] TIAS 1711, *ante*, p. 837.
[3] TIAS 1712, *ante*, p. 846.
[4] TIAS 1800, *ante*, p. 850.

October 30, 1947, or until June 30, 1950, whichever is the earlier. The Government of Sweden is now engaged in tariff negotiations in Annecy, France, looking toward its eventual accession to that Agreement. If, however, Sweden has not adhered to the General Agreement on Tariffs and Trade by May 1, 1950, the two Governments agree to review the situation for the purpose of considering such actions as the circumstances may demand.

It is further agreed that either Government after consultation as to the continued justification for this understanding may terminate it on sixty days written notice.

WASHINGTON, D.C. *June 27, 1949*

A. AFF.

The Department of State to the Swedish Embassy

MEMORANDUM

The Government of the United States of America wishes to refer to discussions which have been held between its representatives and representatives of the Government of Sweden concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange, and to the memorandum of today's date from the Embassy of Sweden setting forth the understanding reached in these discussions. The Government of the United States of America takes note of the fact that the Government of Sweden acknowledges the current validity of the 1947 and 1948 understandings between the two Governments. The Government of the United States of America confirms the understanding reached in recent discussions as set forth in the memorandum from the Embassy of Sweden.

W. L. T.

DEPARTMENT OF STATE
WASHINGTON, *June 27, 1949*

Sweden and Norway

FRIENDSHIP AND COMMERCE

Treaty signed at Stockholm September 4, 1816
Senate advice and consent to ratification, with the exception of articles 3, 4, and 6, February 19, 1817
Ratified by the President of the United States, with the exception of articles 3, 4, and 6, May 27, 1818
Ratified by Sweden and Norway July 24, 1818
Ratifications exchanged at Stockholm September 25, 1818
Entered into force September 25, 1818
Proclaimed by the President of the United States December 31, 1818
Expired September 25, 1826

8 Stat. 232; Treaty Series 347 [1]

[TRANSLATION]

In the name of the most holy and indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two states, and being convinced that this object can not be more effectually accomplished than by establishing, reciprocally, the commerce between the two states upon the firm basis of liberal and equitable principles equally advantageous to both countries, have named to this end plenipotentiaries, and have furnished them with the necessary full powers to treat and in their name to conclude a treaty; to wit: the President of the United States, Jonathan Russell, a citizen of said United States and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway, His Excellency the Count Laurent d'Engeström, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, Knight Commander of the Orders of the King, Knight of the Order of Charles XIII,

[1] For a detailed study of this treaty, see 2 Miller 601.

Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honor of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George De Mörner, his Counselor of State and Commander of the Order of the Polar Star; and the said plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

ARTICLE 1

There shall be between all the territories under the dominion of the United States of America and of His Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound, alone, to conform to the laws and statutes of the two countries respectively.

ARTICLE 2

No other or higher duties, imposts, or charges whatsoever, shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries respectively, if these articles were the growth, produce, or manufacture of any other country. The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries respectively, the articles which shall be exported for the other cannot be charged with any duty, impost, or charge whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture of the territories of His Majesty the King of Sweden and Norway or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting

from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels respectively.

That which is here above stipulated shall also extend to the Swedish colony of Saint-Barthélemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of Saint-Barthélemy and there established and naturalized and shall have there caused their vessels to be naturalized.

Article 3 [2]

His Majesty the King of Sweden and Norway agrees that all articles, the growth, produce, or manufacture of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for the said vessels or the cargoes, any higher or other duties, imposts, or charges whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether mainland or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

Article 4 [2]

The United States of America on their part agree that all articles, the growth, produce, or manufacture of the countries surrounding the Baltic Sea or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly

[2] Arts. 3, 4, and 6 were excepted in the Senate's resolution of advice and consent and in the President's instrument of ratification.

from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels or for the cargoes any higher or other duties, imposts, or charges whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay on arriving in the ports of the other with a cargo consisting partly of articles, the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed that in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

Article 5

The high contracting parties grant mutually the liberty of having in the places of commerce and ports of the other, consuls, vice consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that in case of illegal or improper conduct in respect to the laws or Government of the country to which they are sent, the said consul, vice consul, or agent may be either punished according to law, dismissed, or sent away by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood that the archives and documents relative to the affairs of the consulate shall be protected from all examination and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

The consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquility of the country in which the vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained. It being, nevertheless, understood that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

Article 6 [3]

In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or manufacture of the contracting parties respectively, it is agreed that whatever the chief or intendant of the customs shall have designated and specified as such in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway. The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.

Article 7

The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other but not willing to enter into port, or being entered into port and not willing to unload or break bulk, shall have liberty to depart and to pursue their voyage without molestation and without being obliged to render account of their cargo or to pay any duties, imposts, or charges whatsoever on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage or light money whenever these dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country; [4] and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

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[3] See footnote 2, p. 870.

[4] The words "with regard to the citizens or subjects of the country" are a mistranslation; "with regard to the most favored nations" would be a correct equivalent of the French; the difference in the sense is important. [2 Miller 607.]

ARTICLE 8

It is also agreed that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood that the duties, imposts, or charges which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country to be subjected to further duties in the same circumstances.

ARTICLE 9

The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepôt which are enjoyed by the most favored nations in the same ports.

ARTICLE 10

In case any vessel belonging to either of the two states or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof if the effects be sold, being claimed in a year and a day by the owners or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective Governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

ARTICLE 11

It is agreed that vessels arriving direct from the United States at a port

under the dominion of His Majesty the King of Sweden and Norway, or from the ports of His said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived, but shall, after such visit, be permitted immediately to enter and discharge their cargoes; provided always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected and subjected to quarantine.

ARTICLE 12

The Treaty of Amity and Commerce concluded at Paris in 1783 [5] by the plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifeenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word; provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ARTICLE 13

Considering the distance of the respective countries of the two high contracting parties and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel belonging to one of the contracting parties and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time during the same voyage to enter the same port of the enemy while the blockade continues, shall be liable to detention and condemnation.

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[5] Treaty between the United States and the King of Sweden signed at Paris Apr. 3, 1783 (TS 346, *ante*, p. 710, SWEDEN).

ARTICLE 14

The present treaty, when the same shall have been ratified by the President of the United States by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force and be obligatory on the United States and His Majesty the King of Sweden and Norway for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the present treaty and have thereunto set the seal of their arms. Done at Stockholm the fourth day of September in the year of grace one thousand eight hundred and sixteen.

JON[a] RUSSELL	[SEAL]
LE COMTE D'ENGESTRÖM	[SEAL]
LE COMTE A. G. DE MÖRNER	[SEAL]

COMMERCE AND NAVIGATION

Treaty, with separate article, signed at Stockholm July 4, 1827
Ratified by Sweden and Norway July 11, 1827
Senate advice and consent to ratification January 7, 1828
Ratified by the President of the United States January 17, 1828
Ratifications exchanged at Washington January 18, 1828
Entered into force January 18, 1828
Proclaimed by the President of the United States January 19, 1828
Articles 13 and 14 abrogated by the United States July 1, 1916, in accordance with Seamen's Act of March 4, 1915 [1]
Terminated, as to Sweden, February 4, 1919; [2] *as to Norway (except for part of article 1* [3]*), September 13, 1932* [4]

8 Stat. 346; Treaty Series 348 [5]

[TRANSLATION]

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have in consequence agreed to enter into negotiation for a new Treaty of Commerce and Navigation, and to this effect have appointed Plenipotentiaries, to wit: the President of the United States of America, John James Appleton, Chargé d'Affaires of the said States at the Court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, his Minister of State and of Foreign Affairs, Knight Commander of his Orders, Knight of the Orders of St. Andrew, St. Alexander Newsky, and St. Ann of the first class of Russia, Knight of the Order of the Red Eagle of the first class of Prussia, Grand Cross of the Order of Leopold

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[1] 38 Stat. 1164.

[2] Pursuant to notice of termination given by the United States Feb. 4, 1918.

[3] That part of art. 1 concerning entry and residence of nationals of one country in territories of the other for purposes of trade remained in force as of Jan. 1, 1970.

[4] Date of entry into force of treaty of June 5, 1928, and additional article of Feb. 25, 1929 (TS 852, *ante*, vol. 10, p. 481, NORWAY).

[5] For a detailed study of this treaty, see 3 Miller 283.

of Austria, one of the eighteen of the Swedish Academy; who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, to rent and occupy houses and warehouses for their commerce, and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ARTICLE 2

Swedish and Norwegian vessels, and those of the island of Saint-Barthélemy, arriving either laden or in ballast into the ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port charges, as well as to the perquisites of public officers and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

And reciprocally, the vessels of the United States of America, arriving either laden or in ballast in the ports of the Kingdoms of Sweden and Norway, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port charges, as well as to the perquisites of public officers and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE 3

All that may be lawfully imported into the United States of America in vessels of the said States may also be thereinto imported in Swedish and Norwegian vessels, and in those of the island of Saint-Barthélemy, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And reciprocally, all that may be lawfully imported into the Kingdoms of

Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of Saint-Barthélemy, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE 4

All that may be lawfully exported from the United States of America in vessels of the said States may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of Saint-Barthélemy, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And reciprocally, all that may be lawfully exported from the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of Saint-Barthélemy, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE 5

The stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States of America proceeding, either laden or not laden, to the colony of Saint-Barthélemy in the West Indies, whether from the ports of the Kingdoms of Sweden and Norway or from any other place whatsoever, or proceeding from the said colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

ARTICLE 6

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdoms of Sweden or of Norway to another, nor to that between the two latter countries, which navigation each of the two high contracting parties reserves to itself.

ARTICLE 7

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name or under its authority, any preference to importations made in its

own vessels, or in those of a third power, over those made in the vessels of the other contracting party.

ARTICLE 8

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

ARTICLE 9

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the island of Saint-Barthélemy, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature, the growth of any other country.

And reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the island of Saint-Barthélemy, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of the island of Saint-Barthélemy, or of any other place, in case such importation be made into or from the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway, or of any other place, in case such importation or exportation be made into or from the island of Saint-Barthélemy.

ARTICLE 10

All privileges of transit and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature, the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE 11

The citizens or subjects of one of the high contracting parties arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of lighthouses, when such duties shall be levied on national vessels in similar cases. It is

understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are or shall be in force with regard to national vessels; and that the customhouse officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE 12

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the customhouse of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

ARTICLE 13

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, consuls, vice consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or Government of the country in which said consuls, vice consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search and shall be carefully preserved under the seals of the consuls, vice consuls, or commercial agents, and of the authority of the place where they may reside.

The consuls, vice consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said consuls, vice consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Article 14

The said consuls, vice consuls, or commercial agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence and such sentence shall have been carried into effect.

Article 15

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds if the same shall have been sold, shall be restored to their owners or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same

circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

ARTICLE 16

It is agreed that vessels arriving directly from the United States of America at a port within the dominions of His Majesty the King of Sweden and Norway, or from the territories of His said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect at the port whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself to undergo a quarantine; and that the country whence they came shall not at that time be so far infected or suspected that, before their arrival, an ordinance had been issued in consequence of which all vessels coming from that country should be considered as suspected and consequently subject to quarantine.

ARTICLE 17

The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the Treaty of Amity and Commerce concluded at Paris on the third of April, one thousand seven hundred eighty-three,[6] by the Plenipotentiaries of the United States of America and of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles signed on the same day by the same Plenipotentiaries, are revived and made applicable to all the countries under the dominion of the present high contracting parties and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited shall always be considered as in no manner affecting the conventions concluded by either party with other nations during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three and the revival of said articles by the Treaty of Commerce and

[6] TS 346, *ante,* p. 710, SWEDEN.

Navigation concluded at Stockholm by the present high contracting parties on the fourth of September, one thousand eight hundred and sixteen.[7]

ARTICLE 18

Considering the remoteness of the respective countries of the two high contracting parties and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ARTICLE 19

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE 20

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm the fourth of July in the year of grace one thousand eight hundred and twenty-seven.

J. J. APPLETON [SEAL]
G. COMTE DE WETTERSTEDT [SEAL]

[7] TS 347, *ante*, p. 868.

Separate Article

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force and whose renewal forms at this time the subject of a negotiation between the Courts of Sweden and Norway and Russia, said stipulations being in no manner connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of customhouse duties and in the regulations of navigation resulting therefrom, nor to the special advantages which are or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article and affixed thereto the seals of our arms. Done at Stockholm the fourth of July, one thousand eight hundred and twenty-seven.

J. J. Appleton [seal]
G. Comte de Wetterstedt [seal]

EXTRADITION

Convention signed at Washington March 21, 1860
Senate advice and consent to ratification June 26, 1860
Ratified by Sweden and Norway October 20, 1860
Ratified by the President of the United States December 14, 1860
Ratifications exchanged at Washington December 20, 1860
Proclaimed by the President of the United States December 21, 1860
Entered into force December 31, 1860
Terminated, as to Sweden, April 17, 1893; [1] *as to Norway, December 8, 1893* [2]

12 Stat. 1125; Treaty Series 349 [3]

CONVENTION FOR THE SURRENDER OF CRIMINALS, FUGITIVES FROM JUSTICE, IN CERTAIN CASES, CONCLUDED BETWEEN THE UNITED STATES AND HIS MAJESTY THE KING OF SWEDEN AND NORWAY

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; the United States of America on the one part, and his Majesty the King of Sweden and Norway on the other part, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention, that is to say: The President of the United States of America, Lewis Cass, Secretary of State of the United States, and his Majesty the King of Sweden and Norway, Baron Nicholas William de Wetterstedt, Knight of the Order of the Polar Star and of St. Olaff, Commander of the Order of Dannebrog of Denmark, his said Majesty's minister resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

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[1] Terminated as between the United States and Sweden Apr. 17, 1893, by treaty of Jan. 14, 1893 (TS 351, *ante,* p. 723, SWEDEN), except as to crimes herein enumerated and committed prior to that day.

[2] Terminated by treaty of June 7, 1893 (TS 262, *ante,* vol. 10, p. 445, NORWAY), except as to crimes therein enumerated and committed prior to that day.

[3] For a detailed study of this convention, see 8 Miller 459.

ARTICLE I

It is agreed that the high contracting parties shall, upon mutual requisitions by them, their diplomatic or consular agents, respectively made, deliver up to justice all persons who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: *Provided,* That this surrender and delivery shall not be obligatory on either of the high contracting parties except upon presentation by the other, in original or in verified copy, of the judicial declaration or sentence establishing the culpability of the fugitive, and issued by the proper authority of the government who claims the surrender, in case such sentence or declaration shall have been pronounced: said document to be drawn up and certified according to the forms prescribed by the laws of the country making the demand. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded and shall be made, when the demanding party shall have furnished such proof of culpability as would have been sufficient to justify the apprehension and commitment for trial of the accused, if the offence had been committed in the country where he shall have taken refuge.

ARTICLE II

Persons shall be so delivered up who shall have been charged with or sentenced for any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide and poisoning) or attempt to commit murder; rape; piracy, (including mutiny on board a ship, whenever the crew or part thereof by fraud or violence against the commander have taken possession of the vessel); arson; robbery and burglary; forgery, and the fabrication or circulation of counterfeit money, whether coin or paper money; embezzlement by public officers, including appropriation of public funds.

ARTICLE III

The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE IV

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, any person who, according to the laws of the country where he shall be found, is a citizen or a subject of the same at the time his surrender is demanded.

ARTICLE V

The provisions of the present convention shall not be applied to any crime or offence of a political character.

Article VI

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

Article VII

This convention shall not take effect until ten days after its publication, made according to the laws of the respective governments.

It shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same.

It shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Sweden and Norway, and the ratifications shall be exchanged within ten months from the date of its signature, or earlier, if possible.

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

Done in duplicate, at Washington, the twenty-first day of March, one thousand eight hundred and sixty, and the eighty-fourth year of the independence of the United States:

Lewis Cass [seal]
N. W. de Wetterstedt [seal]

308-582—73——58

NATURALIZATION

Convention and protocol signed at Stockholm May 26, 1869
Senate advice and consent to ratification, with an amendment, December 9, 1870 [1]
Ratified by the President of the United States, with an amendment, December 17, 1870 [1]
Ratified by Sweden and Norway June 14, 1871
Ratifications exchanged at Stockholm June 14, 1871
Entered into force June 14, 1871
Senate consent to exchange of ratifications January 8, 1872
Proclaimed by the President of the United States January 12, 1872

17 Stat. 809; Treaty Series 350

Convention

The President of the United States of America and His Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories, and from Sweden and Norway to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, Joseph J. Bartlett, Minister Resident; and His Majesty the King of Sweden and Norway, Count Charles Wachtmeister, Minister of State for Foreign Affairs; who have agreed to and signed the following articles:

Art. I [2]

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

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[1] The U.S. amendment reads as follows: "Strike out the word 'twelve', where it occurs in article six, and insert in lieu thereof, the word *twenty-four*."
The text printed here is the amended text as proclaimed by the President.
[2] See also protocol, p. 890.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of one or the other country has not for either party the effect of citizenship legally acquired.

ART. II [2]

A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

ART. III [3]

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country and applies to be restored to his former citizenship, the government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said government may think proper.

ART. IV

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Sweden and Norway on the other part, the 21st March, 1860,[4] remains in force without change.

ART. V

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ART. VI

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His

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[3] See also protocol, p. 891.

[4] TS 349, *ante*, p. 885.

Majesty the King of Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.[5]

In faith whereof the Plenipotentiaries have signed and sealed this convention.

STOCKHOLM, *May 26, 1869.*

JOSEPH J. BARTLETT [SEAL]
C. WACHTMEISTER [SEAL]

PROTOCOL

Done at Stockholm, May 26, 1869

The undersigned met to-day to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:

I. Relating to the first article of the convention.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

II. Relating to the second article of the convention.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfilment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original

[5] For a U.S. amendment, see footnote 1, p. 888.

country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the convention.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

JOSEPH J. BARTLETT [SEAL]
C. WACHTMEISTER [SEAL]

Switzerland

DISPOSAL OF PROPERTY

Convention signed at Washington May 18, 1847
Entered into force May 18, 1847
Ratified by Switzerland July 2, 1847
Senate advice and consent to ratification April 26, 1848
Ratified by the President of the United States April 29, 1848
Ratifications exchanged at Washington May 3, 1848
Proclaimed by the President of the United States May 4, 1848
Superseded November 8, 1855, by convention of November 25, 1850 [1]

9 Stat. 902; Treaty Series 352 [2]

The President of the United States of America, and the Federal Directory of the Swiss Confederation, animated by the desire to secure and extend, by an amicable Convention the relations happily existing between the two countries, have, to this effect, appointed, as their Plenipotentiaries; to wit—the President of the United States of America, James Buchanan, Secretary of State of the United States; and the Federal Directory of the Swiss Confederation, A. C. Cazenove, Swiss Consul at Alexandria; who after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles—

Article I

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, either by testament, donation, or *ab intestato,* or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament, or *ab intestato*, and they may take possession of the same, either personally, or by attorney, and dispose of them as they

[1] TS 353, *post,* p. 894.
[2] For a detailed study of this convention, see 5 Miller 169.

may think proper, paying, to the respective Governments, no other charges than those to which the inhabitants of the country in which the said property shall be found, would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same, and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the Judges, of the country in which the property is situated.

Article II

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country, or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, a term of not less than three years shall be allowed to him to dispose of such property, and to collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

Article III

The present Convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States, on the one part, or that of the Swiss Confederation on the other, shall have given notice of its intention of terminating the same.

This Convention shall be ratified and the ratifications shall be exchanged, at Washington, within twelve months after its date, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto fixed their seals.

Done at Washington, this eighteenth day of May, A.D., 1847; and of the Independence of the United States the Seventy first.

James Buchanan [seal]
Ant Ch^{s} Cazenove [seal]

FRIENDSHIP, RECIPROCAL ESTABLISHMENTS, COMMERCE, AND EXTRADITION

Convention signed at Bern November 25, 1850
Senate advice and consent to ratification, with amendments, March 7, 1851 [1]
Ratified by the President of the United States, with amendments, March 12, 1851 [1]
Senate advice and consent to ratification of "new draft", with amendments, May 29, 1854 [1]
Ratified by Switzerland July 30, 1855
"New draft" ratified by the President of the United States, with amendments, November 6, 1855 [1]
Ratifications exchanged at Washington November 8, 1855
Entered into force November 8, 1855
Proclaimed by the President of the United States November 9, 1855
Articles VIII to XII, inclusive, terminated March 23, 1900; [2] *articles XIII to XVII, inclusive, superseded March 29, 1901, by treaty of May 14, 1900* [3]

11 Stat. 587; Treaty Series 353

The United States of America and the Swiss Confederation, equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two Republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a General Convention of Friendship, Reciprocal Establishments, Commerce, and for the Surrender of Fugitive Criminals.

For this purpose, they have appointed as their Plenipotentiaries, to wit:

The President of the United States, A. Dudley Mann, Special Agent of the United States on a mission to the Swiss Confederation, and

The Swiss Federal Council, Henry Druey, President of the Swiss Con-

[1] For texts of U.S. and Swiss amendments and for a detailed study of this convention, see 5 Miller 845. The text printed here is the amended text as proclaimed by the President.
[2] Pursuant to notice of termination given by the United States Mar. 23, 1899.
[3] TS 354, *post*, p. 904.

federation, Director of the Political Department, and Frederick Frey-Herosée, Member of the Federal Council, Director of the Department of Commerce and of Tolls, who, after a communication of their respective full powers, have agreed to the following articles:

Article I

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the Constitutional or legal provisions as well Federal as State and Cantonal of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the Constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the Cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess and alienate therein property (as is explained in Article V); to manage their affairs, to exercise their profession, their industry and their commerce, to have establishments, to possess warehouses, to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves, or by such brokers or other agents as they may think proper; they shall have free access to the Tribunals and shall be at liberty to prosecute and defend their rights before courts of Justice, in the same manner as native citizens, either by themselves, or by such advocates, attorneys or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights than shall be imposed upon citizens of the country where they reside, nor any condition whatever, to which the latter shall not be subject.

The foregoing privileges however shall not extend to the exercise of political rights nor to a participation in the property of communities, corporations or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

Article II

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service, but they shall be liable to the pecuniary or material contributions, which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be

levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war or of expropriation for purposes of public utility, the citizens of one of the two countries residing or established in the other shall be placed upon an equal footing with the citizens of the country in which they reside, with respect to indemnities for damages they may have sustained.

Article III

The citizens of one of the two Republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights, in conformity with the laws thereof.

Article IV

In order to establish their character as citizens of the United States of America or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of pass-ports, or of other papers in due form, certifying their nationality as well as that of the members of their family, furnished or authenticated by a diplomatic or consular Agent of their nation, residing in the one of the two countries which they wish to inhabit.

Article V

The citizens of each one of the contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, by sale, testament, donation or in any other manner, and their heirs, whether by testament or *ab intestato,* or their successors, being citizens of the other party, shall succeed to the said property or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities, for the preservation of the property, that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

The foregoing provisions shall be applicable to real estate, situated within the States of the American Union or within the Cantons of the Swiss Confederation in which foreigners shall be entitled to hold or inherit real estate.

But in case real estate, situated within the territories of one of the contracting parties, should fall to a citizen of the other party, who, on account of his

being an alien, could not be permitted to hold such property, in the State or in the Canton in which it may be situated, there shall be accorded to the said heir or other successor such term as the laws of the State or Canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty and without paying to the Government any other charges than those which, in a similar case would be paid by an inhabitant of the country in which the real estate may be situated.

Article VI

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the Judges of the country in which the property is situated.

Article VII

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul or Vice-Consul shall act as such, he shall, in the ordinary form, be approved of by the Government to which he is commissioned.

In their private and business transactions, Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offense against the laws, by a Consul or a Vice-Consul, the government to which he is commissioned, may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them.

Article VIII

In all that relates to the importation, exportation and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored Nation, Union of Nations, State or Society, as is explained in the following articles.

Article IX

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation or transit of the natural or industrial

products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

Article X

In order the more effectually to attain the object contemplated in article VIII, each of the contracting parties hereby engages not to grant any favor in commerce to any Nation, Union of Nations, State, or Society, which shall not immediately be enjoyed by the other party.

Article XI

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

Article XII

The Swiss territory shall remain open to the admission of articles arriving from the United States of America; in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States or in vessels of any country having free access to the ports of said States. Swiss merchandise arriving under the flag of the United States or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag, it shall be treated as the merchandise of the country to which the vessel belongs.

In case of ship-wreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation, arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four aforegoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security or order.

Article XIII

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective diplomatic or consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided,* That this shall be done only when the

fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons, so accused, shall be found.

Article XIV

Persons shall be delivered up, according to the provisions of this Convention, who shall be charged with any of the following crimes, to wit;

Murder, (including assassination, parricide, infanticide and poisoning;)
Attempt to commit murder;
Rape;
Forgery, or the emission of forged papers;
Arson;
Robbery with violence, intimidation, or forcible entry of an inhabited house;
Piracy;
Embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

Article XV

On the part of the United States the surrender shall be made only by the authority of the Executive thereof, and on the part of the Swiss Confederation, by that of the Federal Council.

Article XVI

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Article XVII

The provisions of the aforegoing articles, relating to the Surrender of Fugitive Criminals, shall not apply to offenses committed before the date hereof, nor to those of a political character.

Article XVIII

The present Convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications; and if one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest the operations of said Convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

Article XIX

This Convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at the City of Washington, as soon as circumstances shall admit.

In faith whereof the respective Plenipotentiaries have signed the above articles, under reserve of the abovementioned ratifications, both in the English and French languages, and they have thereunto affixed their seals.

Done, in quadruplicate, at the City of Berne, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty.

A. Dudley Mann [seal]
H. Druey [seal]
F. Frey-Herosee [seal]

TRADEMARKS

Exchange of notes at Washington April 27 and May 14, 1883
Entered into force May 14, 1883

Treaty Series 471

The Swiss Minister to the Secretary of State

SWISS LEGATION
WASHINGTON, *April 27, 1883*

To the Ministry of Foreign Affairs
Washington

Mr. SECRETARY OF STATE: The undersigned, Minister of the Swiss Confederation, has this day had the honor to receive your note of the 24th instant, whereby you had the kindness to acquaint him with your views concerning an exchange of declarations between the United States and the Swiss Confederation, relative to the mutual protection of trade-marks.

The undersigned sees by the aforesaid note that you would prefer to make such an arrangement between the United States and Switzerland in the form of an exchange of notes, inasmuch as that form appears to you to be the most simple, and the best calculated to avoid the difficulties connected with the ratification of a declaration or a convention.

The undersigned has the honor to reply that, for his part, he attaches no special importance to the form of the arrangement, and that he thinks he may say that his Government likewise favors the method proposed by you. In fact, the undersigned, by a communication of the 6th of March last, laid before the Federal Council the text of your note of the 5th of that month, and, at the same time, he proposed to try an exchange of declarations, which, as regards the form, would coincide with your views. The Federal Council having consented thereto by its communication of March 30th, and having instructed the undersigned, with full powers, to make such an arrangement, the undersigned thinks that he represents the intentions of his Government by giving his adhesion to an exchange of notes.

As regards the question whether the principle of reciprocity is embodied in the Federal law of December 19, 1879, the undersigned has the honor to invite your attention to the text of Article 7, paragraph 2, of the Federal Law of December 19, 1879, and also to the contents of the message of the

Federal Council relative thereto. In the aforesaid paragraph of the law of December 19, 1879, it is expressly provided that producers and merchants, whose business is carried on in a state *which accords the right of reciprocity to Swiss citizens,* may have their marks registered in the same manner as Swiss citizens. But one condition is added, viz., that foreigners shall be obliged to prove that these marks are *already* protected in the State to which they belong, the sole object of which reservation is to prevent foreigners from depositing, with fraudulent intent, under the protection of reciprocity, marks for which they cannot claim protection in their own country. The Federal Council, moreover, in its message of October 13, 1879, whereby it transmitted to the Federal Chambers a bill for the protection of trade-marks, made the following declaration touching trade-marks: "As regards foreign trade-marks we are of opinion *that Switzerland should stand upon the ground of reciprocity,* and that this is the only position that should be taken by us in the interest of our industry."

In view of this declaration, the Federal Chambers, in accepting, without material modification, the aforesaid paragraph 2 of Article 7 of the law in question, were without doubt actuated by a desire to embody the principle of full reciprocity in the law.

The undersigned takes the liberty, in conclusion, to ask your attention to the fact that the confederation has, since the promulgation of the aforesaid law, concluded a convention with various States for the protection of trade-marks upon the basis of reciprocity; for instance, with Great Britain, Belgium and the Netherlands; and that the Confederation, previously to the promulgation of that law, guaranteed, in its commercial treaties with France, Germany and Italy, protection in Switzerland for their trade-marks to the citizens or subjects of those States.

The undersigned thinks that he has, by the foregoing, furnished proof that the Confederation recognizes the principles of reciprocity, as regards the international protection of trade-marks, as an integral part of its public law, and that the United States may, with the most perfect confidence, enter into such an arrangement with the Confederation.

The undersigned gladly awaits a kind reply from you, and he avails himself of this occasion to renew to you, Mr. Secretary of State, the assurance of his very distinguished consideration.

E. Frey

The Acting Secretary of State to the Swiss Minister

DEPARTMENT OF STATE
WASHINGTON, *May 14, 1883*

Colonel FREY,
Etc., etc., etc.

COLONEL: I have the honor to acknowledge the receipt of your note of the 27th instant [April 27], concerning the reciprocal privilege of trade-marks registration in the United States and Switzerland. It gives me much pleasure to accept your declaration as evidence that the law of Switzerland affords such a guarantee of reciprocity in the matter as will make the application of the privileges of the Act of Congress of March 3, 1881,[1] to owners of trade-marks in Switzerland proper and certain.

This exchange of notes accomplishes the end in view, of securing complete reciprocity under the legislation of the respective countries, and I have therefore communicated your note to the Secretary of the Interior, with this reply, and requested him to make the necessary regulation for admitting Swiss trade-marks to all the privileges of registration, which under that act pertain to the trade-marks of American origin.

Now that the immediate object of our late correspondence on the subject is attained, permit me to suggest that, with a view to rendering the engagements of this Government with foreign nations as uniform as possible, the Government would be pleased to conclude and sign with you, a formal trade-mark convention, similar to that lately concluded with Spain, to which I have before referred and of which I enclose a printed copy herewith.[2] Our present diplomatic accord will, of course, hold good, until such formal convention can be made effective by ratification and exchange.

Accept, Colonel, etc.,

JOHN DAVIS
Acting Secretary

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[1] 21 Stat. 502.
[2] Convention of June 19, 1882 (TS 333, *ante*, p. 563, SPAIN).

EXTRADITION

Treaty signed at Washington May 14, 1900
Senate advice and consent to ratification, with amendments, June 5, 1900 [1]
Ratified by Switzerland January 21, 1901
Ratified by the President of the United States, with amendments, February 25, 1901 [1]
Ratifications exchanged at Washington February 27, 1901
Proclaimed by the President of the United States February 28, 1901
Entered into force March 29, 1901
Supplemented by treaties of January 10, 1935,[2] *and January 31, 1940* [3]

31 Stat. 1928; Treaty Series 354

The Government of the United States of America and the Federal Council of the Swiss Confederation, with a view to the better administration of justice, have resolved to conclude a new Convention for the extradition of fugitive criminals, and, for that purpose, have appointed as their Plenipotentiaries, to wit:

The President of the United States of America: John Hay, Secretary of State of the United States; the Federal Council of the Swiss Confederation: J. B. Pioda, Envoy Extraordinary and Minister Plenipotentiary of Switzerland to the United States; Who, after communicating to each other their full powers, which were found in good and due form, have agreed upon the following Articles:

Article I

The Government of the United States of America and the Swiss Federal Council bind themselves mutually to surrender such persons as, being charged with or convicted of any of the crimes or offenses enumerated hereinafter in Article II, committed in the territory of one of the contracting States,

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[1] The U.S. amendments called for deleting, in art. II, para. 6, the phrase "hired or salaried" after "or by" and inserting the word "other," and inserting, after the phrase "consents to it" in the first paragraph of art. IX, the phrase "in open Court, which consent shall be entered upon the record."

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

[2] TS 889, *post*, p. 924.

[3] TS 969, *post*, p. 938.

shall be found in the territory of the other State: Provided that this shall be done by the United States only upon such evidence of criminality as, according to the laws of the place where the fugitive or person shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed. In Switzerland, the surrender shall be made in accordance with the laws in force in that country at the time of the demand.

Neither of the two Governments, however, shall be required to surrender its own citizens.

ARTICLE II [4]

Extradition shall be granted for the following crimes and offenses, provided they are punishable both under the laws of the place of refuge and under those of the State making the requisition, to wit:

1. Murder, including assassination, parricide, infanticide and poisoning; voluntary manslaughter.
2. Arson.
3. Robbery; burglary; housebreaking or shop-breaking.[5]
4. The counterfeiting or forgery of public or private instruments; the fraudulent use of counterfeited or forged instruments.
5. The forgery, counterfeiting or alteration of coin, paper-money, public bonds and coupons thereof, bank notes, obligations, or other certificates or instruments of credit, the emission or circulation of such instruments of credit, with fraudulent intent; the counterfeiting or forgery of public seals, stamps or marks, or the fraudulent use of such counterfeited or forged articles.
6. Embezzlement by public officials, or by other persons, to the prejudice of their employers; larceny; obtaining money or other property by false pretenses; receiving money, valuable securities or other property, knowing the same to have been embezzled, stolen or fraudulently obtained. The amount of money or the value of the property obtained or received by means of such criminal acts, must exceed 1000 francs.
7. Fraud or breach of trust, committed by a fiduciary, attorney, banker, administrator of the estate of a third party, or by the president, a member or an officer of a corporation or association, when the loss involved exceeds 1000 francs.
8. Perjury; subornation of perjury.
9. Abduction; rape; kidnapping of minors; bigamy; abortion.[6]
10. Wilful and unlawful destruction or obstruction of railroads, endangering human life.
11. Piracy; wilful acts causing the loss or destruction of a vessel.[7]

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[4] For a U.S. amendment of art. II, para. 6, see footnote 1, p. 904.
[5] For a modification of art. II, para. 3, see treaty of Jan. 31, 1940 (TS 969), *post*, p. 938.
[6] For a modification of art. II, para. 9, see *ibid.*
[7] For an addition to list of crimes, see treaty of Jan. 10, 1935 (TS 889), *post*, p. 924.

ARTICLE III

Extradition shall likewise be granted for an attempt to commit, or participation in, any of the crimes and offenses enumerated in Article II, provided such attempt or participation is punishable in the United States as a felony, and in Switzerland with death, or confinement in a penitentiary or workhouse.

ARTICLE IV

No extradited person shall be tried by a Special Court.

ARTICLE V

Demands for the extradition of fugitive criminals shall be made by the diplomatic representative, or, in his absence, by one of the consular agents of the State making the requisition.

When the person whose extradition is asked has been *sentenced* for the offense which occasioned the demand for extradition, such demand shall be accompanied by a certified copy of the sentence pronounced; if the person demanded is merely *charged* with an offense, the demand shall be accompanied by a duly certified copy of the warrant of arrest issued by the competent magistrate of the country in which the offense was committed, and by certified copies of the depositions or other evidence upon the basis of which the warrant was issued. These documents shall contain an accurate statement of the offense charged, of the place where and the time when it was committed. They shall be accompanied by a certified copy of the provisions of law applicable to the offenses charged, as shown by statute or judicial decision, and by the evidence necessary to establish the identity of the person demanded.

The extradition procedure shall be governed by the regulations in force at the time of the demand, in the State upon which the demand is made.

ARTICLE VI

When it is desired to procure the arrest of a fugitive, by telegraph or otherwise, before the regular papers have been presented, the procedure in the United States shall be to apply to a Judge or Magistrate authorized to issue warrants of arrest in extradition cases, and to present a complaint on oath, as provided by the laws of the United States.

To procure the provisional arrest of a fugitive in Switzerland, the diplomatic representative or a consular agent of the United States shall apply to the President of the Confederation who will order the necessary steps to be taken.

The provisional detention of a fugitive shall cease, and the person arrested shall be released, if a formal demand for extradition, accompanied by the necessary papers, is not presented, in the manner provided in the present Treaty, within two months after the day of arrest.

Article VII

Extradition shall not be granted for political crimes or offenses. No person surrendered under the present Treaty, for a common crime, shall be prosecuted or punished for a political offense committed before his extradition.

If the question arises in a particular case, whether the offense committed is or is not of a political character, the Authorities of the State upon which the demand is made shall decide.

Article VIII

Extradition shall not be granted when, under the laws of the State upon which the requisition is made, or under those of the State making the requisition, the criminal prosecution or penalty imposed is barred by limitation.

Article IX [8]

No person surrendered by either of the Contracting States to the other shall be prosecuted or punished for any offense committed before the demand for extradition, other than that for which the extradition is granted, unless he expressly consents to it in open Court, which consent shall be entered upon the record, or unless, having been at liberty during one month after his final release to leave the territory of the State making the demand, he has failed to make use of such liberty.

The State to which a person has been surrendered shall not surrender him to a third State, unless the provisions contained in the first paragraph of the present Article have been fulfilled.

Article X

When the person whose extradition is demanded is prosecuted, or has been convicted, in the State of refuge, for another offense, the extradition may be postponed until the close of the criminal prosecution or the expiration of the penalty.

Article XI

If the extradition of the person demanded by either of the two contracting States is likewise demanded by one or more other States, for offenses committed by the said person in the territory, preference shall be given to the State whose requisition is based upon the most serious offense, unless the State upon which the requisition is made is bound by Treaty to give preference to another.

If the offenses are of equal gravity, the demand first presented shall have preference, unless the State upon which the requisition is made is bound by Treaty to give preference to another State.

[8] For a U.S. amendment of art. IX, see footnote 1, p. 904.

Article XII

All articles seized which are in the possession of the person demanded, at the time of his arrest, shall, at the time of the extradition be delivered up with his person, and such delivery shall extend, not only to articles acquired by means of the offense with which the accused is charged, but to all other articles that may serve to prove the offense.

The rights of third parties to the articles in question shall, however, be duly respected.

Article XIII

The expenses incurred in the arrest, detention, examination and surrender of the fugitive shall be borne by the State making the demand. The State making the demand shall not, however, be charged for the services of such officials of the Government upon which the demand is made, as receive a fixed salary; for the services of officials receiving only fees, no higher fees shall be charged than those to which such officials are entitled under the laws of the country for services rendered in ordinary criminal cases.

Article XIV

The present Treaty shall go into effect thirty days after the exchange of ratifications. This Treaty repeals Articles XIII, XIV, XV, XVI and XVII of the Treaty of November 25, 1850, between the Swiss Confederation and the United States of America; and the provisions in those Articles shall henceforward apply only to demands for extradition pending at the time when the present Treaty goes into effect.

The ratifications shall be exchanged at Washington as soon as possible. After the denunciation of this Treaty by either of the Contracting Governments, the Treaty shall still remain in force for six months after the day of the denunciation.

In witness whereof, the respective Plenipotentiaries have signed the foregoing Articles, and have affixed their seals.

Done in duplicate at Washington, in the English and French languages, the 14th day of May, 1900.

John Hay [seal]
J. B. Pioda [seal]

RECIPROCAL BENEFITS UNDER PATENT LAWS

Exchange of notes at Bern January 17 and 28, 1908
Entered into force January 28, 1908

Department of State files

The American Minister to the President of the Swiss Confederation

AMERICAN LEGATION
BERNE, *17 January 1908*

HIS EXCELLENCY
Mr. BRENNER
President of the Swiss Confederation
Berne

SIR:

Respectfully referring to the new Swiss Patent Law which became effective on December 1, 1907, and which, in its article 18, contains a provision for the annulment of patents for failure to utilize them adequately in Switzerland within three years, and also provides for the setting aside of such provision in favor of States granting reciprocal right, I have the honor to inform Your Excellency that I am instructed by my Government to declare: "That under the Patent Laws of the United States no patent may be annulled for failure to put the invention covered thereby into practice".

In communicating to Your Excellency the above declaration, I respectfully request that the reciprocal benefit referred to in article 18 of the new Swiss Patent Law be granted to the citizens of the United States.

I take this occasion to renew to Your Excellency the assurance of my highest consideration.

BRUTUS J. CLAY
American Minister

The Swiss Federal Council to the American Minister

[TRANSLATION]

BERNE, *28th January 1908*

MR. MINISTER:

By a note of the 17th instant, Your Excellency communicated to us a declaration from Your Government stating that, according to the Patent

laws of the United States of America no patent may be annulled owing to the failure to put into practice a patented invention. In view of this declaration, we have the honor to inform You that, in accordance with article 18, 2nd paragraph, of the Federal Patent Law of June 21, 1907, we declare the dispositions of the 1st paragraph of article 18 inapplicable as regards the United States of America, with the understanding that the execution of an invention in the United States is equivalent to its execution in Switzerland.

We are greatly obliged to Your Excellency if you will inform Your Government of this decision.

Please accept, Mr. Minister, etc., etc., etc.

In the name of the Swiss Federal Council,

The President of the Confederation:
BRENNER

The Chancellor of the Confederation:
RINGIER

His Excellency
MR. BRUTUS J. CLAY
Envoy Extraordinary and Minister Plenipotentiary of the United States of America
Berne

ARBITRATION

Convention signed at Washington February 29, 1908
Senate advice and consent to ratification March 6, 1908
Ratified by the President of the United States May 29, 1908
Ratified by Switzerland October 13, 1908
Ratifications exchanged at Washington December 23, 1908
Entered into force December 23, 1908
Proclaimed by the President of the United States December 23, 1908
Extended by agreement of November 3, 1913 [1]
Expired December 23, 1918

35 Stat. 2088; Treaty Series 515

The Government of the United States of America and the Government of the Swiss Confederation, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899; [2]

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following arrangement:

Article I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

Article II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement

[1] TS 590, *post*, p. 913.
[2] TS 392, *ante*, vol. 1, p. 230.

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defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Switzerland, by the Federal Council of the Swiss Confederation, with the advice and consent of the Federal Assembly.

ARTICLE III

The present Convention is concluded for a period of five years, dating from the day of the exchange of the ratifications.

ARTICLE IV

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Government of the Swiss Confederation in accordance with its constitution and laws.

The ratifications of this Convention shall be exchanged at Washington as soon as possible, and it shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and French languages, at Washington, this twenty-ninth day of February, in the year 1908.

ELIHU ROOT [SEAL]
L. VOGEL [SEAL]

ARBITRATION

Agreement signed at Washington November 3, 1913, extending convention of February 29, 1908
Senate advice and consent to ratification February 21, 1914
Ratified by Switzerland March 10, 1914
Ratified by the President of the United States March 23, 1914
Ratifications exchanged at Washington April 27, 1914
Entered into force April 27, 1914
Proclaimed by the President of the United States April 28, 1914
Expired December 23, 1918

38 Stat. 1773; Treaty Series 590

Agreement Extending the Duration of the Arbitration Convention of February 29, 1908

The Government of the United States of America and the Government of the Swiss Confederation, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on February 29, 1908,[1] is to remain in force, which period expires on December 23, 1913, have authorized the undersigned, to wit: William Jennings Bryan, Secretary of State of the United States, and Ernest Baumann, Chargé d'Affaires of the Swiss Confederation to the United States, to conclude the following agreement:

Article I

The Convention of Arbitration of February 29, 1908, between the Government of the United States of America and the Government of the Swiss Confederation, the duration of which by Article III thereof was fixed at a period of five years from the day of the exchange of the ratifications, which period will terminate on December 23, 1913, is hereby extended and continued in force for a further period of five years from December 23, 1913.

Article II

The present agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof,

[1] TS 515, *ante*, p. 911.

and by the Federal Council of the Swiss Confederation, conforming to the constitution and the laws of Switzerland, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and French languages, at Washington this 3rd day of November one thousand nine hundred and thirteen.

WILLIAM JENNINGS BRYAN [SEAL]
ERNEST BAUMANN [SEAL]

WAIVER OF VISAS AND VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Bern May 11, 1925
Entered into force May 11, 1925; operative June 1, 1925

Department of State files

The American Minister to the Chief of the Federal Political Department

LEGATION OF THE
UNITED STATES OF AMERICA
BERNE, *May 11, 1925*

No. 108

EXCELLENCY:

Pursuant to instructions from my Government, I have the honor to inform Your Excellency that the Government of the United States will, from the first of June, 1925, collect no fee for visaing passports or executing applications therefor in the case of citizens or subjects of Switzerland desiring to visit the United States who are not "immigrants" as defined in the Immigration Act of the United States of 1924; [1] namely,

(1) A government official, his family, attendants, servants, and employees;

(2) An alien visiting the United States temporarily as a tourist or temporarily for business or pleasure;

(3) An alien in continuous transit through the United States;

(4) An alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory;

(5) A bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman;

(6) An alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation;

and from the same date the Government of Switzerland will not require non-

[1] 43 Stat. 153.

immigrant citizens of the United States of like classes desiring to visit Switzerland to present visaed passports.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

HUGH GIBSON

His Excellency
Monsieur GIUSEPPE MOTTA
Chief of the Federal Political Department
Berne

The Chief of the Federal Political Department to the American Minister

[TRANSLATION]

FEDERAL POLITICAL DEPARTMENT
DIVISION FOR FOREIGN AFFAIRS
B 44/2 Am.–LF

BERNE, *May 11, 1925*

MR. MINISTER:

In your note of the 11th of this month, Your Excellency was so kind as to inform us that the Government of the United States had decided, from the first of June next, to collect no fee for visaing passports or executing applications therefor in the case of Swiss citizens or subjects desiring to go to the United States and who are not considered as "immigrants" as defined in the Immigration Act of 1924, namely:

[For text of definition, see numbered paragraphs in U.S. note, above.]

We have the honor to inform Your Excellency that the Federal Government undertakes, for its part, to give to citizens and subjects of the United States, belonging to the classes of travelers above cited, desiring to come to Switzerland, the benefit of the like advantages.

In addition, we wish to assure Your Excellency that the present arrangement will cause no modification of the more extensive facilities which have been granted unilaterally by Switzerland in the same premises to citizens and subjects of the United States.

Please accept, Mr. Minister, the assurance of our high consideration.

Federal Political Department
MOTTA

His Excellency
Mr. HUGH S. GIBSON
American Minister
Berne

NARCOTIC DRUGS

Exchange of notes at Bern November 15 and 16, 1929
Entered into force November 16, 1929

Department of State files

The American Chargé d'Affaires ad interim to the Chief of the Federal Political Department

BERNE, *November 15, 1929*

EXCELLENCY:

Referring to the Aide Memoire which the Minister left at the Political Department on December 24, 1927, I have the honor to inquire whether the Federal Council is disposed to accept the arrangement proposed by the Government of the United States of America concerning the direct exchange between American authorities and Swiss authorities of information and evidence regarding the illicit traffic in narcotics, namely,

1. The direct exchange between the American Treasury Department at Washington and the Federal Office of Public Hygiene at Berne of information and evidence with reference to persons engaged in the illicit traffic in narcotics (photographs, extracts of criminal records, finger prints, anthropometric records), as well as communication between the two offices of descriptions of methods employed by the persons in question, of the places from which they have operated, and, when available, the names of their accomplices.
2. The immediate and direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs or of those involved in smuggling such drugs, if such shipments might concern the other country.
3. The competent authorities of the two countries will mutually collaborate in investigations or examinations.

Correspondence and telegrams concerning these exchanges shall be addressed by the American Treasury Department to the Federal Office of Public Hygiene; the Federal Office of Public Hygiene for its part shall address itself for the same purposes to Colonel L. G. Nutt, an official of the Treasury Department, whose address is the following: "Deputy Commissioner, Treasury Department, Washington, D.C."

I avail myself of the occasion to renew to Your Excellency the assurance of my highest consideration.

PIERREPONT MOFFAT
Pierrepont Moffat
American Chargé d'Affaires ad interim

His Excellency
M. GIUSEPPE MOTTA
Chief of the Federal Political Department
Berne

The Chief of the Federal Political Department to the American Chargé d'Affaires ad interim

[TRANSLATION]

FEDERAL POLITICAL DEPARTMENT
DIVISION OF FOREIGN AFFAIRS

B.56.19.2.2–UF

BERNE, *November 16, 1929*

MR. CHARGÉ D'AFFAIRES,

With reference to your note of November 15th and to the aide-memoire which His Excellency Mr. Wilson addressed to us under date of December 24, 1927, we have the honor to inform you that the Federal Council accepts the arrangement proposed by the Government of the United States of America concerning the direct exchange between the Swiss and American authorities of information and evidence relating to the illicit traffic in narcotic drugs, to wit:

1. The direct exchange between the Federal Office of Public Hygiene at Berne and the American Treasury Department at Washington of information and evidence with reference to persons engaged in the illicit traffic in narcotics (photographs, extracts of criminal records, finger prints, anthropometric records), as well as communication between the two offices of descriptions of methods employed by the persons in question, of the places from which they have operated, and, when available, the names of their accomplices.

2. The immediate and direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs or of those involved in smuggling such drugs, if such shipments might concern the other country.

3. The competent authorities of the two countries will mutually collaborate in investigations or examinations.

Correspondence and telegrams concerning these exchanges shall be addressed by the American Treasury Department to the Federal Office of Public Hygiene; the Federal Office of Public Hygiene for its part shall

address itself for the same purposes to Colonel L. G. Nutt, an official of the Treasury Department, whose address is the following:

"Deputy Commissioner, Treasury Department,
Washington, D.C."

Please accept, Mr. Chargé d'Affaires, the assurance of our distinguished consideration.

Federal Political Department
MOTTA

MR. PIERREPONT MOFFAT
Chargé d'Affaires of the United States of America
Berne

308-582—73——60

ARBITRATION AND CONCILIATION

Treaty signed at Washington February 16, 1931
Senate advice and consent to ratification April 29, 1932
Ratified by Switzerland May 4, 1932
Ratified by the President of the United States May 9, 1932
Ratifications exchanged at Washington May 23, 1932
Entered into force May 23, 1932
Proclaimed by the President of the United States May 25, 1932

47 Stat. 1983; Treaty Series 844

The President of the United States of America and the Swiss Federal Council

Mindful of the obligations, which have been assumed by the United States of America and Switzerland, that the settlement of all disputes of whatever nature or of whatever origin, which may arise between them, shall never be sought except by pacific means; desirous moreover of reaffirming the adherence of the two countries to the principle of submitting to impartial decision all juridical controversies in which they may become involved; and eager to demonstrate the sincerity of the renunciation of war as an instrument of national policy in the relations between the United States of America and Switzerland,

Have decided to conclude a treaty of arbitration and conciliation and for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America:
Henry L. Stimson, Secretary of State of the United States of America; and

The Swiss Federal Council:
Marc Peter, Envoy Extraordinary and Minister Plenipotentiary of Switzerland to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

Article I

Every dispute arising between the Contracting Parties, of whatever nature it may be, shall, when ordinary diplomatic proceedings have failed, be sub-

mitted to arbitration or to conciliation, as the Contracting Parties may at the time decide.

ARTICLE II

Any dispute which has not been settled by diplomacy and in regard to which the Contracting Parties do not in fact have recourse to adjudication by an arbitral tribunal shall be submitted for investigation and report to a Permanent Commission of Conciliation constituted in the manner hereinafter prescribed.

ARTICLE III

The Permanent Commission of Conciliation shall be composed of five members and shall be constituted as soon as possible after the exchange of ratifications of this Treaty. Each of the Contracting Parties shall appoint two members, one from among its own nationals, the other from among the nationals of a third State. The Contracting Parties will, in common accord, appoint the fifth member, who shall not be one of their nationals, and who shall be ex officio the President of the Commission. If no agreement is reached as to the choice of the President of the Commission his election shall be conducted in accordance with the method prescribed in the fourth, fifth and sixth paragraphs of Article 45 of the Convention for the Pacific Settlement of International Disputes, concluded at The Hague on October 18, 1907.[1]

At any time when there is no case before the Commission, either of the Contracting Parties may recall a member of the Commission appointed by it and may designate his successor. The recall of the President of the Commission will be effected at any such time on the request of either Contracting Party, provided that if the President shall have been elected in accordance with the method prescribed in the fourth, fifth and sixth paragraphs of Article 45 of the Convention for the Pacific Settlement of International Disputes, concluded at The Hague on October 18, 1907, no request for his recall may be made within a period of two years from the date of his election. Vacancies, from whatever cause, shall be filled as soon as possible in the manner hereinabove provided for the making of original appointments.

Members of the Commission shall receive an adequate honorarium during the time when they are engaged in the performance of duties relating to a case before them. Each of the Contracting Parties will bear its own expenses and one-half of the expenses of the Commission.

ARTICLE IV

After the Contracting Parties shall have agreed to submit a dispute to conciliation, the Commission shall proceed to the consideration of such dispute upon a request sent to its President by either of them.

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[1] TS 536, *ante*, vol. 1, p. 577.

The Commission shall meet, in the absence of an agreement otherwise, at the place designated by its President.

The Commission may frame its own rules of procedure. In the absence of such rules it shall follow in so far as practicable the procedure set forth in Articles 18 to 34, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague, October 18, 1907.

The Commission shall submit its report within one year after the date on which the case shall have been submitted to it, unless the Contracting Parties should, in common accord, shorten or extend the time limit. The report shall be prepared in triplicate, one copy shall be presented to each Government and the third retained by the Commission for its files.

The Contracting Parties agree to furnish the Commission with all the means and facilities required for its investigation and report.

The Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE V

The Contracting Parties bind themselves to submit to arbitration every difference which may have arisen or may arise between them by virtue of a claim of right, which is juridical in its nature, provided that it has not been possible to adjust such difference by diplomacy and it has not in fact been adjusted as a result of reference to the Permanent Commission of Conciliation constituted pursuant to Articles II and III of this Treaty.

ARTICLE VI

The provisions of Article V shall not be invoked in respect of any difference the subject matter of which

(a) is within the domestic jurisdiction of either of the Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States of America concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Switzerland in accordance with the Covenant of the League of Nations.[2]

ARTICLE VII

The tribunal to which juridical differences shall be submitted shall be determined in each case by the Contracting Parties but shall, in the absence of other agreement, be the Permanent Court of Arbitration established at The Hague by the Convention for the Pacific Settlement of International

[2] *Ante*, vol. 2, p. 48.

Disputes concluded October 18, 1907. Decision as to the tribunal shall be made in each case by a special agreement, which special agreement shall provide for the organization of the tribunal if necessary, shall define its powers, shall state the question or questions at issue and shall settle the terms of reference.

Such special agreement shall, in each case, be made on the part of the United States of America by the President thereof, by and with the advice and consent of the Senate, and on the part of Switzerland in accordance with its constitutional law.

Article VIII

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Switzerland in accordance with its constitutional law.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall come into force on the day of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated on notice of one year by either Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and have hereunto affixed their seals.

Done at Washington the sixteenth day of February in the year one thousand nine hundred and thirty-one.

Henry L. Stimson [seal]
Marc Peter [seal]

EXTRADITION

Treaty signed at Washington January 10, 1935, supplementing treaty of May 14, 1900
Senate advice and consent to ratification February 6, 1935
Ratified by the President of the United States March 13, 1935
Ratified by Switzerland April 27, 1935
Ratifications exchanged at Washington May 16, 1935
Entered into force May 16, 1935
Proclaimed by the President of the United States May 17, 1935

49 Stat. 3192; Treaty Series 889

The President of the United States of America and the Swiss Federal Council, animated by the desire of assuring a better administration of justice and suppressing crime on their territory and under their jurisdiction, have resolved to conclude an additional treaty enlarging the list of the crimes or offenses which are extraditable under the treaty concluded, May 14, 1900,[1] between the United States of America and Switzerland and have named as their Plenipotentiaries:

The President of the United States of America: Mr. Cordell Hull, Secretary of State of the United States of America;

The Swiss Federal Council: Mr. Marc Peter, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation to the United States of America;

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

ARTICLE I

The following crimes or offenses shall be added to the list of the crimes or offenses for which extradition may be granted, enumerated under Numbers 1 to 11 in Article II of the said treaty of May 14, 1900, to wit:

12. Fraudulent bankruptcy.
13. Intentional violation of the laws relative to narcotics provided such

[1] TS 354, *ante*, p. 904.

violation carries in Switzerland a penalty of one year's imprisonment or a more severe penalty, and that in the United States of America such violation is punishable as a felony.

ARTICLE II

This treaty shall be considered as an integral part of the treaty of May 14, 1900, and Article II of the latter treaty shall be read as if the list of the crimes or offenses which appear therein had from the first included the crimes or offenses which are added and specified under numbers 12 and 13 in Article I of this treaty.

This treaty shall be ratified by the High Contracting Parties and shall become effective on the date of the exchange of the instruments of ratification, which shall take place at Washington as soon as possible.

IN WITNESS WHEREOF, the above-named Plenipotentiaries have signed this treaty and have hereunto affixed their seals.

DONE at Washington, in duplicate, in the English and French languages, the 10th day of January, 1935.

CORDELL HULL [SEAL]
MARC PETER [SEAL]

RECIPROCAL TRADE

Agreement signed at Washington January 9, 1936, with declaration relating to exportation of Swiss watches [1]
Approved and confirmed by the President of the United States January 9, 1936
Ratified by Switzerland April 28, 1936
Instrument of approval and confirmation and instrument of ratification exchanged at Bern May 7, 1936
Proclaimed by the President of the United States May 7, 1936
Entered into force June 6, 1936; articles I–XVII, inclusive, operative from February 15, 1936
Supplemented and modified by agreements of September 19, October 4, and November 5 and 14, 1940; [2] *October 13, 1950;* [3] *June 8, 1955;* [4] *December 30, 1959;* [5] *March 29, 1960;* [6] *January 18 and December 20 and 28, 1962;* [7] *and July 10 and 11, 1963* [8]
Terminated December 31, 1968, by agreement of October 28, 1968 [9]

49 Stat. 3917; Executive Agreement Series 90

Agreement

The President of the United States of America and the Swiss Federal Council, being desirous of facilitating and extending the commercial relations existing between the United States of America and Switzerland by granting mutual and reciprocal concessions and advantages for the promotion of trade, have through their respective Plenipotentiaries arrived at the following Agreement:

Article I

Articles the growth, produce or manufacture of the United States of America enumerated and described in Section A of Schedule I [1] annexed

[1] For schedules annexed to agreement, see 49 Stat. 3930 or p. 16 of EAS 90.
[2] EAS 193, *post*, p. 940.
[3] 2 UST 453; TIAS 2188.
[4] 6 UST 2845; TIAS 3328.
[5] 10 UST 2087; TIAS 4379.
[6] 11 UST 284; TIAS 4447.
[7] 13 UST 3890; TIAS 5264.
[8] 14 UST 1036; TIAS 5400.
[9] 19 UST 6210; TIAS 6574.

to this Agreement shall, on their importation into the customs territory of Switzerland, be exempt from ordinary customs duties in excess of those set forth in the said Section. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of Switzerland in force on the day of the signature of this Agreement.

With respect to articles enumerated and described in Section B of Schedule I for which import quotas are specified in the said Section, the quantities of such articles originating in the United States of America which shall be permitted to be imported annually into the customs territory of Switzerland, beginning with the day on which this Agreement comes into force, shall not be less than those specified in the said Section.

Article II

Articles the growth, produce or manufacture of Switzerland enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

Article III

The provisions of Articles I and II of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been manufactured or produced in whole or in part.

Article IV

Schedules I and II annexed to this Agreement, the notes included in them, and the Declaration annexed to this Agreement shall have force and effect as integral parts of this Agreement.

Article V

In respect of articles the growth, produce or manufacture of the United States of America or of Switzerland, enumerated and described in Schedules I and II, respectively, imported into the other country, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, it is understood and agreed that the bases

and methods of determining dutiable value and of converting currencies shall be no less favorable to importers than the bases and methods prescribed under laws and regulations of Switzerland and the United States of America, respectively, in force on the day of the signature of this Agreement.

Article VI

Except as otherwise provided in this Agreement, no prohibitions, import or customs quotas, import licenses, or any other form of quantitative regulation, whether or not operated in connection with any agency of centralized control, shall be imposed by Switzerland on the importation or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Section A of Schedule I, nor by the United States of America on the importation or sale of any article the growth, produce or manufacture of Switzerland enumerated and described in Schedule II.

The foregoing provision shall not apply to quantitative restrictions in whatever form imposed by the United States of America or Switzerland on the importation or sale of any article the growth, produce or manufacture of the other country in conjunction with governmental measures operating to regulate or control the production, market supply, or prices of like domestic articles, or tending to increase the labor costs of production of such articles. The Government of the country imposing any such restriction will give sympathetic consideration to any representations which the Government of the other country may make in regard thereto and will consult promptly with the Government of such other country with respect to the subject matter of such representations; and if an agreement with respect thereto is not reached within thirty days following the receipt of written representations, the Government making them shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on thirty days' written notice.

Article VII

1. If the Government of the United States of America or Switzerland establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower import duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the Government taking such action shall:

(a) upon request inform the Government of the other country as to the total quantity, or any change therein, of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge, during a specified period; and

(b) allot to the other country for such specified period a share of such total quantity as originally established or subsequently changed in any manner equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment.

2. Neither the United States of America nor Switzerland shall regulate the total quantity of importations into its territory or sales therein of any article in which the other country has an interest, by import licenses or permits issued to individuals or organizations, unless the total quantity of such article permitted to be imported or sold, during a quota period of not less than three months, shall have been established. The Government of each country will, upon request, inform the Government of the other country of the total quantity of any such article permitted to be imported and of the regulations covering the issuance of such licenses or permits.

Article VIII

In the event that the United States of America or Switzerland establishes or maintains a monopoly for the importation, production or sale of an article or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell an article, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. It is agreed that in making its foreign purchases of any article such monopoly or agency will be influenced solely by competitive considerations, such as price, quality, marketability, and terms of sale.

Article IX

Articles the growth, produce or manufacture of the United States of America or Switzerland, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of domestic origin or any other foreign origin.

Article X

The United States of America and Switzerland agree to grant each other unconditional and unrestricted most-favored-nation treatment in all matters concerning customs duties and charges of every kind and in the method of levying duties and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in the

United States of America or Switzerland shall in no case be subject in the other country, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of the United States of America or Switzerland and consigned to the territory of the other country shall in no case be subject, with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to any third country are or may hereafter be subject.

Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or Switzerland, in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country, shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Switzerland or the United States of America, respectively.

Article XI

In the event that a wide variation occurs in the rate of exchange between the currencies of the United States of America and Switzerland, the Government of either country, if it considers the variation so substantial as to prejudice the industries or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or to terminate this Agreement in its entirety on thirty days' written notice.

Article XII

The Government of the United States of America or the Government of Switzerland, as the case may be, will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life or health.

In the event that the Government of either country makes representations to the Government of the other country in respect of the application of any sanitary law or regulation for the protection of human, animal, or plant life or health, and if there is disagreement with respect thereto, a committee of technical experts on which each Government will be represented shall, on

the request of either Government, be established to consider the matter and to submit recommendations to the two Governments.

Article XIII

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the United States of America and Switzerland, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam, or to the Panama Canal Zone.

The provisions of this Agreement regarding most-favored-nation treatment shall apply to articles the growth, produce or manufacture of any territory under the sovereignty or authority of the United States of America or Switzerland, imported from or exported to any territory under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

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

The provisions of this Agreement shall apply to the Principality of Liechtenstein as long as it is bound to Switzerland by a customs union treaty.

Article XIV

The provisions of this Agreement relating to the treatment to be accorded by the United States of America and Switzerland to the commerce of the other country do not apply to advantages now accorded or which may hereafter be accorded to adjacent countries in order to facilitate frontier traffic, and advantages resulting from a customs union to which either the United States of America or Switzerland is now or may become a party, shall be excepted from the operation of this Agreement.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favor of any third country under like circumstances, the provisions of this Agreement shall not extend to

prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life or health; (3) relating to prison-made goods; or (4) relating to the enforcement of police or revenue laws.

Article XV

In the event that the Government of the United States of America or the Government of Switzerland adopts or changes any measure or practice which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted or changed any such measure or practice shall consider such written representations or proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter. If no agreement is reached with respect to such representations or proposals within thirty days after they are received, the Government making them shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on sixty days' written notice.

Article XVI

The Government of the United States of America and the Government of Switzerland reserve the right to withdraw or to modify the concession granted on any article under this Agreement, or to impose quantitative restrictions on any such article if, as a result of the extension of such concession to third countries, such countries obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such article takes place: *Provided,* That before the Government of either country shall avail itself of the foregoing reservation, it shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposed to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

Article XVII

The purpose of this Agreement being to facilitate and increase trade, it is understood and agreed that if the United States of America should make effective any measure with respect to the prevention of smuggling which the Government of Switzerland should consider as restricting unduly or having the effect of restricting unduly the legitimate importation of or trade in Swiss watches or watch movements, the Government of the United States of Amer-

ica will give most sympathetic consideration to any written representations which the Government of Switzerland may make with respect thereto. If, within thirty days after the receipt of such representations, no satisfactory understanding or adjustment has been effected, the Government of Switzerland shall have the right, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate the Declaration annexed to this Agreement, or this Agreement in its entirety, on sixty days' written notice.

ARTICLE XVIII

The present Agreement shall be approved and confirmed by the President of the United States of America by virtue of the Act of the Congress of the United States of America approved June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930", and shall be ratified by the Swiss Federal Council with the consent of the Federal Assembly of the Swiss Confederation.

Pending the exchange of the instrument of approval and confirmation and the instrument of ratification which shall take place at Bern as soon as possible, the provisions of Articles I to XVII, inclusive, shall be applied reciprocally by the United States of America and Switzerland on February 15, 1936, and thereafter until the day on which the entire Agreement shall come into force.

The entire Agreement shall come into force thirty days after the day of the exchange of the instrument of approval and confirmation and the instrument of ratification. The Agreement shall continue in force until February 14, 1939, subject to the provisions of Article VI, Article XI, Article XV, Article XVI and Article XVII.

Unless at least six months before February 14, 1939, the Government of either country shall have given to the other Government notice of intention to terminate this Agreement on that date, the Agreement shall remain in force thereafter, subject to the provisions of Article VI, Article XI, Article XV, Article XVI and Article XVII, until six months from the day on which the Government of either country shall have given such notice to the other Government.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and French languages, both authentic, at the City of Washington, this ninth day of January, nineteen hundred and thirty-six.

For the President of the United States of America:
CORDELL HULL [SEAL]

For the Swiss Federal Council:
MARC PETER [SEAL]

[For schedules annexed to agreement, see 49 Stat. 3930 or p. 16 of EAS 90.]

Declaration

With a view to cooperating with the Government of the United States of America in its efforts to suppress the smuggling of watches and watch movements, the Government of Switzerland will establish and maintain with the collaboration of the appropriate organizations of the Swiss Watch Industry, the following system of regulation of the exportation of watches and watch movements from Switzerland to the United States:

1. Watches and watch movements other than those purchased at retail may not be exported from Switzerland to the United States except under export permits issued by a Swiss watch organization to be designated by the Government of Switzerland. Such permits shall be viséed by the Swiss Customs Authorities when the shipments are exported from Switzerland and shall be delivered to the appropriate American Consulate in Switzerland. The export permit shall be substantially in the form attached hereto.

2. Watches and watch movements destined for the United States shall be exported through the Swiss Custom House at the place or places to be designated by the Swiss Customs Authorities, for direct shipment to the United States.

3. Watches and watch movements exported from Switzerland to the United States shall be permanently marked with a distinguishing mark distinct for each importer in the United States. Current lists of such marks, and the names and addresses of the persons to whom allocated, shall be furnished by the Swiss Government to the American Legation at Bern. However, such mark shall not be required in the case of watches or watch movements which are or may hereafter be permitted to be legally imported into the United States without marking.

4. The appropriate organizations of the Swiss Watch Industry will take such measures as are necessary to insure:

(a) that their members keep regular accounts, periodically audited, and that they furnish complete information to a central organization in Switzerland regarding their exports of watches and watch movements to the United States, in particular, the dates, quantities and values of their shipments, the style of their products, the names of the suppliers of the exported articles, and the names of the importers in the United States; and

(b) that infringements of this system of regulation of exports are punished in accordance with the conventions of the Swiss Watch Industry; it being understood that one of the penalties to be imposed shall be the temporary or permanent refusal of export permits for future shipments to the United States.

5. Upon request through the appropriate channels, the Swiss watch organization which is designated by the Government of Switzerland for the issuance of export permits will furnish information to the American Customs

Authorities regarding the smuggling or suspected smuggling into the United States of watches and watch movements.

6. The Swiss watch organization which is designated by the Government of Switzerland for the issuance of export permits will, after due warning, refuse to issue export permits for the shipment of watches and watch movements for the account of any person in the United States if there is probable cause to believe that such person has smuggled or is engaged in the smuggling of watches or watch movements into the United States and if such person has refused to permit a duly accredited customs officer of the United States to inspect his stock or records pertaining to such merchandise or the purchase or importation thereof.

The system of regulation of exports described above shall be put into operation on May 1, 1936, and shall continue to operate as long as the trade agreement remains in force, subject to the provisions of Article XVII of the said trade agreement.

FORM OF EXPORT PERMIT FOR WATCHES AND WATCH MOVEMENTS

Mr. . . . . ,
(Name of Exporter)
residing at . . . . . Switzerland,
applies for an export permit for a shipment to the United States as described below.
Consignee: goods sent to . . . . . .
(Name and address)
Ultimate consignee . . . . . .
(Name and address)
Country of origin: SWITZERLAND
Nature and quantity of the goods (as described in the U.S.A: Customs tariff) . .
. . . . . .
Value of the goods sent . . . . . .
(in Swiss francs)
Goods exported from Switzerland through:
For importation into the U.S.A. through port of:
Marks and numbers on case or parcels . . . . . .
Signature of exporter . . . . . .
(Seal)
Date . . . . . 19 . .

La Chaux-de-Fonds, ... 19 . .
(SWITZERLAND)
THE SWISS WATCH CHAMBER OF COMMERCE
. . . . . .
(Seal)

Visa of the Swiss Customs
Authorities at
. . . . . .
(Seal)

MILITARY SERVICE AND DUAL NATIONALITY

Convention signed at Bern November 11, 1937
Senate advice and consent to ratification June 13, 1938
Ratified by the President of the United States July 5, 1938
Ratified by Switzerland November 18, 1938
Ratifications exchanged at Bern December 7, 1938
Entered into force December 7, 1938
Proclaimed by the President of the United States December 13, 1938

53 Stat. 1791; Treaty Series 943

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND SWITZERLAND RELATIVE TO MILITARY OBLIGATIONS OF CERTAIN PERSONS HAVING DUAL NATIONALITY

The President of the United States of America
and
the Swiss Federal Council,
animated by the desire of regulating the military obligations of certain individuals possessing both American and Swiss nationality, have resolved to conclude a convention to that effect and have named as their Plenipotentiaries:

The President of the United States of America:
Mr. Leland Harrison, Envoy extraordinary and Minister plenipontentiary of the United States of America, in Berne;

The Swiss Federal Council:
Mr. Giuseppe Motta, President of the Confederation, Chief of the Federal Political Department,

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

ARTICLE 1

A person, born in the territory of one of the two Parties, of parents who are nationals of the other, who possesses the nationality of these two States and has his habitual residence in the State of his birth, shall not be held liable by the other State for military service or for payment of taxes in lieu thereof,

even in the case of a temporary stay in the territory of the latter State. However, if this stay is protracted beyond the period of two years, it shall be presumed to be permanent, unless the person can show his intention of returning to his native land shortly after the lapse of this period.

ARTICLE 2

The present convention shall be ratified.

It shall become effective upon the exchange of the instruments of ratification and shall continue in effect for three years. At the end of this time, either of the Parties may denounce it at any time, subject to notice given six months in advance.

In witness whereof, the abovenamed Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done at Berne, in duplicate, in the English and French languages, the eleventh day of November nineteen hundred and thirty seven.

LELAND HARRISON [SEAL]
MOTTA [SEAL]

EXTRADITION

Treaty signed at Bern January 31, 1940, supplementing treaty of May 14, 1900, as supplemented
Senate advice and consent to ratification November 26, 1940
Ratified by the President of the United States December 20, 1940
Ratified by Switzerland February 4, 1941
Ratifications exchanged at Washington April 8, 1941
Entered into force April 8, 1941
Proclaimed by the President of the United States April 11, 1941

55 Stat. 1140; Treaty Series 969

Supplementary Treaty to the Extradition Treaty between the United States of America and Switzerland

The President of the United States of America
and
the Swiss Federal Council,
animated by the desire to assure better administration of justice and to suppress crime on their territory and under their jurisdiction, have resolved to conclude a supplementary treaty enlarging the list of crimes or offenses which are extraditable under the treaties concluded respectively May 14, 1900 [1] and January 10, 1935,[2] between the United States of America and Switzerland and have named as their Plenipotentiaries:

The President of the United States of America: Mr. Leland Harrison, Envoy extraordinary and Minister plenipotentiary of the United States of America, in Berne;

The Swiss Federal Council: Mr. Johannes Baumann, Federal Councillor, Chief of the Federal Department of Justice and Police,

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

Article I

The list of crimes and offenses for which extradition may be requested, enumerated in Article II of the said treaty of May 14, 1900, as modified by the supplementary treaty of January 10, 1935, is amended as follows:

[1] TS 354, *ante*, p. 904.
[2] TS 889, *ante*, p. 924.

3. The word "extortion" is added after the word "robbery" and before the words "burglary, house-breaking or shop-breaking".

9. The words "abduction" and "kidnapping of minors" are omitted. The words "traffic in women and children; sequestration, defined as the illegal detention or imprisonment of an individual, or other unlawful deprivation of his freedom; kidnapping;" are added before the words "rape; bigamy; abortion".

ARTICLE II

This treaty shall be considered as an integral part of the treaty of May 14, 1900, and Article II of the latter treaty shall be read as if the list of crimes or offenses which appears therein had from the first included the modifications made and specified under numbers 3 and 9 in Article I of this treaty.

This treaty shall be ratified by the High Contracting Parties and shall become effective on the date of the exchange of the instruments of ratification, which shall take place at Washington as soon as possible.

In witness whereof, the above-named Plenipotentiaries have signed this treaty and have hereunto affixed their seals.

Done at Berne, in duplicate, in the English and French languages, the 31st day of January 1940.

LELAND HARRISON [SEAL]
J. BAUMANN [SEAL]

RECIPROCAL TRADE

Exchange of notes at Bern September 19, October 4, and November 5 and 14, 1940, modifying agreement of January 9, 1936; proclamation issued by the President of the United States November 28, 1940 [1]

Entered into force November 14, 1940; operative January 1, 1941
Supplemented by agreement of June 8, 1955 [2]
Terminated December 31, 1968, by agreement of October 28, 1968 [3]

54 Stat. 2461; Executive Agreement Series 193

Exchange of Notes

The American Legation to the Division of Commerce, Federal Department of Public Economy

Legation of the
United States of America

No. 97

The Legation of the United States of America presents its compliments to the Division of Commerce of the Federal Department of Public Economy and, under instructions from the Secretary of State, has the honor to refer to previous correspondence and personal conversations with regard to the intention of the American Government to modify the Trade Agreement between the United States of America and Switzerland [4] with respect to the concession relating to handkerchiefs included in Item 1529(b) of Schedule II of the agreement.

In the light of representations received as a result of the public announcement in Washington on March 29, 1940,[5] of intention to withdraw, in part, the handkerchief concession in the manner described in the Legation's note No. 87 of April 1, 1940, it is proposed to reword the concluding proviso attached to the list of items remaining subject to the reduced rates of duty, as follows:

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[1] 54 Stat. 2461; EAS 193, p. 1.
[2] 6 UST 2845; TIAS 3328.
[3] 19 UST 6210; TIAS 6574.
[4] Agreement signed at Washington Jan. 9, 1936 (EAS 90, *ante*, p. 926).
[5] 5 Fed. Reg. 1280.

"Provided, that no handkerchiefs which were provided for in Item 1529(b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9 [May 7], 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects."

. . . . . .

It is the intention of the Government of the United States to take action in the near future, under Article 16 of the Trade Agreement, withdrawing the handkerchief concession, in part, as stated in this Legation's note dated April 1, 1940, except that the proviso will be reworded as indicated in the second paragraph of the present note. Although the modification in the handkerchief concession will not be made effective until January 1, 1941, it is the intention of the American Government to announce the modification immediately in order to give importers as much advance notice as possible. Accordingly, the American Government hopes that the Swiss Government will signify its agreement in the next few days with respect to the modification in the handkerchief concession proposed by the Government of the United States of America. But, in any event, the American Government will feel constrained in the very near future to take the action proposed in accordance with the provisions of Article 16.

In expressing the hope of the Government of the United States that a reply to the foregoing may be received in the very near future, the Legation avails itself of the opportunity to renew to the Division of Commerce of the Federal Department of Public Economy the assurance of its high consideration.

BERN, *September 19, 1940*

To the
DIVISION OF COMMERCE
FEDERAL DEPARTMENT OF PUBLIC ECONOMY
Bern

The Division of Commerce, Federal Department of Public Economy, to the American Legation

[TRANSLATION]

FEDERAL DEPARTMENT OF PUBLIC ECONOMY
DIVISION OF COMMERCE

BERN, *October 4, 1940*

The Division of Commerce of the Federal Department of Public Economy has the honor to acknowledge the receipt of the note of September 19 last (no. 97) from the Legation of the United States of America concerning the modification of the clause concerning handkerchiefs (no. 1529(b) of the American tariff) contained in Schedule II of the trade agreement between

the United States of America and Switzerland, signed on January 9, 1936, and to inform the Legation that it agrees with the proposal appearing on page 1 of the said note worded as follows:

"Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects."

The Division of Commerce takes the liberty, nevertheless, of adding that according to the opinion in Swiss handkerchief-manufacturing circles it would be preferable in the text quoted above to replace the words "necessary to finish the machine work or to mend or correct defects", by the following text:

". . . necessary to finish the work done on the multiple-needle embroidery machine or to mend or correct defects."

. . . . . .

The Division of Commerce of the Federal Department of Public Economy takes this occasion to renew to the Legation of the United States of America the assurances of its high consideration.

To the
LEGATION OF THE UNITED STATES OF AMERICA
Bern

The American Legation to the Division of Commerce, Federal Department of Public Economy

LEGATION OF THE
No. 100 UNITED STATES OF AMERICA

The Legation of the United States of America presents its compliments to the Division of Commerce of the Federal Department of Public Economy and has the honor to state that the Legation did not fail to transmit to its Government the contents of the Division's note dated October 4, 1940, expressing the Swiss Government's acceptance of the proviso relating to handkerchiefs as set forth on page 1 of the Legation's note No. 97 of September 19, 1940.

As regards the changes desired by the interested Swiss manufacturers, as set forth in the Division's note of October 4, the Legation has been directed to inform the Swiss authorities that after careful and sympathetic consideration, it has not been found feasible to adopt these suggestions for the following reasons:

1. It is felt that the revised concession (as given in the wording of the proviso contained in the second paragraph of this Legation's note No. 97 dated September 19, 1940) is sufficient to prevent handkerchiefs, on which any substantial part of the ornamentation has been done by hand, from being entered at the agreement rate.

2. If the purpose of the Swiss suggestion is to exclude from the scope of the concession, handkerchiefs which are ornamented on machines, other than multiple-needle machines, it is believed that there is a misunderstanding as to the purpose of the proviso, which is simply to make it clear that the words "which are not embroidered, tamboured or appliquéd in any part by hand", et cetera, do not exclude from the concession such incidental hand operations as are described in the proviso. The Swiss proposal for amendment of the proviso would not exclude handkerchiefs ornamented on machines other than multiple-needle machines from the benefit of the concession, if they have not been ornamented or finished in any part by hand. Adoption of the Swiss language would, however, create uncertainty as to the treatment which would be accorded to such handkerchiefs when they had been incidentally hand finished.

3. Past experience, in any event, does not indicate that any important trade could be developed under the concession in handkerchiefs ornamented on machines other than multiple-needle machines. It is not believed, therefore, that Switzerland would be particularly benefited by the adoption of the suggestion regarding revision of the proviso, while the wording might involve considerable administrative difficulty.

4. The suggestion that the word "machine" be administratively interpreted to mean multiple-needle machine does not appear to be legally feasible, as it is believed that such an interpretation would not be upheld by the courts.

The Legation expresses its Government's most cordial appreciation of the cooperation which the Swiss Government has given in this matter and would be glad if it may now finally report the agreement of the Swiss Government to the modification of the handkerchief concession pursuant to the formal notice of intention to make such change in accordance with Article XVI of the Trade Agreement.

The Legation avails itself of this opportunity to renew to the Division of Commerce of the Federal Department of Public Economy the assurance of its high consideration.

BERN, *November 5, 1940*

To the
DIVISION OF COMMERCE OF THE
FEDERAL DEPARTMENT OF PUBLIC ECONOMY
Bern

308-582—73 - - 61

The Division of Commerce, Federal Department of Public Economy, to the American Legation

[TRANSLATION]

BERN, *November 14, 1940*

FEDERAL DEPARTMENT OF PUBLIC ECONOMY
DIVISION OF COMMERCE

The Division of Commerce of the Federal Department of Public Economy has the honor to acknowledge the receipt of the note of the Legation of the United States of America dated the 5th instant (no. 100) concerning the modification of the provision respecting handkerchiefs (no. 1529 (b) of the American tariff) contained in Schedule II of the trade agreement between the United States of America and Switzerland, signed on January 9, 1936. The Division of Commerce notes that for the reasons set forth in the above-mentioned note, the American Government does not consider it possible to accept the proposals contained in the Division's note of October 4 last. These proposals having been presented merely as suggestions, the Division of Commerce has the honor to state that the Federal Council accepts the modification proposed by the Government of the United States in conformity with Article XVI of the trade agreement of January 9, 1936. In view of the notes exchanged between the Legation of the United States and the Division of Commerce, the text of the provision concerning handkerchiefs (no. 1529 (b) of the American tariff) contained in Schedule II of the trade agreement of January 9, 1936, will henceforth be worded as follows:

"1529 (b)
Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace, which are not embroidered, tamboured, or appliqued in any part by hand, from which threads have not been omitted, drawn, punched, or cut by hand, and having no threads introduced by hand to finish or ornament the openwork:

Composed wholly or in chief value of cotton	2¢ each and 30% ad val.
Composed wholly or in chief value of vegetable fiber other than cotton:	
If finished and valued at 80 cents or more per dozen	2¢ each and 30% ad val.
If unhemmed and without any finished edge, and valued at 45¢ or more per dozen	2¢ each and 30% ad val.

"Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects."

The Division of Commerce of the Federal Department of Public Economy takes this occasion to renew to the Legation of the United States of America the assurances of its high consideration.

FEDERAL DEPARTMENT OF PUBLIC ECONOMY
DIVISION OF COMMERCE

To the
LEGATION OF THE UNITED STATES OF AMERICA
Bern

AIR TRANSPORT SERVICES

Exchange of notes at Bern August 3, 1945, with text of interim agreement and annex
Entered into force August 3, 1945
Amended by agreements of May 13, 1949,[1] *and December 9, 1970* [2]
Supplemented by agreement of March 1 and 4, 1957,[3] *approving agreed minute of February 6, 1957, relating to interpretation of article 2*

60 Stat. 1935; Treaties and Other International Acts Series 1576

The American Minister to the Chief of the Federal Political Department

LEGATION OF THE
UNITED STATES OF AMERICA
BERN, *August 3, 1945*

EXCELLENCY,

I have the honor to refer to the negotiations which have taken place between the Governments of the United States of America and Switzerland for the conclusion of a reciprocal Interim Agreement relating to Air Transport Services. I understand that these negotiations have now resulted in the Agreement which is annexed hereto.

I shall be glad to have you inform me whether the Swiss Government understands that the terms of the Agreement resulting from the negotiations referred to are as set forth in the annex to this letter.

If your answer is in the affirmative, the Government of the United States of America will regard the Agreement as becoming effective upon the date of your answer in accordance with the provisions of the first paragraph of Article 8 of the Agreement.

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

LELAND HARRISON

His Excellency
Dr. MAX PETITPIERRE
Federal Counselor
Chief of the Federal Political Department
Bern

[1] TIAS 1929, *post*, p. 960.
[2] 21 UST 2658; TIAS 7008.
[3] 8 UST 349; TIAS 3781.

Interim Agreement Between the United States of America and Switzerland Relating to Air Transport Services

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

Article 1

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

Article 2 [4]

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

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

Article 3

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

(a) Each of the Contracting Parties may impose or permit to be imposed

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[4] For an interpretation of art. 2, see exchange of notes of Mar. 1 and 4, 1957, approving agreed minute of Feb. 6, 1957 (8 UST 349; TIAS 3781).

just and reasonable charges for the use of public airports and other facilities under its control. Each of the Contracting Parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by or aboard such aircraft on flights in that territory.

ARTICLE 4

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

ARTICLE 5

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

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

ARTICLE 6

Each Contracting Party reserves the right to withhold or revoke a certificate or permit to an airline of the other Party in any case where it is not

satisfied that substantial ownership and effective control are vested in nationals of either Party to this Agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this Agreement.

ARTICLE 7

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

ARTICLE 8

This Agreement shall become effective on the date of the diplomatic notes to which it is annexed.

Either Contracting Party may terminate this Agreement, or the rights for any of the services granted thereunder, by giving one year's notice to the other Contracting Party.

ARTICLE 9

In the event either of the Contracting Parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.[5]

ANNEX TO INTERIM AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND SWITZERLAND RELATING TO AIR TRANSPORT SERVICES [6]

A. Airlines of the United States of America authorized under the present Agreement are accorded rights of transit and non-traffic stop in Swiss territory, as well as the right to pick up and to discharge international traffic in passengers, cargo and mail at Geneva (or other suitable airport) on the following route:

The United States, over a North Atlantic route to Ireland and thence to Paris and Switzerland, and beyond to Italy, Greece, and the Near and Middle East, via intermediate points; in both directions.

B. Airlines of Switzerland authorized under the present Agreement are accorded rights of transit and non-traffic stop in the territory of the United

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[5] For an amendment adding art. 10, see agreement of May 13, 1949 (TIAS 1929), *post*, p. 960.

[6] For a revised annex and schedule, see *ibid.*

States of America, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at New York, on the following route:

Switzerland, via intermediate points (non-traffic stops), to New York; in both directions.

The Chief of the Federal Political Department to the American Minister

[TRANSLATION]

THE CHIEF
OF THE
FEDERAL POLITICAL DEPARTMENT

BERN, *August 3, 1945*

MR. MINISTER:

By a letter dated today you are good enough to submit to me the enclosed Draft of the Provisional Air Transport Agreement between Switzerland and the United States of America drawn up during the diplomatic conversations which have just ended.

I have the honor to inform Your Excellency that the Swiss Federal Council accepts this Agreement and that it considers it as in effect as of today, in conformity with Article 8, paragraph 1, of the Agreement.

Please accept, Mr. Minister, the assurance of my high consideration.

MAX PETITPIERRE

Enclosure.

His Excellency
LELAND HARRISON
Minister of the United States of America
Bern

AIR SERVICE TO BE OPERATED BY U.S. AIR TRANSPORT COMMAND

Exchange of notes at Bern August 6 and September 5, 1945, with text of agreement
Entered into force September 5, 1945
Expired in accordance with its terms

Department of State files

The American Legation to the Federal Political Department

No. 2133

The American Legation at Bern presents its compliments to the Federal Political Department and has the honor to transmit herewith the terms of a proposed agreement regarding an air service of provisional and temporary character to be operated by the Army Transport Command (ATC) of the United States to and from Geneva, Switzerland. The text of the enclosure embodies terms which have heretofore been agreed upon in conversations which have taken place between the competent Swiss and American officials, both in the United States and in Switzerland, and more particularly conferences recently held between Mr. Jean Merminod of the Federal Political Department, Colonel Louis Clerc, Chief of the Federal Air Office, and the Legation's Civil Air Attaché.

It is understood that the proposed arrangement is independent from the bilateral interim air transport agreement just concluded between the Swiss and American Governments.[1] It is also understood that the air transport service contemplated under the proposed agreement is of a non-commercial character and that traffic will not be carried by it on a common carrier basis. The traffic carried will be limited to that of Swiss and American national interests.

In view of the fact that an agreement on the basic principles has already been reached in the course of the conversations above referred to, it is the hope of the Legation that the attached ageement can be put into effect at an early date.

The Legation avails itself of this opportunity to express to the Federal Political Department the assurances of its highest consideration.

L.H.

BERN, *August 6, 1945*

Enclosure:
Terms of a proposed agreement regarding air service to be operated by ATC.

To the
FEDERAL POLITICAL DEPARTMENT
Bern

[1] Agreement of Aug. 3, 1945 (TIAS 1576, *ante*, p. 946).

308-582—73——62

[Proposed Agreement]

1. The competent Swiss authorities agree to the operation by Air Transport Command (ATC) of unarmed military aircraft to and from Geneva/Cointrin carrying passengers, cargo and mail, consisting of military and non-military national interest traffic. The carriage of mail will be subject to necessary arrangements by the competent postal authorities.

2. ATC will operate under this agreement scheduled flights between Paris-Geneva/Cointrin-Marseille in both directions. The time and frequency schedules will be worked out jointly by ATC and the Federal Air Office. To begin with one daily flight is envisaged which can be increased or decreased by ATC in the light of experience.

3. Passengers and crews solely in transit through Geneva, Switzerland, carried by ATC planes shall be exempt from immigration and customs regulations, including requirement for transit visas provided they do not leave the airport. Cargo and mail solely in transit shall be exempt from customs inspections and other entry and clearance formalities.

4. Military passengers solely in transit through Geneva, Switzerland, carried by ATC planes shall be permitted to wear uniforms. Such passengers shall be permitted in the event of force majeure to stay overnight in Geneva in uniform. It is understood that this transit facility shall not extend to military passengers en route to zones of active hostilities.

5. Subject to the Swiss civil air regulations applicable to air traffic and airdrome control, the administrative and operational control of the ATC aircraft utilizing Geneva/Cointrin airport shall be exercised by ATC. Air crews are permitted to operate ATC planes in uniform but will change to civilian clothes when leaving the limits of Geneva/Cointrin. The ATC will determine and provide the minimum number of ground personnel necessary for the conduct of its operations. Such personnel, while stationed in Switzerland, shall wear civilian clothes. The ATC will procure all supplies necessary for its operations and it is agreed that equipment and supplies required for the exclusive use of ATC and its personnel may be imported into Switzerland free of customs and other charges.

6. Technical details of operations, such as schedules, navigational assistance, weather communications, etc., as well as arrangements for the transportation of mail, will be worked out by the American and Swiss technical services concerned. Coding and decoding of administrative, operational and weather communications necessary for the operation of ATC planes will be accomplished in an American Legation office situated at Cointrin airport. It is agreed that the Swiss Government is entitled to knowledge of the substance of messages despatched under the provisions of this paragraph, provided that cryptographic security is maintained.

7. This agreement shall be effective at once and shall remain in force during a transitional period until normal commercial operations by an Ameri-

can air carrier can be inaugurated pursuant to the Interim Agreement between the United States of America and Switzerland relating to Air Transport Services concluded on August 3, 1945.

The Federal Political Department to the American Legation

[TRANSLATION]

FEDERAL POLITICAL DEPARTMENT
DIVISION OF FOREIGN AFFAIRS

C.16.316.2–CG
ad No 2133

The Legation of the United States of America transmitted to the Federal Political Department, with its note of August 6, a memorandum setting forth the conditions under which the Air Transport Command of the American Army could be authorized to operate, for a transitional period, unarmed military aircraft on the Paris-Geneva-Marseille route.

The Political Department has the honor to inform the Legation that the Federal Council made a favorable decision regarding this matter and, accordingly, the Air Office of the Federal Department of Posts and Railroads is empowered to grant the required authorization for flights over Swiss territory and landing at Geneva-Cointrin airdrome making possible the Paris-Geneva-Marseille service under the conditions set forth in the note of August 6 and its annex.

As far as technical questions relating to the organization of the service are concerned, it is suggested that the Legation's Civil Air Attaché contact as soon as possible the Federal Air Office with a view to making the necessary arrangements before the inauguration of the service.

The Department avails itself of this opportunity to renew to the Legation the assurance of its high consideration.

BERN, *September 5, 1945*

To the
LEGATION OF THE UNITED STATES
OF AMERICA
Bern

TRADE: IMPORTATION OF WATCHES

Exchange of memoranda at Washington April 22, 1946
Entered into force April 22, 1946
Terminated March 31, 1947

Department of State Bulletin,
May 5, 1946, p. 763

Swiss Aide-Memoire

LEGATION OF SWITZERLAND
WASHINGTON, D.C.
April 22, 1946

The Legation of Switzerland wishes to refer to recent conversations which have taken place between officials of the Governments of the United States and Switzerland in regard to a number of problems affecting the importation into the United States of Swiss watches, watch movements and parts, watchmaking machinery and jewel bearings.

Reference was made in these conversations to the fact that the United States watch manufacturing industry had during the last few years been converted largely to war production, and in contrast to many other industries similarly converted, the absence of American production had been largely compensated by imports of Swiss watches. The fact that as large an accumulated civilian demand did not exist in the case of watches as in other commodities, therefore, appeared likely to create certain difficulties for the American watch manufacturing industry during its period of reconversion to civilian production. It was also recognized that, by the terms of the Trade Agreement between the United States and Switzerland concluded in 1936,[1] no quantitative limitations were to be placed by the United States on the importation of watches and watch movements into the United States. It was further recognized that this provision of the Trade Agreement should not be allowed to operate in a manner to interfere with the reconversion of the United States watch manufacturing industry. Taking into account such considerations as the foregoing, the Legation of Switzerland makes the declarations set forth below:

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[1] Agreement of Jan. 9, 1936 (EAS 90, *ante,* p. 926).

1. The Swiss Government is willing to effect a scheduling of the exports of watches and watch movements during the period of the reconversion of the United States watch manufacturing industry to civilian production (which is estimated for that purpose to end March 31, 1947) so that the volume of watches and watch movements reaching the United States shall not be such as to interfere with the ready marketing in the United States of the products of the American watch industry.

2. In order to facilitate such scheduling described in Paragraph 1, above, the Swiss Government further declares itself prepared to:

(*a*) Initiate immediately such measures as are available to it to channel the shipment of watches and watch movements from Switzerland directly to the United States and to prevent their indirect shipment to the United States.

(*b*) Initiate immediately such measures as may be necessary to assure that direct shipments of watches and watch movements from Switzerland to the United States during 1946 shall not exceed the amount of direct exports in 1945. The limitation is to become effective retroactively to January 1, 1946. The volume of the direct shipments during the first three months of 1947 shall be calculated *pro rata temporis.*

3. The two governments will review the question of the volume of imports of Swiss watches and watch movements from time to time as the Government of the United States or the Swiss Government may deem necessary. If at any time during the reconversion period satisfactory evidence appears that the United States watch industry is finding difficulty in marketing its products, the Government of Switzerland declares itself prepared, in addition to the control of exports contemplated by Paragraph 2 above, to effect a further reduction in the volume of exports of watches and watch movements from Switzerland to the United States to an extent to be agreed upon between the two governments.

Furthermore, the Swiss Government takes cognizance of the opinion expressed by officials of the Government of the United States that a joint review shall be made whenever the imports in any three-month period during 1946 exceed the average direct imports during a similar period of years 1942–45, inclusive, or whenever the volume of imports with respect to the several United States import classifications greatly deviates in any such period from the general pattern established during the last decade, and sees no objection to such procedure.

4. The Swiss Government will use its good offices to expedite the issuance of export permits by the Swiss Watch Chamber and other watch associations for watch parts and for jewel bearings to be used in the manufacture of watches in the United States, according to the autonomous internal regulations of the Swiss Government. The Swiss Government also will use its good offices to secure the issuance of export licenses to supply the American watch manufacturing industry with the watchmaking machinery which it is

now endeavoring to purchase in Switzerland and will consider sympathetically the granting of export licenses for such further watchmaking machinery as United States watch manufacturers may desire to purchase in Switzerland. The Swiss Legation is looking forward to receiving from the Department of State the list of machines which the American watch manufacturing industry is now desirous of obtaining in Switzerland.

The foregoing declarations will be in effect until March 31, 1947.

United States Aide-Memoire

April 22, 1946

The Government of the United States appreciates the declaration made by the Legation of Switzerland in its *aide-mémoire* of April 22, 1946 concerning the intentions of the Government of Switzerland with respect to the exportation of watches and watch movements, watch parts, watchmaking machinery and jewel bearings to the United States during the period from January 1, 1946 to March 31, 1947.

The Government of the United States believes that the adoption and execution of these measures by the Government of Switzerland will contribute materially to the solution of problems confronting the American watch industry in its period of reconversion to civilian production and will serve, at the same time, to assure the American watch importers and assemblers as well as the retail jewelers and consumers of an adequate supply of watches.

The Department of State, in this connection, will transmit to the Legation of Switzerland in the very near future the lists referred to in paragraph four of the *aide-mémoire*.

EQUIPMENT AT COINTRIN AIRPORT

Agreement signed at Bern April 30, 1947
Entered into force April 30, 1947

61 Stat. 3859; Treaties and Other International Acts Series 1736

AGREEMENT BETWEEN THE SWISS GOVERNMENT AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING SCS–51 EQUIPMENT AT COINTRIN AIRPORT, GENEVA, SWITZERLAND

THE SWISS GOVERNMENT AGREES:

1. To operate and maintain the SCS–51 equipment continuously in a manner adequate for the air traffic operating into and away from Cointrin Airport, Geneva, where this equipment is now located, and along the recognized international air routes converging on that airdrome; and, in order to insure the standard of service, the Swiss Government agrees to abide by approved International Civil Aviation Organization (ICAO) standards of operation [1] unless changed by other international agreement to which the Governments of the United States and Switzerland are parties. Allowance is to be made, of course, for possible unavoidable interruption of the continuous operation which may result from breakdown in the equipment; but every effort will be made to repair any electrical or mechanical defects of the equipment as soon as may be possible.

2. To install and place into operation parts of the SCS–51 equipment not yet installed as soon as the necessary special parts already ordered will have been delivered and assembled. It is understood that in the interest of safety of air traffic every possible step will be taken to hasten the putting into operation of the whole equipment.

3. To provide the full service of the SCS–51 to all aircraft on a nondiscriminatory basis.

4. To continue the operation of SCS–51 equipment in its original location at Cointrin Airport, Geneva, or at a new location mutually agreed upon between the Governments of the United States and Switzerland until this equipment may be replaced in accordance with standards promulgated by

[1] See interim agreement opened for signature at Chicago Dec. 7, 1944 (EAS 469), *ante*, vol. 3, p. 929.

the International Civil Aviation Organization or until it is determined by the Governments of Switzerland and the United States that there is no longer need for the original equipment.

5. To authorize the United States air carrier or the Civil Aeronautics Administration of the United States to designate a technical advisor to assist and advise the agency designated by the Swiss Government to operate the SCS–51 so far as it relates to the safety and efficiency of the operation of United States aircraft, and in conformity with approved International Civil Aviation Organization standards of operation. This designation is to continue as long as it is useful to the United States air carrier. The Swiss agency will not, however, be bound to act on the advice given should it be found contrary to Swiss interests.

The Government of the United States of America Through Either the United States Army or the Civil Aeronautics Administration or a Designated Private Agency Agrees:

1. To include in the sale of the basic installation one year's supply of maintenance parts and expendable supplies to the extent that the Theater's surplus stocks permit.

2. To do everything possible to assist the Swiss Government or its representative in purchasing through regular commercial channels maintenance parts and expendable supplies for the operation of the SCS–51.

Done at Bern in duplicate this 30th day of April, 1947.

For the Government of Switzerland:
Clerc
Louis Clerc, Chief
Federal Air Office

For the Government of the United States of America:
Leland Harrison
Leland Harrison
American Minister

NONIMMIGRANT VISA REQUIREMENTS

Exchange of notes at Washington October 22 and 31 and November 4 and 13, 1947
Entered into force November 13, 1947; operative for Switzerland November 15, 1947, and for the United States December 1, 1947

[For text, see 6 UST 93; TIAS 3172.]

AIR TRANSPORT SERVICES

Exchanges of notes at Bern May 13, 1949, amending agreement of August 3, 1945
Entered into force May 13, 1949

63 Stat. 2437; Treaties and Other International Acts Series 1929

The American Minister to the Chief of the Federal Political Department

LEGATION OF THE
UNITED STATES OF AMERICA
BERN, *May 13, 1949*

EXCELLENCY:

I have the honor to refer to the conversations between the Governments of the United States of America and Switzerland in regard to the amendment of the Interim Agreement relating to Air Transport Services concluded between the United States of America and Switzerland dated August 3, 1945,[1] with a view to the insertion of a dispute clause into this Agreement. I understand that these conversations have now resulted in a text agreed upon between the negotiating parties which is attached hereto and which is to be inserted as Article 10 of the Agreement.

I shall be glad to have you inform me whether the Swiss Government understands that the terms of the dispute clause to constitute Article 10 of the Agreement resulting from the conversations referred to are as found in the enclosure to this note.

If your answer is in the affirmative, the Government of the United States of America will regard the new Article 10 of the Agreement effective upon the date of your answer.

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

J. C. VINCENT

His Excellency
Dr. MAX PETITPIERRE
Federal Councilor
Chief of the Federal Political Department
Bern

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[1] TIAS 1576, *ante*, p. 946.

ARTICLE 10

Except as otherwise provided in this Agreement or its Annex, any dispute between the contracting parties relative to the interpretation or application of this Agreement or its Annex which cannot be settled through consultation shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each contracting party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either contracting party. Each of the contracting parties shall designate an arbitrator within two months of the date of delivery by either party to the other party of a diplomatic note requesting arbitration of a dispute; and the third arbitrator shall be agreed upon within one month after such period of two months.

If either of the contracting parties fails to designate its own arbitrator within two months, or if the third arbitrator is not agreed upon within the time limit indicated, the President of the Council of the International Civil Aviation Organization (hereinafter called ICAO) shall be requested to make the necessary appointments by choosing the arbitrator or arbitrators from a panel of arbitral personnel maintained in accordance with the practice of ICAO.

The contracting parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each party.

The Chief of the Federal Political Department to the American Minister

[TRANSLATION]

THE CHIEF
OF THE
FEDERAL POLITICAL DEPARTMENT

BERN, *May 13, 1949*

MR. MINISTER:

In a letter dated today you were so good as to propose to me that an arbitration clause be inserted in the Interim Agreement between the United States of America and Switzerland relating to Air Transport Services, dated August 3, 1945. I have taken due note of the fact that such text, which would become article 10 of the agreement, was the subject of conversations between representatives of the Swiss Federal Authorities and representatives of the American Authorities.

I have the honor to inform Your Excellency that the Swiss Federal Coun-

cil approves the text in question and that it considers it to be in force as of the present date.

Accept, Mr. Minister, the assurances of my high consideration.

MAX PETITPIERRE

His Excellency
JOHN CARTER VINCENT
Minister of the United States of America
Bern

The American Minister to the Chief of the Federal Political Department

LEGATION OF THE
UNITED STATES OF AMERICA
BERN, *May 13, 1949*

EXCELLENCY:

I have the honor to refer to the conversations between the Governments of the United States of America and Switzerland in regard to the amendment of the Interim Agreement relating to Air Transport Services concluded between the United States of America and Switzerland on August 3, 1945, with a view to the incorporation of the Bermuda principles into this Agreement. I understand that these conversations which have taken place pursuant to the suggestion of the Federal Air Office communication of May 21, 1948, have now resulted in a text agreed upon between the negotiating parties which is enclosed herewith and which is to be inserted as the Annex immediately following Article 10 of the Interim Agreement of August 3, 1945. I further understand that the Schedule to the enclosed Annex has been agreed upon as a substitute for the present "Annex" of the Interim Agreement. It is finally understood that the enclosed Annex and Schedule will form an integral part of the Interim Agreement of August 3, 1945.

I shall be glad to have you inform me whether the Swiss Government understands that the terms of the Annex and of the Schedule resulting from the conversations referred to are as set forth in the enclosure to this note.

If your answer is in the affirmative, the Government of the United States of America will regard the new Annex and Schedule to the Interim Agreement of August 3, 1945, effective upon the date of your answer in accordance with the provisions of Article 9 of the Agreement.

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

J. C. VINCENT

His Excellency
Dr. MAX PETITPIERRE
Federal Councilor
Chief of the Federal Political Department
Bern

ANNEX

SECTION I

One or more airlines designated by each of the contracting parties under the conditions provided in this Agreement will enjoy, in the territory of the other contracting party, rights of transit and of stops for non-traffic purposes, as well as the right of commercial entry and departure for international traffic in passengers, cargo and mail at the points enumerated on each of the routes specified in the Schedule attached.

SECTION II

The air transport facilities available hereunder to the traveling public shall bear a close relationship to the requirements of the public for such transport.

SECTION III

There shall be a fair and equal opportunity for the airlines of the contracting parties to operate on any route between their respective territories covered by this Agreement and Annex.

SECTION IV

In the operation by the airlines of either contracting party of the trunk services described in the present Annex, the interest of the airlines of the other contracting party shall be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same routes.

SECTION V

It is the understanding of both contracting parties that services provided by a designated airline under the present Agreement and Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the present Annex shall be applied in accordance with the general principles of orderly development to which both contracting parties subscribe and shall be subject to the general principle that capacity should be related to:

(a) traffic requirements between the country of origin and the countries of destination;

(b) the requirements of through airline operation; and

(c) the traffic requirements of the area through which the airline passes after taking account of local and regional services.

Section VI

It is the intention of both contracting parties that there should be regular and frequent consultation between their respective aeronautical authorities and that there should thereby be close collaboration in the observance of the principles and the implementation of the provisions outlined in the present Agreement and Annex.

Section VII

A. The determination of rates in accordance with the following paragraphs shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other carriers, as well as the characteristics of each service.

B. The rates to be charged by the air carriers of either contracting party between points in the territory of the United States and points in Swiss territory referred to in the attached Schedule shall, consistent with the provisions of the present Agreement and its Annex, be subject to the approval of the aeronautical authorities of the contracting parties, who shall act in accordance with their obligations under the present Annex, within the limits of their legal powers.

It is recognized that the determination of rates to be charged by an airline of one contracting party over a segment of the specified route, which segment lies between the territories of the other contracting party and a third country, is a complex question the over-all solution of which cannot be sought through consultation between only the two contracting parties. Pending the acceptance by both contracting parties of any multilateral agreement or recommendations with respect to such rates, the rates to be charged by the designated airlines of the two contracting parties over the route segment involved shall be set in the first instance by agreement between such airlines operating over such route segment, subject to the approval of the aeronautical authorities of the two contracting parties. In case such designated airlines cannot reach agreement or in case the aeronautical authorities of both contracting parties do not approve any rates set by such airlines, the question shall become the subject of consultation between the aeronautical authorities of the two contracting parties. In considering such rates the aeronautical authorities shall have regard particularly to Section IV of this Annex and to the desire of both contracting parties to foster and encourage the development of efficient and economically sound trunk air services by the designated airlines over the specified routes. If the aeronautical authorities cannot reach agreement, both contracting parties shall submit, at the request of either party, the question in dispute to arbitration as provided for in Article 10 of the Agreement.

C. Any rate proposed by the airline or airlines of either contracting party shall be filed with the aeronautical authorities of both contracting parties at

least thirty (30) days before the proposed date of introduction; provided that this period of thirty (30) days may be reduced in particular cases if so agreed by the aeronautical authorities of both contracting parties.

D. The Civil Aeronautics Board of the United States having approved the traffic conference machinery of the International Air Transport Association (hereinafter called IATA) for a period of two years beginning in February 1948, any rate agreements concluded through this machinery during this period and involving United States airlines will be subject to approval of the Board. Rate agreements concluded through this machinery will also be subject to the approval of the aeronautical authorities of Switzerland pursuant to the principles enunciated in paragraph B above.

E. The contracting parties agree that the procedure described in paragraphs F, G and H of this Section shall apply:

1) if during the period of the Civil Aeronautics Board's approval of the IATA traffic conference machinery, either any specific rate agreement is not approved within a reasonable time by either contracting party or a conference of IATA is unable to agree on a rate, or

2) at any time no IATA machinery is applicable, or

3) if either contracting party at any time withdraws or fails to renew its approval of that of the IATA Traffic Conference machinery relevant to this Section.

F. In the event that power is conferred by law upon the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services and to suspend proposed rates in a manner comparable to that in which the Civil Aeronautics Board at present is empowered to act with respect to such rates for the transport of persons and property by air within the United States, each of the contracting patries shall thereafter exercise its authority in such manner as to prevent any rate or rates proposed by one of its airlines of services from the territory of the other contracting party from becoming effective, if in the judgment of the aeronautical authorities of the contracting party whose airline or airlines is or are proposing such rate, that rate is unfair or uneconomic. If one of the contracting parties on receipt of the notification referred to in paragraph C above is dissatisfied with the rate proposed by the airline or airlines of the other contracting party, it shall so notify the other contracting party prior to the expiry of the first fifteen (15) days of the thirty (30) days referred to, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

In the event that such agreement is reached, each contracting party will exercise its best efforts to put such rate into effect as regards its airline or airlines.

If agreement has not been reached at the end of the thirty (30) day

period referred to in paragraph C above, the proposed rate may, unless the aeronautical authorities of the country of the airline concerned see fit to suspend its application, go into effect provisionally pending the settlement of any dispute in accordance with the procedure outlined in paragraph H below.

G. Prior to the time when such power may be conferred by law upon the aeronautical authorities of the United States, if one of the contracting parties is dissatisfied with any rate proposed by the airline or airlines of either contracting party for services from the territory of one contracting party to a point or points in the territory of the other contracting party, it shall so notify the other prior to the expiry of the first fifteen (15) days of the thirty (30) day period referred to in paragraph C above, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

In the event that such agreement is reached, each contracting party will use its best efforts to cause such agreed rate to be put into effect by its airline or airlines.

It is recognized that if no such agreement can be reached prior to the expiry of such thirty (30) days, the contracting party raising the objection to the rate may take such steps as it may consider necessary to prevent the inauguration or continuation of the service in question at the rate complained of.

H. When in any case under paragraphs F and G above the aeronautical authorities of the two contracting parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one contracting party concerning the proposed rate or an existing rate of the airline or airlines of the other contracting party, upon the request of either, both contracting parties shall submit, at the request of either party, the question in dispute to arbitration as provided for in Article 10 of the Agreement.

SCHEDULE

1. An airline designated by the Government of the United States of America shall be entitled to operate air services on the air route specified via intermediate points, in both directions, and to make scheduled landings in Switzerland at the points specified in this paragraph:

The United States, over a North Atlantic route to Geneva and Zurich and beyond.

2. An airline designated by the Swiss Federal Air Office shall be entitled to operate air services on the air route specified via intermediate points, in both directions, and to make scheduled landings in the United States at the points specified in this paragraph:

Switzerland, over a North Atlantic route via Ireland or the Azores and Newfoundland to New York and Chicago.

3. Points on any of the specified routes may, at the option of the designated airline, be omitted on any or all flights.

The Chief of the Federal Political Department to the American Minister

[TRANSLATION]

THE CHIEF
OF THE
FEDERAL POLITICAL DEPARTMENT

BERN, *May 13, 1949*

MR. MINISTER:

In a letter dated today you were so good as to propose to me that a new text be substituted for the present Annex to the Interim Agreement between the United States of America and Switzerland relating to Air Transport Services, dated August 3, 1945. I have taken note of the fact that such text was the subject of conversations between representatives of the Swiss Federal Authorities and representatives of the American Authorities.

I have the honor to inform Your Excellency that the Swiss Federal Council approves the text in question and that it considers it to be in force as of the present date, in accordance with article 9 of the agreement.

Accept, Mr. Minister, the assurances of my high consideration.

MAX PETITPIERRE

His Excellency
JOHN CARTER VINCENT
Minister of the United States of America
Bern

SETTLEMENT OF CERTAIN WAR CLAIMS

Exchange of notes at Washington October 21, 1949
Entered into force October 21, 1949
Terminated upon execution of its terms [1]

64 Stat. (3) B1097; Treaties and Other International Acts Series 2112

The Secretary of State to the Swiss Minister

DEPARTMENT OF STATE
WASHINGTON
October 21, 1949

SIR:

I have the honor to refer to previous correspondence, and also to oral discussions between officials of your Government and the Government of the United States concerning claims asserted by your Government for compensation for losses and damages inflicted on persons and property in Switzerland during World War II by units of the United States armed forces in violation of neutral rights.

On behalf of the United States Government, I wish to offer to your Government in full and final settlement of the balance due on all claims of the character referred to in the preceding paragraph the sum of 62,176,433.06 Swiss francs, which includes interest through October 21, 1949. The offer is made with the understanding that the Swiss Government accepts responsibility for making payment of the individual claims involved.

I would appreciate being advised whether the Swiss Government agrees to the proposed settlement. Upon the receipt of a note from you indicating the approval of your Government, it will be considered that these notes record the understanding of the two governments with respect to the matter.

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

DEAN ACHESON

The Honorable
CHARLES BRUGGMANN
Minister of Switzerland

[1] By note of Oct. 24, 1949, the Swiss Legation informed the Secretary of State that since Oct. 21, 1949, "the balance on all claims has been paid to the Département Politique Fédéral in Berne."

The Swiss Minister to the Secretary of State

LÉGATION DE SUISSE
WASHINGTON, D.C.

OCTOBER 21, 1949

SIR:

I have the honor to acknowledge receipt of your note of this date, and to inform you that my Government agrees to the terms proposed therein:

In full and final settlement of the balance due on all claims asserted by my Government, for compensation for losses and damages inflicted on persons and property in Switzerland during World War II by units of the United States armed forces in violation of neutral rights, the sum of 62,176,433.06 Swiss francs, which includes interest through October 21, 1949. The settlement is made with the understanding that my Government accepts responsibility for making payment of the individual claims involved.

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

BRUGGMANN

The Honorable
DEAN G. ACHESON
Secretary of State

Syria[1]

RIGHTS OF AMERICAN NATIONALS

Exchange of notes at Damascus September 7 and 8, 1944
Entered into force September 8, 1944

58 Stat. 1491; Executive Agreement Series 434

The American Diplomatic Agent to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
September 7, 1944

EXCELLENCY:

I have the honor to inform Your Excellency that my Government has observed with friendly and sympathetic interest the accelerated transfer of governmental powers to the Syrian and Lebanese Governments since November 1943 and now takes the view that the Syrian and Lebanese Governments may now be considered representative, effectively independent and in a position satisfactorily to fulfil their international obligations and responsibilities.

The United States is, therefore, prepared to extend full and unconditional recognition of the independence of Syria, upon receipt from Your Excellency's Government of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the treaty of 1924 between the United States and France,[2] are fully recognized and will be effectively continued and protected by the Syrian Government, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Syria.

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[1] Certain agreements between the United States and France were, or are, applicable also to Syria. See *ante*, vol. 7, p. 763, FRANCE

[2] TS 695, *ante*, vol. 7, p. 925, FRANCE.

I am to add that, following the receipt of such assurances, my Government proposes to appoint an Envoy Extraordinary and Minister Plenipotentiary as its representative near the Syrian Government and would be pleased to receive in the United States a diplomatic representative of Syria of the same grade.

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

G. WADSWORTH

His Excellency
JAMIL BEY MARDAM BEY
Minister for Foreign Affairs of the
Republic of Syria
Damascus.

The Minister of Foreign Affairs to the American Diplomatic Agent

REPUBLIQUE SYRIENNE
MINISTÈRE
DES AFFAIRES ETRANGERES

DAMAS, *le 8/9/44*

SIR,

I have the honour to inform you that I have received with satisfaction your note dated 7th. September, 1944, in which you conveyed the view of the United States Government that the Syrian Government may now be considered representative, effectively independent and in a position satisfactorily to fulfil her international obligations and responsibilities; and that therefore the United States is prepared to extend full and unconditional recognition of the independence of Syria, upon receipt of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected by the Syrian Government, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Syria.

The Syrian Government have taken note of the friendly attitude of the United States Government, and they highly appreciate this noble geste. It is my pleasant task to convey to you the assurances of the Syrian Government that the existing rights of the United States and its nationals, particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognized and will be effectively continued and protected, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between Syria and the United States.

I have the honour to add that the Syrian Government welcome the proposed appointment by the Government of the United States, of an Envoy Extraordinary and Minister Plenipotentiary as representative accredited to

the President of the Syrian Republic, and propose to appoint a representative of the same rank to be accredited near the President of the United States.

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

JAMIL MARDAM BEY

His Excellency
Mr. GEORGE WADSWORTH
United States Diplomatic Agent
Damascus

AIR TRANSPORT SERVICES

Agreement, with annex, signed at Damascus April 28, 1947
Entered into force provisionally April 28, 1947; definitively June 21, 1955
Annex amended by agreement of October 22, 1956, and April 30, 1957 [1]

[For text, see 6 UST 2163; TIAS 3285.]

[1] 8 UST 673; TIAS 3818.

Texas

CLAIMS: THE CASE OF THE BRIGS "POCKET" AND "DURANGO"

Convention signed at Houston April 11, 1838
Ratified by Texas May 3, 1838
Senate advice and consent to ratification June 13, 1838
Ratified by the President of the United States June 21, 1838
Ratifications exchanged at Washington July 6, 1838
Entered into force July 6, 1838
Proclaimed by the President of the United States July 6, 1838
Terminated upon fulfillment of its terms [1]

8 Stat. 510; Treaty Series 510 [2]

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TEXAS, TO TERMINATE THE RECLAMATIONS OF THE FORMER GOVERNMENT FOR THE CAPTURE, SEIZURE AND DETENTION OF THE BRIGS POCKET AND DURANGO, AND FOR INJURIES SUFFERED BY AMERICAN CITIZENS ON BOARD THE POCKET

Alcée La Branche, Chargé d'Affaires of the United States of America, near the Republic of Texas, acting on behalf of the said United States of America, and R. A. Irion, Secretary of State of the Republic of Texas, acting on behalf of the said Republic, have agreed to the following articles.

ART. 1. The Government of the Republic of Texas, with a view to satisfy the aforesaid reclamations for the capture, seizure and confiscation of the two vessels aforementioned, as well as for indemnity to American citizens who have suffered injuries from the said Government of Texas, or its officers,

[1] On Dec. 12, 1838, the United States was informed that the convention had been published at Houston; the amount due, with interest, in all $12,455, was duly paid.
[2] For a detailed study of this convention, see 4 Miller 125.

obliges itself to pay the sum of eleven thousand, seven hundred and fifty dollars, ($11750.), to the Government of the United States of America, to be distributed amongst the claimants, by the said Government of the United States of America.

ART 2. The sum of eleven thousand, seven hundred and fifty dollars, ($11750.), agreed on in the 1st. Art., shall be paid in gold or silver, with interest at six per cent., one year after the exchange of the ratifications of this convention. The said payment shall be made, at the seat of Government of the Republic of Texas, into the hands of such person or persons as shall be duly authorized by the Government of the United States of America to receive the same.

ART. 3. The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner if possible.

In faith whereof the parties above-named have respectively subscribed these articles, and thereto affixed their seals.

Done at the city of Houston, on the eleventh day of the month of April, one thousand, eight hundred and thirty eight.

ALCÉE LA BRANCHE [SEAL]
R. A. IRION [SEAL]

308-582—73——63

BOUNDARY

Convention signed at Washington April 25, 1838
Senate advice and consent to ratification May 10, 1838
Ratified by Texas May 25, 1838
Ratified by the President of the United States October 4, 1838
Ratifications exchanged at Washington October 12, 1838
Entered into force October 12, 1838
Proclaimed by the President of the United States October 13, 1838
Made obsolete December 29, 1845, upon admission of Texas to the Union

8 Stat. 511; Treaty Series 356 [1]

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight,[2] between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their Plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its Plenipotentiary;

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

Article I

Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the

[1] For a detailed study of this convention, see 4 Miller 133.
[2] TS 202, *ante*, vol. 9, p. 760, MEXICO.

mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE II

And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ARTICLE III

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date thereof, or sooner if possible.

In witness whereof we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

JOHN FORSYTH [SEAL]
MEMUCAN HUNT [SEAL]

Thailand[1]

AMITY AND COMMERCE

Treaty signed at Bangkok March 20, 1833
Senate advice and consent to ratification June 30, 1834
Ratified by the President of the United States January 3, 1835
Ratified by Siam April 14, 1836
Ratifications exchanged at Bangkok April 14, 1836
Entered into force April 14, 1836
Proclaimed by the President of the United States June 24, 1837
Modified by treaty of May 29, 1856[2]
Replaced September 1, 1921, by treaty of December 16, 1920[3]

8 Stat. 454; Treaty Series 321[4]

Treaty of Amity and Commerce between His Majesty the Magnificent King of Siam and the United States of America

His Majesty the Sovereign and Magnificent King in the City of Siayuthia has appointed the Chau-Phaya Phraklang one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof on its behalf, to form a Treaty of sincere friendship and entire good faith between the two nations. For this purpose the Siamese and the Citizens of the United States of America, shall, with sincerity, hold commercial intercourse in the Ports of their respective nations, as long as Heaven and Earth shall endure.

This Treaty is concluded on wednesday the last of the fourth month of the year 1194 called Pimarông chattavasok (or the year of the Dragon) corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese

[1] The name of the Kingdom of Siam was changed to Thailand on June 24, 1939.
[2] TS 322, *post*, p. 982.
[3] TS 655, *post*, p. 997.
[4] For a detailed study of this treaty, see 3 Miller 741.

are ignorant of English, and the Americans of Siamese, a Portuguese & a Chinese translation are annexed, to serve as testimony to the contents of the Treaty. The writing is of the same tenor & date in all the languages aforesaid: it is signed on the one part, with the name of the Chau-Phaya Phraklang, and sealed with the seal of the Lotus flower of glass; on the other part it is signed with the name of Edmund Roberts, and sealed with a seal containing an Eagle and stars.

One copy will be kept in Siam, and another will be taken by Edmund Roberts to the United States. If the Government of the United States shall ratify the said Treaty, and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

ARTICLE I. There shall be a perpetual peace between the United States of America and the Magnificent King of Siam.

ARTICLE II. The Citizens of the United States shall have free liberty to enter all the Ports of the Kingdom of Siam, with their cargoes of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others, who may wish to purchase the same; or to barter the same for any produce or manufacture of the Kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandize they may wish to buy: but the trade shall be free on both sides, to sell, or buy, or exchange, on the terms and for the prices the owners may think fit. Whenever the said Citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports—provided always there be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import & sell munitions of war to any person excepting to the King, who if he does not require, will not be bound to purchase them: neither is permission granted to import opium,[5] which is contraband, or to export rice, which cannot be embarked as an article of commerce. These only are prohibited.

ARTICLE III. Vessels of the United States entering any Port within His Majesty's dominions, and selling, or purchasing cargoes of merchandize, shall pay in lieu of import and export duties, tonnage, license to trade, or any other charge whatever, a measurement duty, only, as follows. The measurement shall be made from side to side, in the middle of the Vessel's length, and if a single-decked vessel, on such single deck,—if otherwise, on the lower deck. On every vessel selling merchandize, the sum of one Thousand Seven Hundred Ticals or Bats shall be paid, for every Siamese Fathom in breadth so measured,—the said Fathom being computed to contain Seventy Eight English or American Inches; corresponding to Ninety-Six Siamese Inches:—but if the said vessel should come without merchandize, and purchase a cargo

[5] For a modification, see art. VIII of agreement of May 29, 1856 (TS 322), *post*, p. 985.

with specie only, she shall then pay the sum of Fifteen Hundred Ticals, or Bats, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese Port for the purpose of refitting or for refreshments, or to enquire the state of the market.[5]

ARTICLE IV. If hereafter the duties payable by foreign vessels be diminished in favor of any other Nation, the same diminution shall be made in favor of the vessels of the United States.

ARTICLE V. If any vessel of the United States shall suffer shipwreck on any part of the Magnificent King's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the King, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners:—and the United States will repay all expenses incurred by His Majesty on account of such wreck.

ARTICLE VI. If any citizen of the United States coming to Siam for the purpose of trade shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods, to pay his debts therewith. When the product of such bonâ fide sale shall not suffice, he shall no longer be liable for the remainder; nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due; but shall leave him at perfect liberty.

ARTICLE VII. Merchants of the United States coming to trade in the Kingdom of Siam, and wishing to rent houses therein, shall rent the King's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the King's Officers shall take account thereof, but shall not levy any duty thereupon.

ARTICLE VIII. If any Citizens of the United States, or their vessels or other property, shall be taken by pirates, and brought within the dominions of the Magnificent King, the persons shall be set at liberty, and the property restored to its owners.

ARTICLE IX. Merchants of the United States, trading in the Kingdom of Siam, shall respect and follow the laws and customs of the Country, in all points.

ARTICLE X. If hereafter any foreign Nation, other than the Portuguese, shall request and obtain His Majesty's consent to the appointment of Consuls to reside in Siam, the United States shall be at liberty to appoint Consuls to reside in Siam, equally with such other foreign Nation.

[ROYAL SEAL OF SIAM] [SEAL OF MINISTER OF FOREIGN AFFAIRS]

EDMUND ROBERTS [SEAL]

Whereas the undersigned Edmund Roberts, a Citizen of Portsmouth, in the State of New Hampshire, in the United States of America, being duly appointed an Envoy, by Letters Patent, under the Signature of the President and Seal of the United States of America, bearing date at the City of Washington the twenty-sixth day of January AD. 1832,—for negotiating and concluding a Treaty of Amity and Commerce, between the United States of America and His Majesty the King of Siam;—Now Know Ye, that I, Edmund Roberts, Envoy as aforesaid, do conclude the foregoing Treaty of Amity and Commerce, and every Article and Clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at the Royal City of Sia Yuthia (commonly called Bankok), on the twentieth day of March in the Year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh.

EDMUND ROBERTS

AMITY AND COMMERCE

Treaty, with general regulations and tariff of export and import duties, signed at Bangkok May 29, 1856, modifying treaty of March 20, 1833; agreement adding regulation VII signed at Bangkok June 15, 1857

Entered into force May 29, 1856

Senate advice and consent to ratification of treaty, with an amendment, March 13, 1857 [1]

Ratified by the President of the United States, with an amendment, March 16, 1857 [1]

Ratified by Siam June 15, 1857

Ratifications exchanged at Bangkok June 15, 1857

Proclaimed by the President of the United States August 16, 1858

Regulation I modified by agreement of December 17 and 31, 1867 [2]

Replaced September 1, 1921, by treaty of December 16, 1920 [3]

11 Stat. 683; Treaty Series 322 [4]

Treaty

The President of the United-States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the first King of Siam, and Phra, Bard, Somdetch, Phra,

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[1] The U.S. amendment called for striking out art. 5. The Government of Siam accepted this deletion only after it was agreed (see p. 990) to add the language of art. 5 as regulation VII.

[2] TS 323, *post*, p. 992.

[3] TS 655, *post*, p. 997.

[4] For a detailed study of this treaty and an explanation of a second Senate resolution of advice and consent dated June 15, 1858, see 7 Miller 329.

Pawarendr, Ramesr, Mahiswaresr, Phra, Pin, Klau, Chau, Yu, Hua the Second King of Siam, desiring to establish upon firm and lasting foundations, the relations of peace and friendship existing between the two Countries, and to secure the best interest of their respective citizens and subjects, by encouraging, facilitating and regulating their industry and trade have resolved to conclude a Treaty of Amity and Commerce for this purpose and have therefore named as their Plenipotentiaries that is to say:

The President of the United States, Townsend Harris Esquire of New York, Consul-General of the United States of America for the Empire of Japan,

And their Majesties the First and Second Kings of Siam, His Royal Highness, the Prince Krom Hluang, Wongsa, Dhiraj, Snidh,

His Excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate,

His Excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom,

His Excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang,

His Excellency Chau, Phaya, Yomray, the Lord Mayor.

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

ARTICLE I. There shall henceforward be perpetual peace and friendship, between the United States, and their Majesties the First and Second Kings of Siam and their successors.

All American Citizens coming to Siam, shall receive from the Siamese Government full protection and assistance, to enable them to reside in Siam, in all security, and trade with every facility free from oppression or injury on the part of the Siamese. In as much as Siam has no ships, trading to the Ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done, without a breach of neutrality and all American Consuls, residing at Ports, visited by Siamese vessels, shall also give them such friendly aid, as may be permitted by the laws, of the respective Countries in which they reside.

ARTICLE II. The interests of all American Citizens, coming to Siam, shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American Citizens, of all the provisions of this Treaty, and such of the former Treaty, negociated by Mr. Edmund Roberts in 1833,[5]

[5] Treaty signed at Bangkok Mar. 20, 1833 (TS 321, *ante*, p. 978).

as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American Citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American Citizens and Siamese Subjects, shall be heard and determined by the Consul in conjunction with the proper Siamese Officers; and criminal offences will be punished in the case of American Offenders, by the Consul, according to American laws, and in the case of Siamese Offenders, by their own laws, through the Siamese Authorities. But the Consul shall not interfere in any matters, referring solely to Siamese, neither will the Siamese Authorities interfere in questions, which only concern the Citizens of the United States.

Article III. If Siamese in the employ of American Citizens, offend against the laws of their country, or if any Siamese having so offended, or desiring to desert, take refuge with American Citizens in Siam, they shall be searched for, and upon proof of their guilt or desertion, shall be delivered up, by the Consul, to the Siamese Authorities. In like manner, any American Offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese Territory shall be apprehended and delivered over, to the American Consul, on his requisition.

Article IV. American Citizens are permitted to trade freely in all the Sea-ports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this Treaty.

American Citizens coming to reside at Bangkok, may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred Seng (not more than four Miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government, to enable them to do so. But with the exception of this limitation, American Residents in Siam, may at any time buy or rent houses, lands or plantations, situated anywhere within a distance of twenty four hours journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses, it will be necessary that the American Citizens shall, in the first place, make application through the Consul, to the proper Siamese Officer, and the Siamese Officer and the Consul having satisfied themselves of the honest intentions of the Applicant, will assist him in settling, upon equitable terms, the amount of the purchase money, will make out and fix the boundaries of the property, and will convey the same to the American Purchaser, under sealed deeds, whereupon he and his property shall be placed under the protection of the Governor of the District and that of the particular local Authorities: He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation, that is levied on Siamese

Subjects. But if, through negligence, the want of capital, or other cause, an American Citizen should fail to commence the cultivation, or improvements of the lands so acquired, within a term of three years, from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property, upon returning to the American Citizen the purchase money paid by him for the same.

ARTICLE V.[6]

. . . . . .

ARTICLE VI. All American Citizens, visiting, or residing, in Siam, shall be allowed the free exercise of their religion; and liberty to build places of worship, in such localities as shall be consented to by the Siamese Authorities. The Siamese Government will place no restriction upon the employment, by the Americans, of Siamese Subjects as servants, or in any other capacity. But wherever a Siamese Subject, belongs or owes service to some particular master, the servant who engages himself to an American Citizen without the consent of his master may be reclaimed by him, and the Siamese Government will not enforce an agreement between an American Citizen and any Siamese in his employ, unless made with the knowledge and consent of the master, who has a right to dispose of the services of the person engaged.

ARTICLE VII. American ships of war may enter the river and anchor at Paknam, but they shall not proceed above Paknam, unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship, shall go into Dock for repairs. Any American ship of war, conveying to Siam, a public functionary, accredited by the American Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the Forts called Phra-chamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But in the absence of an American ship of war, the Siamese Authorities engage to furnish the Consul, with a force sufficient to enable him to give effect to his authority over American Citizens and to enforce discipline among American shipping.

ARTICLE VIII. The measurement duty, hitherto paid, by American vessels, trading to Bangkok, under the Treaty of 1833,[7] shall be abolished from the date of this Treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of Import and Export Duties on the goods landed or shipped. On the articles of Import, the duty shall be three per cent, payable at the option of the Importer, either in kind or money,

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[6] See footnote 1, p. 982.

[7] TS 321, *ante*, p. 979.

calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and reëxported. Should the American Merchant and the Custom house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese Officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two, on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be reëxported and no impost or duty levied thereon. Any infringement of this regulation shall subject the Opium to seazure and confiscation.

Articles of Export from the time of production to the date of shipment, shall pay one Impost only, whether this be levied under the name of Inland tax, Transit duty or duty on exportation. The tax or duty to be paid on each article of Siamese produce, previous to, or upon exportation, is specified in the Tariff attached to this Treaty; and it is distinctly agreed, that goods or produce, that pay any description of tax in the Interior, shall be exempted from any further payment of duty on exportation. American Merchants are to be allowed to purchase directly from the producer, the articles in which they trade and in like manner to sell their goods directly to the parties, wishing to purchase the same without the interference in either case of any other Person.

The rates of duty laid down in the Tariff attached to this Treaty are those that are now paid upon goods or produce, shipped in Siamese or Chinese vessels or junks; and it is agreed that American Shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to Siamese or Chinese vessels or junks.

American Citizens will be allowed to build ships in Siam, on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of Salt, Rice and Fish, the Siamese Government reserve to themselves, the right of prohibiting by public proclamation, the exportation of these articles, giving 30 days (say Thirty days) notice except in case of war.

Bullion or personal effects, may be imported or exported free of charge.

Article IX. The code of Regulations appended to this Treaty shall be enforced by the Consul with the coöperation of the Siamese Authorities, and they, the said Authorities and Consul shall be enabled to introduce any further Regulations, which may be found necessary in order to give effect to the objects of this Treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this Treaty shall be paid to the Siamese government.

ARTICLE X. The American Government and its citizens, will be allowed free and equal participation in any privileges that may have been, or may hereafter be granted by the Siamese Government to the Government, Citizens or Subjects of any other nation.

ARTICLE XI. After the lapse of ten years from the date of the ratification of this Treaty, upon the desire of either the American or Siamese Government, and on twelve months notice given by either Party, the present and such portions of the Treaty of 1833, as remain unrevoked by this Treaty, together with the Tariff and Regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by Commissioners, appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

ARTICLE XII. This Treaty executed in English and Siamese, both versions having the same meaning and intention shall take effect immediately and the ratifications of the same shall be exchanged at Bangkok, within eighteen months from the date thereof.

In witness whereof the abovenamed Plenipotentiaries have signed and sealed the present Treaty in triplicate at Bangkok, on the Twenty Ninth day of May in the Year One Thousand, Eight Hundred and Fifty Six of the Christian Era and of the Independence of the United States the Eightieth, corresponding to the Tenth of the waning Moon of the lunar Month Wesakh or Sixth Month of the Year of the Quadruped Serpent of the Siamese civil Era, One Thousand Two Hundred and Eighteen and the Sixth of the Reign of Their Majesties, the First and Second Kings of Siam.

TOWNSEND HARRIS [SEAL]

[Seals and designations of the five Plenipotentiaries of Siam]

GENERAL REGULATIONS UNDER WHICH AMERICAN TRADE IS TO BE CONDUCTED IN SIAM

REGULATION I.[8] The master of every American ship, coming to Bangkok to trade, must either before or after entering the river, as may be found convenient, report the arrival of his vessel at the Custom-house at Paknam, together with the number of his crew and guns, and the Port, from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house Officers all his guns and ammunition, and a custom-house officer, will then be appointed to the vessel, and will proceed in her to Bangkok.

REGULATION II. A vessel passing Paknam, without discharging her

[8] For a modification of regulation I, see TS 323, *post*, p. 992.

guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam to comply with its provisions, and will be fined Eight-hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

Regulation III. When an American vessel shall have cast anchor at Bangkok, the master, unless a sunday should intervene, will, within four and twenty hours after arrival, proceed to the American Consulate and deposit there his ship's papers, bills of lading &c, together with a true manifest of his Import Cargo; and upon the Consul's reporting these particulars to the Custom-house permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself in each instance to a penalty of four hundred ticals; but he will be allowed to correct within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

Regulation IV. An American vessel breaking bulk, and commencing to discharge before due permission shall be obtained, or smuggling either, when in the river or outside the bar, shall be subject to the penalty of eight-hundred ticals, and confiscation of the goods so smuggled or discharged.

Regulation V. As soon as an American vessel shall have discharged her Cargo, and completed her outward lading, paid all her duties and delivered a true manifest of her outward cargo to the American Consul, a Siamese port-clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there, she will be inspected by the Custom-house Officers of that station, and will receive from them the guns and ammunition, previously delivered into their charge.

Regulation VI. The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government, have agreed that the English text of these Regulations, together with the Treaty of which they form a portion, and the Tariff hereunto annexed, shall be accepted as conveying in every respect their true meaning and intention.

Townsend Harris [seal]

[Seals and designations of the five Plenipotentiaries of Siam]

Tariff of Export and Inland Duties to be Levied on Articles of Trade

Section I

The undermentioned articles shall be entirely free from Inland or other Taxes, on production or transit, and shall pay export duty as follows:

		Tical	Salung	Fuang	Hun	
1	Ivory	10.	0.	0.	0.	per pecul
2	Gamboge	6	0.	0.	0.	"
3	Rhinoceros Horns	50	0.	0.	0.	"
4	Cardamums best	14.	0.	0.	0.	"
5	ditto bastard	6.	0.	0.	0.	"
6	Dried Mussels	1.	0.	0.	0.	"
7	Pelican's quills	2.	2	0	0	"
8	Betel nut dried	1.	0.	0.	0.	"
9	Krachi wood	0.	2.	0.	0.	"
10	Shark's fins white	6.	0.	0.	0.	"
11	ditto black	3.	0.	0.	0.	"
12	Lukkrabau seed	0.	2.	0.	0.	"
13	Peacock's tails	10.	0.	0.	0.	p. 100 tails
14	Buffalo & Cow bones	0.	0.	0.	3	per pecul
15	Rhinoceros hides	0.	2.	0.	0.	"
16	Hide Cuttings	0.	1.	0.	0.	"
17	Turtle shells	1.	0.	0.	0.	"
18	Soft ditto	1.	0.	0.	0.	"
19	Bêche de mer	3.	0.	0.	0.	"
20	Fish maws	3.	0.	0.	0.	"
21	Bird's nests uncleaned	20 per cent				
22	Kingfisher's feathers	6.	0.	0.	0.	per 100
23	Cutch	0.	2.	0.	0.	per pecul
24	Beyché seed (nux vomica)	0.	2.	0.	0.	"
25	Pungtarai seed	0.	2.	0.	0.	"
26	Gum Benjamin	4.	0.	0.	0.	"
27	Angrai bark	0.	2.	0.	0.	"
28	Agilla wood	2.	0.	0.	0.	per pecul
29	Ray skins	3.	0.	0.	0.	"
30	Old deer's horns	0.	1.	0.	0.	"
31	Soft or young ditto	10 per cent				
32	Deer hides fine	8.	0.	0.	0.	per 100 hides
33	ditto common	3.	0.	0.	0.	" " "
34	Deer sinews	4.	0.	0.	0.	per pecul
35	Buffalo & Cow hides	1.	0.	0.	0.	"
36	Elephant's bones	1.	0.	0.	0.	"
37	Tiger's bones	5.	0.	0.	0.	"
38	Buffalo horns	0.	1.	0.	0.	"
39	Elephant's hides	0.	1.	0.	0.	"
40	Tiger's skins	0.	1.	0.	0.	per skin
41	Armadillo skins	4.	0.	0.	0.	per pecul
42	Sticklac	1.	1.	0.	0.	"
43	Hemp	1.	2.	0.	0.	"
44	Dried fish plaheng	1.	2.	0.	0.	"
45	ditto plasalit	1.	0.	0.	0.	"
46	Sapan wood	0.	2.	1.	0.	"
47	Salt meat	2.	0.	0.	0.	"
48	Mangrove bark	0.	1.	0.	0.	"
49	Rosewood	0.	2.	0.	0.	"
50	Ebony	1.	1.	0.	0.	
51	Rice	4.	0.	0.	0	per Koyan

Section II

The undermentioned Articles being subject to the Inland or Transit duties, herein named, and which shall not be increased, shall be exempt from Export duty.

		Tical	Salung	Fuang	Hun	
52	Sugar white	0.	2.	0.	0	per pecul
53	ditto red	0.	1.	0.	0	"
54	Cotton clean & uncleaned	10.	Per Cent			
55	Pepper	1.	0.	0.	0.	"
56	Salt fish platu	1.	0.	0.	0.	per 10,000 fish.
57	Beans and Peas	One twelfth				
58	Dried Prawns	One twelfth				
59	Tilseed	One twelfth				
60	Silk raw	One twelfth				
61	Bees'-wax	One fifteenth				
62	Tallow	1.	0.	0.	0.	per pecul
63	Salt	6.	0.	0.	0.	per Koyan
64	Tobacco	1.	2.	0.	0.	per 1,000 bundles

Section III

All goods or produce unenumerated in this Tariff shall be free of export duty, and shall only be subject to one Inland Tax or Transit duty, not exceeding the rate now paid.

Townsend Harris [seal]

[Seals and designations of the five Plenipotentiaries of Siam]

Agreement Adding Regulation VII

Whereas, the Senate of the United States of America has rejected the Fifth Article of the Treaty negotiated by Townsend Harris, Esquire, Special Envoy of the said United States, on the one part, and by His Royal Highness Krom Hluang Wongsa Dhiraj Snidh, His Excellency Somdetch Chau Phaya Param Maha Bijai-neate, &c. &c. His Excellency Chau Phaya Sri Suriwongse Samuha Phra Kralahom, &c. &c., His Excellency Chau Phaya Rawe Wangse, Maha Kosa Dhipude, &c., the Phra-Klang, and His Excellency Chau Phaya Yomraj, &c. the Lord Mayor, Commissioners of their Majesties the First and Second Kings of Siam, on the other part,—which said Treaty was duly signed and sealed at Bangkok, on the twenty-ninth day of May, 1856;—and

Whereas, the regulations prescribed by the said Fifth Article are deemed to be essential to the safety and well-being of citizens of the United States residing or sojourning in Siam, as well as to the good government of the kingdom of Siam;—

Now, therefore, we, the undersigned, by virtue of the powers vested in us by the Ninth Article of the aforesaid Treaty, in the words following, to-wit: "The code of regulations appended to this Treaty shall be enforced by the Consul, with the coöperation of the Siamese authorities; and they, the said authorities and consul, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of the Treaty", do enact and ordain that the following clause shall be appended

to the "General Regulations under which American Trade is to be conducted in Siam",—to be numbered "Regulation VII;—which said Regulation shall have the same force and obligation as all the other Regulations appended to the said Treaty:

Regulation VII

All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea, nor proceed beyond the limits assigned by the Treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV, of the Treaty, American citizens are at liberty to travel to and fro under the protection of a pass to be furnished them by the American consul, and countersealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul.

[Seal and designation of the Phra Klang]
S. Mattoon, *U.S. Consul* [seal]

AMITY AND COMMERCE

Agreement concluded at Bangkok December 17 and 31, 1867, modifying treaty of May 29, 1856
Entered into force January 1, 1868
Senate advice and consent to ratification July 25, 1868
Ratified by the President of the United States August 11, 1868
Replaced September 1, 1921, by treaty of December 16, 1920[1]

17 Stat. 807; Treaty Series 323

The American Consul to the Assistant Secretary of State

UNITED STATES CONSULATE
No. 72 BANGKOK, *Decr. 31st, 1867*

To Hon. F. W. SEWARD
Assistant Secretary of State, Washington, D.C.

Sir: I have the honor to inform the Department that I have received a letter from His Excellency Chaw Phaya Praklang, Minister of Foreign Affairs, informing me that the Royal Counsellors for the Kingdom of Siam desire to change article first of the Treaty Regulations,[2] and that the change shall go into effect on January 1st, 1868. The article alluded to is as follows, viz:

"Every shipmaster upon anchoring his vessel at Paknam will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok."

The article as changed will require that the powder alone be left at Paknam, but that the guns be allowed to remain in the vessel. I have given my assent to the change, and all the other Consuls have done the same.

The change is a very advantageous one to shipmasters, as in [the] shipping and reshipping of their guns, some of which were heavy, was attended with much delay and expense; whereas they generally have but a few pounds of

[1] TS 655, *post*, p. 997.
[2] Regulations appended to treaty of May 29, 1856 (TS 322, *ante*, p. 987).

powder on board, which can be boxed up and put ashore in a very short time.

I have the honor to be, sir, your obedient servant,

J. M. Hood
U.S. Consul

Minister of Foreign Affairs to the American Consul

To Mr. J. M. Hood, *U.S. Consul,*

Saying: That the Senabodee of the Kingdom of Siam have considered this matter, and have come to the conclusion that as they saw that Siam was near the water, and that trading ships could ascend to the city, for this reason they asked a clause in the treaties that all guns and powder should be landed at Paknam before the ship would ascend the river. The Ministers Plenipotentiary also were of the same opinion, and yielded this point to the Siamese in the treaties.

When a vessel came in and the Chaw Pausk-nan at Paknam received the guns and powder off the vessel *that* [they] found it very difficult to take care of the powder, and were afraid of an explosion, and for this reason they did not receive the powder from the vessel, but simply the guns. But now a long time since the Senabodee are of the opinion that the taking off of the guns at Paknam is a source of trouble to the vessels, for they took off guns belonging to many persons, and when the vessels *come* [came] down again it was often after night, and when the captains went for their guns the wrong ones were frequently taken, and when the vessel coming afterwards could not find her own guns, there was a fuss, and the Siamese officers had frequently to pay for the guns. Again, the powder was left in the vessels, and they coming up and anchoring in the river, there was danger of an explosion and injury to the citizens here.

Therefore the Senabodee have ordered me to write to all the Consuls and ask that the custom be changed from January 1st, 1868. We ask to take out the powder of the vessels at Paknam, but the guns can be left in the vessels and need not be taken out. If you are also of the same opinion, you will please inform masters of vessels and others under your protection to this effect. When the vessel comes to Paknam let them take out all the powder, but if they refuse to let the powder be taken out, and it remains in the vessel, and there arises any difficulty from that fact, we [beg to] claim indemnity according to the treaty.

Given Tuesday, December 17th, 1867.

TRAFFIC IN SPIRITUOUS LIQUORS

Agreement signed at Washington May 14, 1884
Senate advice and consent to ratification June 28, 1884
Ratified by the President of the United States June 30, 1884
Ratified by Siam June 30, 1884
Ratifications exchanged at Washington June 30, 1884
Entered into force June 30, 1884
Proclaimed by the President of the United States July 5, 1884
Replaced September 1, 1921, by treaty of December 16, 1920 [1]

23 Stat. 782; Treaty Series 324

Agreements between the Governments of the United States of America and Siam for Regulating the Traffic in Spirituous Liquors

The Government of the United States of America and the Government of His Majesty the King of Siam, being desirous of making satisfactory arrangements for the regulation of the traffic in spirituous liquors in Siam, the undersigned, duly authorized to that effect, have agreed as follows:

Article I

Spirits of all kinds not exceeding in alcoholic strength those permitted to be manufactured by the Siamese Government in Siam may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon spirits manufactured in Siam; and spirits exceeding in alcoholic strength spirits manufactured in Siam as aforesaid may be imported and sold upon payment of such duty, and of a proportionate additional duty for the excess of alcoholic strength above the Siamese Government standard.

Beer and wines may be imported and sold by citizens of the United States on payments of the same duty as that levied by the Siamese excise laws upon similar articles manufactured in Siam, but the duty on imported beer and wines shall in no case exceed 10 per cent. ad valorem.

The said duty on imported spirits, beer, and wines shall be in substitution of, and not in addition to, the import duty of 3 per cent. leviable under the

[1] TS 655, *post*, p. 997.

existing treaties; and no further duty, tax, or imposition whatever shall be imposed on imported spirits, beer, and wines.

The scale of excise duty to be levied upon spirits, beer, and wines manufactured in Siam shall be communicated by the Siamese Government to the Minister Resident and Consul-General of the United States at Bangkok, and no change in the excise duties shall affect citizens of the United States until after the expiration of six months from the date at which such notice shall have been communicated by the Siamese Government to the representative of the United States at Bangkok.

ARTICLE II

The testing of spirits imported into the kingdom of Siam by citizens of the United States shall be carried out by an expert designated by the Siamese authorities and by an expert designated by the Consul of the United States; in case of difference the parties shall designate a third person, who shall act as umpire, whose decision shall be final.

ARTICLE III

The Siamese Government may stop the importation by citizens of the United States into Siam of any spirits which, on examination, shall be proved to be deleterious to the public health; and they may give notice to the importers, consignees, or holders thereof to export the same within three months from the date of such notice, and if this is not done the Siamese Government may seize the said spirits and may destroy them, provided always that in all such cases the Siamese Government shall be bound to refund any duty which may have been already paid thereon.

The testing of spirits imported by citizens of the United States, and which may be alleged to be deleterious, shall be carried out in the manner provided by Article II.

The Siamese Government engages to take all necessary measures to prohibit and prevent the sale of spirits manufactured in Siam which may be deleterious to the public health.

ARTICLE IV

Any citizen of the United States who desires to retail spirituous liquors, beer, or wines in Siam, must take out a special license for that purpose from the Siamese Government, which shall be granted upon just and reasonable conditions to be agreed upon from time to time between the two Governments.

ARTICLE V

Citizens of the United States shall at all times enjoy the same rights and privileges in regard to the importation and sale of spirits, beer, wines, and spirituous liquors in Siam as the subjects of the most favored nation; and

spirits, beer, wines, and spirituous liquors coming from the United States shall enjoy the same privileges in all respects as similar articles coming from any other country the most favored in this respect.

It is therefore clearly understood that citizens of the United States are not bound to conform to the provisions of the present agreement to any greater extent than the subjects of other nations are so bound.

Article VI

Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments, and shall remain in force until the expiration of six months' notice given by either party to determine the same.

The existing treaty engagements between the United States and Siam shall continue in full force until the present Agreement comes into operation and after that date, except in so far as they are modified hereby.

Should the present Agreement be terminated, the treaty engagements between the United States and Siam shall revive, and remain as they existed previously to the signature hereof.

Article VII

In this agreement the words "citizen of the United States" shall include any naturalized citizen of the United States, and the words "Consul-General of the United States" shall include any consular officer of the United States in Siam.

The present agreement shall be ratified, and its ratification shall be exchanged as soon as possible.

In witness whereof, the undersigned have signed the same in duplicate, and have affixed thereto their seals.

Done at Washington, the fourteenth day of May, 1884, corresponding to the fifth day of the waning moon of the month of Visagamas, of the year Wauk, sixth Decade 1246 of the Siamese astronomical era.

Fred'k T. Frelinghuysen [seal]
Narès Vararidhi [seal]

AMITY AND COMMERCE

Treaty, protocol, and exchange of notes signed at Washington December 16, 1920
Senate advice and consent to ratification April 27, 1921
Ratified by Siam April 29, 1921
Ratified by the President of the United States May 6, 1921
Ratifications exchanged at Bangkok September 1, 1921
Entered into force September 1, 1921
Proclaimed by the President of the United States October 12, 1921
Terminated and replaced October 1, 1938, by treaty of November 13, 1937 [1]

42 Stat. 1928; Treaty Series 655

The President of the United States of America and His Majesty the King of Siam being desirous of strengthening the relations of amity and good understanding which happily exist between the two States, and being convinced that this cannot be better accomplished than by revising the treaties hitherto existing between the two countries, have resolved to complete such revision, based upon the principles of equity and mutual benefit, and for that purpose have named as their Plenipotentiaries, that is to say:

The President of the United States of America: Norman H. Davis, Acting Secretary of State of the United States,

His Majesty the King of Siam: Phya Prabha Karavongse, Envoy Extraordinary and Minister Plenipotentiary of Siam to the United States;

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 [2]

There shall be constant peace and perpetual friendship between the United States of America and the Kingdom of Siam. The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside

[1] TS 940, *post*, p. 1016.
[2] For an understanding relating to art. I, see exchange of notes, p. 1005.

in the territories of the other, to carry on trade, wholesale and retail, to engage in religious, educational and charitable work, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential, commercial, religious and charitable purposes and for use as cemeteries, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

They shall not be compelled under any pretext whatever, to pay any internal charges or taxes other or higher than those that are or may be paid by native citizens or subjects.

The citizens or subjects of each of the High Contracting Parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to native citizens or subjects, on their submitting themselves to the conditions imposed upon the native citizens or subjects.

They shall, however, be exempt in the territories of the other from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia; from all contributions imposed in lieu of personal military service, and from all forced loans or military exactions or contributions.

The citizens and subjects of both of the High Contracting Parties shall enjoy in the territories and possessions of the High Contracting Parties entire liberty of conscience, and, subject to the laws, ordinances and regulations, shall enjoy the right of private or public exercise of their worship.

Article II

The dwellings, warehouses, manufactories and shops and all other property of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for purposes of residence or commerce, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for nationals.

Article III

There shall be reciprocally full and entire freedom of commerce and navigation between the territories and possessions of the two High Contracting Parties.

The citizens or subjects of either of the High Contracting Parties shall have liberty freely and securely to come with their ships' cargoes to all places, ports and rivers in the territories of the other, which are or hereafter may be opened to foreign commerce and navigation; except as regards spirituous, distilled or

fermented drinks or alcoholic liquors or alcohol, and opium and the derivatives thereof and cocaine, heroin and other narcotic drugs, included within the scope of the International Opium Convention signed at The Hague, January 23, 1912,[3] and arms and ammunition, the trade in all of which may, subject to the principle of most favored nation treatment, be regulated and restricted at will by each of the High Contracting Parties within its territories and possessions, the sale and resale, by any person or organization whatsoever, of goods which are the produce or manufacture of one of the High Contracting Parties, within the territories and possessions of the other, shall be exempt from all governmental restrictions and limitations designed or operating to create or maintain any monopoly or "farm" for the profit either of the Government or of a private individual or organization.

Article IV

The citizens or subjects of each of the High Contracting Parties shall have free access to the courts of justice of the other in pursuit and defense of their rights; they shall be at liberty, equally with the native citizens or subjects, and with the citizens or subjects of the most favored nation, to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such courts. There shall be no conditions or requirements imposed upon American citizens in connection with such access to the Courts of Justice in Siam, which do not apply to native citizens or subjects or to the citizens or subjects of the most favored nation.

Article V

Limited-liability and other companies and associations, already or hereafter to be organized in accordance with the laws of either High Contracting Party and domiciled in the territories of such Party, are authorized, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other Party.

There shall be no conditions or requirements imposed upon American corporations, companies or associations, in connection with such access to the Courts of Justice in Siam, which do not apply to such native corporations, companies, or associations, or the corporations, companies or associations of the most favored nation.

Article VI

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories and possessions of the other a perfect equality of treatment with native citizens or subjects and with citizens or subjects of the most favored nation, in all that relates to transit duties, warehousing, bounties, facilities, and the examination and appraisement of merchandise.

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[3] TS 612, *ante*, vol. 1, p. 855.

Article VII

The United States of America recognizes that the principle of national autonomy should apply to the Kingdom of Siam in all that pertains to the rates of duty on importations and exportations of merchandise, drawbacks, and transit and all other taxes and impositions; and subject to the condition of equality of treatment with other nations in these respects, the United States of America agrees to assent to increases by Siam in its tariff to rates higher than those established by existing treaties,—on the further condition, however, that all other nations entitled to claim special tariff treatment in Siam assent to such increases freely and without the requirement of any compensatory benefit or privilege.

Article VIII

In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbors or rivers of the two countries, no privilege shall be granted to vessels of a third Power which shall not equally be granted to vessels of the other country; the intention of the High Contracting Parties being that in these respects the vessels of each shall receive the treatment accorded to vessels of the most favored nation.

Article IX

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present treaty, and shall be regulated according to the laws, ordinances and regulations of the United States of America and of Siam, respectively. It is, however, understood that citizens of the United States of America in the territories and possessions of His Majesty the King of Siam and Siamese citizens or subjects in the territories and possessions of the United States of America shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances and regulations to the citizens or subjects of other nations.

Article X

Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local

authorities shall give prompt notice of the occurrence, to the Consular Officer residing in the district, or to the nearest Consular Officer of the other Power.

Such stranded or wrecked ship or vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them.

If such owners or agents are not on the spot, the aforesaid property or proceeds from the sale thereof and the papers found on board the vessel shall be delivered to the proper Consular Officer of the High Contracting Party whose vessel is wrecked or stranded, provided that such Consular Officer shall make claim within the period fixed by the laws, ordinances and regulations of the country in which the wreck or stranding occurred, and such Consular Officers, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of the customs unless cleared for consumption, in which case they shall pay ordinary duties.

In the case of a ship or vessel belonging to the citizens or subjects of one of the High Contracting Parties being driven in by stress of weather, run aground or wrecked in the territories or possessions of the other, the proper Consular Officers of the High Contracting Party to which the vessel belongs, shall, if the owners or their agents are not present, or are present but require it, be authorized to interpose in order to afford the necessary assistance to the citizens or subjects of his State.

Article XI

The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall there submit to the same regulations and enjoy the same honors, advantages, privileges and exemptions as are now, or may hereafter be conceded to the vessels of war of any other nation.

Article XII

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories and possessions of the other, upon fulfilment of the formalities prescribed by law, the same protection as native citizens or subjects, or the citizens or subjects of the nation most favored in these respects in regard to patents, trade-marks, trade-names, designs and copyrights.

Article XIII

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice Consuls and other Consular officers or Agents to reside in the towns and ports of the territories and possessions of the other where similar officers of other Powers are permitted to reside.

Such Consular Officers and Agents, however, shall not enter upon their functions until they shall have been approved and admitted by the Government to which they are sent.

They shall be entitled to exercise all the powers and enjoy all the honors, privileges, exemptions and immunities of every kind which are, or may be, accorded to Consular Officers of the most favored nation.

Article XIV

In case of the death of any subject of Siam in the United States or of any citizen of the United States in Siam without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belonged, in order that the necessary information may be immediately forwarded to parties interested.

In the event of any citizens or subjects of either of the High Contracting Parties dying without will or testament, in the territory of the other Contracting Party, the Consul General, Consul, Vice Consul, or other Consular Officer or Agent, of the nation to which the deceased belonged, or, in his absence, the representative of such Consul General, Consul, Vice Consul, or other Consular Officer or Agent, shall, so far as the laws of each country will permit and pending the appointment of an administrator and until letters of administration have been granted, take charge of the personal property left by the deceased for the benefit of his lawful heirs and creditors.

Article XV

It is understood by the High Contracting Parties that the stipulations contained in this Treaty do not in any way affect, supersede, or modify any of the laws, ordinances and regulations with regard to trade, naturalization, immigration, police and public security which are in force or which may be enacted in either of the two countries.

Article XVI

The present Treaty shall, from the date of the exchange of ratifications thereof, be substituted in place of the Convention of Amity and Commerce concluded at Bangkok on the 20th day of March, 1833,[4] of the Treaty of

[4] TS 321, *ante*, p. 978.

Amity and Commerce concluded at Bangkok on the 29th day of May, 1856,[5] and of the Agreement regulating liquor traffic in Siam concluded at Washington on the 14th day of May, 1884,[6] and of all arrangements and agreements subsidiary thereto concluded or existing between the High Contracting Parties, and from the same date, such conventions, treaties, arrangements and agreements shall cease to be binding.

Article XVII

The present Treaty shall come into effect on the date of the exchange of ratifications and shall remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it.

It is clearly understood, however, that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements mentioned in Article XVI hereof.

Article XVIII

This Treaty shall be ratified and the ratifications thereof shall be exchanged, either at Washington or Bangkok, as soon as possible.

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

Done in duplicate, in the English language, at Washington, the sixteenth day of December in the nineteen hundred and twentieth year of the Christian Era, corresponding to the sixteenth day of the ninth month in the two thousand four hundred and sixty-third year of the Buddhist Era.

Nobman H. Davis [seal]
Prabha Karavongse [seal]

annex

Protocol Concerning Jurisdiction Applicable in the Kingdom of Siam to American Citizens and Others Entitled to the Protection of the United States

At the moment of proceeding this day to the signature of the new Treaty of Friendship, Commerce and Navigation, between the United States and the Kingdom of Siam, the Plenipotentiaries of the two High Contracting Parties have agreed as follows:

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[5] TS 322, *ante*, p. 982.
[6] TS 324, *ante*, p. 994.

ARTICLE I

The system of jurisdiction heretofore established in Siam for citizens of the United States and the privileges, exemptions and immunities now enjoyed by the citizens of the United States in Siam as a part of or appurtenant to said system shall absolutely cease and determine on the date of the exchange of ratifications of the above-mentioned Treaty and thereafter all citizens of the United States and persons, corporations, companies and associations entitled to its protection in Siam shall be subject to the jurisdiction of the Siamese Courts.

ARTICLE II

Until the promulgation and putting into force of all the Siamese Codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure and the Law for Organization of Courts and for a period of five years thereafter, but no longer, the United States, through its Diplomatic and Consular Officials in Siam, whenever in its discretion it deems it proper so to do in the interest of justice, by means of a written requisition addressed to the judge or judges of the Court in which such case is pending, may invoke any case pending in any Siamese Court, except the Supreme or Dika Court, in which an American citizen or a person, corporation, company or association entitled to the protection of the United States, is defendant or accused.

Such case shall then be transferred to said Diplomatic or Consular Official for adjudication and the jurisdiction of the Siamese Court over such case shall thereupon cease. Any case so evoked shall be disposed of by said Diplomatic or Consular official in accordance with the laws of the United States properly applicable, except that as to all matters coming within the scope of Codes or Laws of the Kingdom of Siam regularly promulgated and in force, the texts of which have been communicated to the American Legation in Bangkok, the rights and liabilities of the parties shall be determined by Siamese law.

For the purpose of trying such cases and of executing any judgments which may be rendered therein, the jurisdiction of the American Diplomatic and Consular officials in Siam is continued.

Should the United States perceive, within a reasonable time after the promulgation of said Codes, any objection to said Codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure and the Law for Organization of Courts, the Siamese Government will endeavor to meet such objections.

ARTICLE III

Appeals by citizens of the United States or by persons, corporations, companies or/and associations entitled to its protection, from judgments of Courts of First Instance in cases to which they may be parties, shall be adjudged by the Court of Appeal at Bangkok.

An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

A citizen of the United States or a person, corporation, company or association entitled to its protection, who is defendant or accused in any case arising in the Provinces may apply for a change of venue and should the Court consider such change desireable the trial shall take place either at Bangkok or before the judge in whose Court the case would be tried at Bangkok.

ARTICLE IV

In order to prevent difficulties which may arise from the transfer of jurisdiction contemplated by the present Protocol, it is agreed,

(a) All cases in which action shall be taken subsequently to the date of the exchange of ratifications of the above-mentioned Treaty, shall be entered and decided in the Siamese Courts, whether the cause of action arose before or after the date of said exchange of ratifications.

(b) All cases pending before the American Diplomatic and Consular officials in Siam on said date shall take their usual course before such officials until such cases have been finally disposed of, and the jurisdiction of the American Diplomatic and Consular officials shall remain in full force for this purpose.

In connection with any case coming before the American Diplomatic or Consular officials under clause (b) of Article IV, or which may be evoked by said officials under Article II, the Siamese authorities shall upon request by such Diplomatic or Consular officials lend their assistance in all matters pertaining to the case.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have hereto signed their names and affixed their seals, this sixteenth day of December, in the nineteen hundred and twentieth year of the Christian Era, corresponding to the sixteenth day of the ninth month in the two thousand four hundred and sixty-third year of the Buddhist Era.

NORMAN H. DAVIS [SEAL]
PRABHA KARAVONGSE [SEAL]

EXCHANGE OF NOTES

The Siamese Minister to the Acting Secretary of State

SIAMESE LEGATION
WASHINGTON, *December 16, 1920*

MR. SECRETARY:

Referring to Article I of the treaty signed by us this day which provides among other things for the leasing and ownership of real property in Siam by Americans, I have the honor to state that:

1. As to the lands for which the missions now possess papers of any kind or of which the missions are otherwise in legal occupation they should apply to have title papers issued in the regular way.

2. As to the lands held under lease from Government, the Siamese Government will not interrupt the possession by the missions as long as they continue to use the land for mission purposes.

3. However, in Ratburi the Mission is now occupying a house belonging to the Siamese Government; this must be returned when asked for.

4. It should be understood that the Siamese Government is not identified with Wat administration; that is to say, the foregoing understanding must not be construed as a promise by the Government to interfere with lands held and claimed by religious authorities, whether Buddhists or of any other faith.

5. Of course, all Mission lands are held subject to the exercise by the Siamese Government of the right of eminent domain.

I avail myself of the occasion to offer to you the renewed assurances of my highest consideration.

PRABHA KARAVONGSE

The Honorable,
NORMAN H. DAVIS
Acting Secretary of State

The Acting Secretary of State to the Siamese Minister

DEPARTMENT OF STATE
WASHINGTON, *December 16, 1920*

SIR:

I have the honor to acknowledge the receipt of your note of this date referring to the provisions of Article I of the treaty signed by us today and relating to the real property now in possession of American missionary societies in Siam. I note that:

1. As to the lands for which the missions now possess papers of any kind of which the missions are otherwise in legal occupation they should apply to have title papers issued in the regular way.

2. As to the lands held under lease from Government, the Siamese Government will not interrupt the possession by the missions as long as they continue to use the land for mission purposes.

3. However, in Ratburi the Mission is now occupying a house belonging to the Siamese Government; this must be returned when asked for.

4. It is understood that the Siamese Government is not identified with Wat administration; that is to say, the foregoing understanding must not be

construed as a promise by the Government to interfere with lands held and claimed by religious authorities, whether Buddhists or of any other faith.

5. All Mission Lands are held subject to the exercise by the Siamese Government of the right of eminent domain.

I have the honor to express my satisfaction with this pronouncement.

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

NORMAN H. DAVIS
Acting Secretary of State

PHYA PRABHA KARAVONGSE
Siamese Minister

308-582—73——65

EXTRADITION

Treaty signed at Bangkok December 30, 1922
Ratified by Siam January 18, 1923
Senate advice and consent to ratification January 7, 1924
Ratified by the President of the United States January 10, 1924
Ratifications exchanged at Bangkok March 24, 1924
Entered into force March 24, 1924
Proclaimed by the President of the United States March 26, 1924

43 Stat. 1749; Treaty Series 681

The United States of America and Siam, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the two countries, and have appointed for that purpose the following Plenipotentiaries:

The President: Edward E. Brodie, Envoy Extraordinary and Minister Plenipotentiary of the United States to Siam, and

His Majesty the King: His Royal Highness Prince Devawongse Varopakar, Minister for Foreign Affairs,

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

Article I

It is agreed that the Government of the United States and the Government of Siam shall, upon requisition duly made as herein provided, deliver up to justice any person, over whom they respectively exercise jurisdiction who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

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

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter, when voluntary, poisoning, or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads which endangers human life.
8. Crimes committed at sea:

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

(*b*) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

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

(*d*) Assault on board ship upon the high seas with intent to do bodily harm.

9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public

administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Siamese equivalent.

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Siamese equivalent.

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

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Siamese equivalent.

19. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Siamese equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of property misappropriated exceeds two hundred dollars or Siamese equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children.

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such participation be punishable by imprisonment by the laws of both the High Contracting Parties.

Article III

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

family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII

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

ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

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

ARTICLE XI

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

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Siam, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Siam, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had,

shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition; provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIII

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Bangkok as soon as possible.

ARTICLE XIV

The present Treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Bangkok this thirtieth day of December nineteen hundred and twenty-two.

EDWARD E. BRODIE [SEAL]
DEVAWONGSE [SEAL]

WAIVER OF VISAS AND VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Bangkok September 19, 1925
Entered into force September 19, 1925

Department of State files

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
BANGKOK, *September 19, 1925*

F.O. No.–811

YOUR HIGHNESS:

Upon the exchange of Notes in this form I have the honor to inform Your Highness that the Government of the United States undertakes and agrees with the Royal Government of Siam as follows:

The Government of the United States will, from the 19 of September 1925 collect no fee for visaing passports or executing applications therefor in the case of citizens or subjects of Siam desiring to visit the United States (including the insular possessions) who are not "immigrants" as defined in the Immigration Act of the United States of 1924; [1] namely, "(1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of the present existing treaty of commerce and navigation;" and from the same date the Government of Siam will not require non-immigrant citizens of the United States of like classes desiring to visit Siam or its possessions, to present visaed passports.

[1] 43 Stat. 153.

It is understood that if circumstances should arise which make it desirable for the Government of Siam to require visaed passports it may enforce such requirement two weeks after giving notice of its intention so to do to the American Diplomatic Representative in Bangkok and the agreement effected by this exchange of notes shall thereupon terminate.

I avail myself of this opportunity of renewing to Your Highness the assurance of my highest consideration.

SAMUEL S. DICKSON
American Chargé d'Affaires

His Highness
PRINCE TRAIDOS PRABANDH
His Siamese Majesty's
Minister for Foreign Affairs
Bangkok

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

FOREIGN OFFICE
BANGKOK, *19th September, 1925*

MR. CHARGÉ D'AFFAIRES:

I have the honour to acknowledge the receipt of the American Legation's Note number 811 dated September 19th, 1925 and to inform you that His Majesty's Government by the exchange of notes in this form undertakes and agrees with the Government of the United States as follows:

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

I avail myself of this opportunity to renew to you, Mr. Chargé d'Affaires, the assurance of my high consideration.

TRAIDOS
Minister for Foreign Affairs

Monsieur SAMUEL S. DICKSON
American Chargé d'Affaires
Bangkok

FRIENDSHIP, COMMERCE, AND NAVIGATION

Treaty, final protocol, and exchange of notes signed at Bangkok November 13, 1937; related notes
Ratified by Siam March 4, 1938
Senate advice and consent to ratification June 13, 1938
Ratified by the President of the United States July 5, 1938
Ratifications exchanged at Bangkok October 1, 1938
Entered into force October 1, 1938
Proclaimed by the President of the United States October 5, 1938
Replaced June 8, 1968, by treaty of May 29, 1966 [1]

53 Stat. 1731; Treaty Series 940

Treaty of Friendship, Commerce and Navigation between the United States of America and Siam

The United States of America and the Kingdom of Siam, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries:

The President of the United States of America: Edwin L. Neville, Envoy Extraordinary and Minister Plenipotentiary of the United States of America;

and

His Majesty the King of Siam: Luang Pradist Manudharm (Pridi Banomyong), Minister of Foreign Affairs;

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

Article 1 [2]

There shall be constant peace and perpetual friendship between the United

[1] 19 UST 5843; TIAS 6540.
[2] For understandings relating to art. 1, see protocol, p. 1027, and related notes, pp. 1028 and 1030.

States of America and the Kingdom of Siam. The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other, to carry on their commerce and manufacture, to trade in all kinds of merchandise of lawful commerce, to engage in religious, educational and charitable work, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential, commercial, industrial, religious and charitable purposes, and for use as cemeteries, and generally to do anything incident to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence, submitting themselves to the laws and regulations there established.

They shall not be compelled, under any pretext whatsoever, to pay any internal charges or taxes other or higher than those that are or may be paid by nationals of the State of residence.

The nationals of each of the High Contracting Parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to nationals of the State of residence on their submitting themselves to the conditions imposed upon nationals of the State of residence. They shall also enjoy in this respect that degree of protection and security that is required by international law. Their property shall not be taken without due process of law or without payment of just compensation.

They shall be exempt in the territories of the other from compulsory military service on land, on sea, or in the air, in the regular forces, or in the national guard, or in the militia; from all contributions in money or in kind, imposed in lieu of personal military service, and from all forced loans or military contributions. They shall not be subjected, in time of peace or in time of war, to military requisitions except as imposed upon nationals.

The nationals of each of the High Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the local laws, ordinances and regulations, shall enjoy the right of private and public exercise of their worship.

In all that relates to callings and professions, the nationals of each of the High Contracting Parties shall throughout the whole extent of the territories of the other on condition of reciprocity be placed in all respects on the same footing as the nationals of the most favored nation. Furthermore, upon compliance with the provisions of local law, the nationals, including corporations, partnerships and associations of each of the High Contracting Parties, shall, in the territory of the other High Contracting Party, have the right to acquire, possess and dispose of every kind of movable property on the same terms as

the nationals, including corporations, partnerships and associations, of such other party.

In all that relates to the acquisition, possession and disposition of immovable property the nationals, including corporations, partnerships, associations and other legal entities of each High Contracting Party shall in the territory of the other High Contracting Party be subject exclusively to the applicable laws of the situs of such immovable property. The applicable laws of the situs of immovable property as herein used shall in reference to the nationals of Siam be understood and construed to mean the laws applicable to immovable property of the state, territory or possession of the United States of America in which such immovable property is situate; and nothing herein shall be construed to change, affect or abrogate the laws applicable to immovable property of any state, territory or possession of the United States of America.

It is expressly agreed that nationals of the United States of America, including corporations, partnerships and associations, who are legal residents of or are organized under the laws of any state, territory or possession of the United States of America which accords to nationals of Siam the right to acquire, possess and dispose of immovable property, shall, in return, be accorded all the rights respecting immovable property in Siam which are or may hereafter be accorded to the nationals, including corporations, partnerships or associations of any other country, upon the principle of non-discriminatory treatment.

The nationals, including corporations and associations, of either High Contracting Party shall enjoy in the territories of the other Party, upon compliance with the conditions there imposed, most-favored-nation treatment in respect of the exploration for and exploitation of mineral resources; provided that neither Party shall be required to grant rights and privileges in respect of the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain, or in respect of the ownership of stock in domestic corporations engaged in such operations, greater than its nationals, corporations and associations receive from the other Party. It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

Article 2

The dwellings, warehouses, manufactories, shops and other places of business and all other property of the nationals of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for any purposes set forth in Article 1 shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search

of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals of the State of residence.

ARTICLE 3 [3]

The nationals of each of the High Contracting Parties, equally with those of the most favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports and rivers in the territories of the other which are or may be opened to foreign commerce and navigation, subject always to the laws of the country to which they thus come.

Neither High Contracting Party shall establish or maintain prohibitions or restrictions on imports from or exports to the territories of the other Party which are not applied to the import and export of any like article originating in or destined for any other country. Any withdrawal of an import or export prohibition or restriction which is granted even temporarily by one of the High Contracting Parties in favor of any article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territories of the other Party.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, measures prohibiting or restricting the exportation or importation of gold or silver, or measures for the prohibition or the control of the export, or sale for export, of arms, ammunition or implements of war, and, in exceptional circumstances, all other military supplies.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, subject to the principle of non-discriminatory treatment:

(1) Prohibitions, restrictions or regulations for the enforcement of police or revenue laws, including laws prohibiting or restricting the importation, exportation, or sale of alcohol or alcoholic beverages or of opium, the coca leaf, their derivatives, and other narcotic drugs, as well as other laws imposed upon articles the internal production, consumption, sale or transport of which is or may be forbidden or restricted by the national law;

(2) Prohibitions or restrictions necessary for the protection of national or public security or health, or for the protection of animal or plant life against disease, harmful pests or extinction;

(3) Prohibitions or restrictions upon articles which, as regards production or trade, are or may hereafter be subject within the country to a monopoly exercised or under the control of the State;

(4) Prohibitions or restrictions relating to prison-made goods, or imposed on moral or humanitarian grounds.

[3] For understandings relating to art. 3, see protocol, p. 1026, and exchange of notes, p. 1027.

If either High Contracting Party establishes or maintains import or customs quotas or other quantitative restrictions on the importation of any article in which the other High Contracting Party has an interest, or regulates the importation of any such article by means of licenses or permits, the High Contracting Party taking such action shall, upon request, inform the other High Contracting Party of the total quantity of any such article permitted to be imported and shall allot to the other High Contracting Party a share of the total permissible imports of such article equivalent to the proportion of the total importation of such article which the other High Contracting Party supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment.

If either High Contracting Party establishes or maintains directly or indirectly any form of control of the means of international payment it shall in this respect apply to the other High Contracting Party the most-favored-nation treatment.

ARTICLE 4

The nationals of each of the High Contracting Parties shall have free access to the Courts of Justice of the other in pursuit and defense of their rights; they shall be at liberty, equally with nationals of the State of residence and with the nationals of the most favored nation, to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts.

There shall be imposed upon the nationals of either of the High Contracting Parties no conditions or requirements in connection with such access to the Courts of Justice of the other which do not apply to nationals of the State of residence or to the nationals of the most favored nation.

ARTICLE 5

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and which maintain central offices within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the Courts of Justice, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of corporations and associations of either High Contracting Party which have been so recognized by the other to establish themselves in the territories of the other Party or to establish branch offices and fulfil their functions therein shall depend upon and be governed solely by the consent of such Party as expressed in its National, State or Provincial laws.

ARTICLE 6 [4]

The nationals and goods, products, wares and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and goods, products, wares and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks.

ARTICLE 7 [4]

No duties of tonnage, harbor, pilotage, lighthouse, quarantine or other similar or corresponding duties or charges of whatever nature or of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories or territorial waters of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive and whatever may be their place of destination. In no case shall the treatment accorded to the vessels and cargoes of one of the Parties be less favorable than that accorded to the vessels and cargoes of any third State.

ARTICLE 8

Each of the High Contracting Parties binds itself, in all that pertains to the amount and collection of duties and other charges on or in connection with importation or exportation, and with respect to all rules and formalities in connection with importation and exportation, and with respect to all laws or regulations affecting the sale, taxation, or use of imported goods within the country, to grant to the nationals, vessels or goods of the other the advantage of every favor, privilege or immunity which it accords or may hereafter accord to the nationals, vessels or goods of any other State, regardless of whether such other State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment.

It is understood that the Customs tariffs applicable to articles, the produce or manufacture of either of the High Contracting Parties imported into the territories of the other, shall be regulated by the laws of the country of importation.

ARTICLE 9

The nationals of each of the High Contracting Parties shall have in the territories of the other the same rights as nationals of that High Contracting Party in regard to patents for inventions, trademarks, trade-names,

[4] For understandings relating to arts. 6 and 7, see protocol, pp. 1026 and 1027.

designs and copyright in literary and artistic works, upon fulfilment of the formalities prescribed by law.

ARTICLE 10

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that nationals and vessels of either High Contracting Party shall within the territories of the other Party enjoy with respect to the coasting trade most-favored-nation treatment.

ARTICLE 11

In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbors, or rivers of the two countries, no privilege shall be granted to vessels of a third Power which shall not equally be granted to vessels of the other country, the intention of the High Contracting Parties being that in these respects the vessels of each shall receive the treatment accorded to vessels of the most favored nation.

ARTICLE 12

Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port or place of the other shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels in like circumstances. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall give prompt notice of the occurrence to the nearest Consular Officer of the other Party.

Such stranded or wrecked ship or vessel and all parts thereof, and all

equipment and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them.

If such owners or agents are not on the spot, the aforesaid property or proceeds from the sale thereof and the papers found on board the vessel shall be delivered to the proper Consular Officer of the High Contracting Party whose vessel is wrecked or stranded, provided that such Consular Officer shall make claim within the period fixed by the laws, ordinances and regulations of the country in which the wreck or stranding has occurred; and such Consular Officer, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck or stranding of a national vessel.

The goods and merchandise saved from the wreck or stranding shall be exempt from all duties of the customs unless cleared for consumption, in which case they shall pay ordinary duties.

In the case of a ship or vessel belonging to the nationals of one of the High Contracting Parties being driven in by stress of weather or by reason of any other distress, run aground or wrecked in the territories of the other, the proper Consular Officer of the High Contracting Party to which the vessel belongs, shall, if the owners or their agents are not present, or are present but request it, be permitted to interpose in order to afford appropriate assistance to the nationals of his State.

Article 13

The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of any other nation are accorded access; and they shall submit to the same regulations and enjoy the same honors, advantages, privileges and exemptions as are now, or may hereafter be conceded to the vessels of war of any other nation.

Article 14

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice Consuls and other Consular Officers or Agents to reside in the towns and ports of the territories of the other where similar officers of any other Power are permitted to reside.

Such Consular Officers and Agents, however, shall not enter upon their functions until they shall have been approved and admitted by the Government to which they are sent.

They shall be entitled on condition of reciprocity to exercise all the powers and enjoy all the honors, privileges, exemptions and immunities of every

kind which are, or may be, accorded to Consular Officers of the most favored nation.

The Government of each High Contracting Party shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territories of the other High Contracting Party and also to erect buildings in such territories for the purposes stated, subject to local building regulations.

Lands and buildings situated in the territories of either High Contracting Party of which the other High Contracting Party is the rightful owner and which are used exclusively for governmental purposes by that owner shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE 15

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the Consular Officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such Consular Officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

In case of the death of a national of either of the High Contracting Parties without will or testament and without any known heirs resident in the country of his decease, the Consular Officer of the country of which the deceased was a national shall be appointed administrator of the estate of the deceased, provided the regulations of his own Government permit such appointment and provided such appointment is not in conflict with local law and the tribunal having jurisdiction has no special reasons for appointing someone else.

Whenever a Consular Officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all

necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE 16

It is understood by the High Contracting Parties that the stipulations contained in this Treaty do not in any way affect, supersede, or modify any of the laws, ordinances and regulations with regard to naturalization, immigration, police and public security which are in force or which may be enacted in either of the two countries.

ARTICLE 17

The provisions of the present Treaty as regards the most-favored-nation treatment do not apply to:

1) Favors now granted or which may hereafter be granted to an adjoining State to facilitate frontier traffic;

2) Favors now granted or which may hereafter be granted to a third State in virtue of a Customs Union;

3) Favors now contractually granted or which may hereafter be contractually granted to a third State for the avoidance of double taxation or the mutual protection of revenue;

4) Favors now granted or which may hereafter be granted to an adjoining State with regard to navigation on or use of boundary waterways not navigable from the sea.

ARTICLE 18

The present Treaty shall, from the date of its entry into force, be substituted for the Treaty of Friendship, Commerce and Navigation between the United States of America and Siam signed at Washington on the 16th December 1920,[5] and from this date the said Treaty of 1920 and all arrangements and agreements subsidiary thereto concluded or existing between the High Contracting Parties shall cease to be binding.

ARTICLE 19

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to include all areas of land and water over which the Parties, respectively, exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE 20

The present Treaty shall enter into force in all of its provisions on the day of the exchange of ratifications and shall continue in force for the term of five years from that day.

If within one year before the expiration of five years from the day on which

[5] TS 655, *ante*, p. 997.

the present Treaty shall enter into force, neither High Contracting Party notifies to the other Party an intention of terminating the Treaty upon the expiration of the aforesaid period of five years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from the day on which either of the High Contracting Parties shall have notified to the other Party an intention of terminating it.

It is clearly understood, however, that termination of the present Treaty as above provided for shall not have the effect of reviving any of the Treaties, Conventions, Arrangements, or Agreements abrogated by the present Treaty.

ARTICLE 21

This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Bangkok.

IN WITNESS WHEREOF the undersigned plenipotentiaries have hereunto signed their names and affixed their seals, this thirteenth day of November in the nineteen hundred and thirty seventh year of the Christian Era, corresponding to the thirteenth day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era.

EDWIN L. NEVILLE [SEAL]
LUANG PRADIST MANUDHARM [SEAL]

FINAL PROTOCOL

At the moment of proceeding this day to the signature of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Kingdom of Siam, the two Plenipotentiaries have adopted the present Protocol which will have the same validity as if the ratification thereof were inserted in the text of the Treaty to which it refers:

1. It is understood that in all matters for which national treatment is provided in this Treaty, the nationals of each of the High Contracting Parties shall not be treated by the other less favorably than the nationals of any other country.

2. It is understood that the provisions of Article 6 shall not be deemed to preclude either of the High Contracting Parties from charging differing rates of license fees for the sale of imported spirituous liquors and of spirituous liquors manufactured by or under license from the State.

3. It is understood that the provisions prescribing most-favored-nation treatment in this Treaty do not apply to any advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba, or to any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal

Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

4. It is understood that the payment of just compensation provided for in Article 1, paragraph 3, shall be determined by due process of law, without prejudice to redress, if any, according to international law.

5. It is understood that the most-favored-nation treatment in respect of the control of the means of international payment provided for in the last paragraph of Article 3 of this Treaty shall be applied unconditionally, and that such control shall be administered so as not to influence to the disadvantage of the other High Contracting Party the competitive relationships between articles originating in the territories of such Party and similar articles originating in third countires and so as not to impair the operation of any other provisions of this Treaty.

6. It is understood that in the application of the provisions of Article 7 Siam reserves the right to apply, in the matter of compulsory pilotage, the provisions of the Convention and Statute on the International Régime of Maritime Ports, signed at Geneva, December 9, 1923.[6]

7. It is understood that Siam reserves her national fisheries, which shall continue to be regulated by her national laws.

In witness whereof the undersigned plenipotentiaries have hereunto signed their names and affixed their seals, this thirteenth day of November in the nineteen hundred and thirty seventh year of the Christian Era, corresponding to the thirteenth day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era.

Edwin L. Neville [seal]
Luang Pradist Manudharm [seal]

Exchange of Notes

The Minister of Foreign Affairs to the American Minister

Ministry of Foreign Affairs
Saranromya Palace, *13th November, 1937*

Monsieur le Ministre,

In regard to sub-paragraph 3 of paragraph 4 of Article 3 to the Treaty signed by us today, we have reached the following agreement which is to remain in force during the life of the Treaty:

In the event of the establishment of a monopoly for the importation, production, or sale of a particular commodity by the Government or by a private individual or organization under authority of the Government, my Government agrees that in respect of the foreign purchases of such monopoly the commerce of your country shall receive fair and equitable treatment. To this

[6] 58 LNTS 285.

end it is agreed that in making its foreign purchases of any product such monopoly will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

LUANG PRADIST MANUDHARM

His Excellency Monsieur EDWIN L. NEVILLE
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Bangkok

The American Minister to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
BANGKOK, *November 13, 1937*

No. 15

EXCELLENCY:

I have the honor to confirm Your Excellency's note of November 13, 1937, in which you state that in regard to sub-paragraph 3 of paragraph 4 of Article 3 of the Treaty signed by us today, we have reached the following agreement which is to remain in force during the life of the Treaty:

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

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

EDWIN L. NEVILLE
American Minister

His Excellency
LUANG PRADIST MANUDHARM
His Siamese Majesty's Minister of Foreign Affairs
Bangkok

RELATED NOTES

The Minister of Foreign Affairs to the American Minister

MINISTRY OF FOREIGN AFFAIRS
SARANROMYA PALACE, *13th November, 1937*

MONSIEUR LE MINISTRE,

Referring to Article 1 of the Treaty signed by us this day which provides among other things for the holding of real property in Siam by Americans, I have the honour to state that:

1. With respect to lands of which American nationals, partnerships, corporations, or associations are the rightful owners, whether or not they now possess papers of any kind, they may apply to have title papers issued in the regular way.

2. As to the lands held under lease from Government, the Siamese Government will not interrupt the possession by the missions as long as they continue to use the land for mission purposes.

3. It is understood that the Siamese Government is not identified with Wat administration; that is to say, the foregoing understanding must not be construed as a promise by the Government to interfere with lands held and claimed by religious authorities, whether Buddhists or of any other faith.

4. Of course, all mission lands are held subject to the exercise by the Siamese Government of the right of eminent domain.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

LUANG PRADIST MANUDHARM

His Excellency
Monsieur EDWIN L. NEVILLE
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Bangkok

The American Minister to the Minister of Foreign Affairs

LEGATION OF
UNITED STATES OF AMERICA
BANGKOK, *November 13, 1937*

No. 14

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of November 13, 1937, in regard to Article 1 of the Treaty signed by us this day which provides among other things for the holding of real property in Siam by Americans, and to confirm that:

1. With respect to lands of which American nationals, partnerships, corporations, or associations are the rightful owners, whether or not they now possess papers of any kind, they may apply to have title papers issued in the regular way.

2. As to the lands held under lease from Government, the Siamese Government will not interrupt the possession by the missions as long as they continue to use the land for mission purposes.

3. It is understood that the Siamese Government is not identified with Wat administration; that is to say, the foregoing understanding must not be construed as a promise by the Government to interfere with lands held and claimed by religious authorities, whether Buddhists or of any other faith.

4. All Mission Lands are held subject to the exercise by the Siamese Government of the right of eminent domain.

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

EDWIN L. NEVILLE
American Minister

His Excellency
LUANG PRADIST MANUDHARM
His Siamese Majesty's Minister of Foreign Affairs
Bangkok

The Minister of Foreign Affairs to the American Minister

MINISTRY OF FOREIGN AFFAIRS
SARANROMYA PALACE
13th November, 1937

MONSIEUR LE MINISTRE,

With reference to Article 1 of the Treaty of Friendship, Commerce and Navigation between Siam and the United States of America, signed this day, I have the honour to inform Your Excellency that it is the intention of the Siamese Government to grant to foreigners the right to acquire immovable property necessary for residential, commercial, industrial, religious and charitable purposes as well as for use as cemeteries, while the acquisition of lands of the public domain will be reserved for the subjects of Siam without prejudice however to the rights already acquired according to the laws and regulations at the coming into force of the new Treaty.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

LUANG PRADIST MANUHARM

His Excellency
Monsieur EDWIN L. NEVILLE
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Bangkok

The American Minister to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
BANGKOK, *November 13, 1937*

No. 16

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of November 13, 1937, in which you were good enough to inform me that, with reference to Article 1 of the Treaty of Friendship, Commerce and Navigation between the United States of America and Siam, signed this day, it is the intention of the Siamese Government to grant to foreigners the right to acquire immovable property necessary for residential, commercial, industrial, religious and charitable purposes as well as for use as cemeteries, while the acquisition of lands of the public domain will be reserved for the subjects of Siam without prejudice however to the rights already acquired according to the laws and regulations at the coming into force of the new Treaty.

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

EDWIN L. NEVILLE
American Minister

His Excellency
LUANG PRADIST MANUDHARM
His Siamese Majesty's Minister of Foreign Affairs
Bangkok

AIR TRANSPORT SERVICES

Agreement signed at Bangkok February 26, 1947, with annex
Entered into force February 26, 1947
Annex amended by agreement of March 3, 1970 [1]

61 Stat. 2789; Treaties and Other International Acts Series 1607

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF SIAM RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES

The Government of the United States of America and the Government of the Kingdom of Siam,

Having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference in Chicago, for the adoption of a standard form of agreement for air routes and services, and the desirability of mutually stimulating and promoting the further development of air transportation between the United States of America and the Kingdom of Siam, the two Governments parties to this arrangement have appointed their representatives, who, duly authorized, have agreed that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

ARTICLE 1

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

ARTICLE 2

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall,

[1] 21 UST 470; TIAS 6837.

subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICLE 3

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

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

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

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

ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in interna-

tional air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

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

ARTICLE 6

Each contracting party reserves the right to withhold or revoke the certificate or permit of an airline designated by the other contracting party in the event it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other contracting party, or in case of failure by the airline designated by the other contracting party to comply with the laws and regulations of the contracting party over whose territories it operates, as described in Article 5 hereof, or otherwise to fulfill the conditions under which the rights are granted in accordance with this agreement and its annex.

ARTICLE 7

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization, or its successor body.

ARTICLE 8

This agreement or any of the rights for air transport services granted thereunder may be terminated by either contracting party upon giving one year's notice to the other contracting party.

ARTICLE 9

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

ARTICLE 10

If a general multilateral air transport Convention enters into force in relation to both contracting parties, the present agreement shall be amended so as to conform with the provisions of such Convention.

ARTICLE 11

Any dispute between the contracting parties relating to the interprctation or application of this Agreement or its Annex which cannot be settled through consultation shall be referred for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization (in accordance with the provisions of Article III Section 6 (8) of the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944 [2]) or its successor.

ARTICLE 12

This agreement, including the provisions of the Annex thereto, will come into force on the day it is signed.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed the present agreement.

Done in duplicate at Bangkok this twenty-sixth day of February in the nineteen hundred and forty-seventh year of the Christian Era, corresponding to the two thousand four hundred and ninetieth year of the Buddhist Era, in the English language.

For the Government of the United States of America:
EDWIN F. STANTON [SEAL]

For the Government of the Kingdom of Siam:
T. THAMRONG NAWASAWAT [SEAL]

ANNEX TO AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF SIAM RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES

A. Airlines of the United States, authorized under the present agreement, are accorded rights of transit and non-traffic stop in the territory of Siam, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at Bangkok, on the following route via intermediate points; in both directions:

1. The United States over a Pacific route to Bangkok and beyond.[3]

B. Airlines of Siam, authorized under the present agreement, arc accorded rights of transit and non-traffic stop in the territory of the United States of America, as well as the right to pick up and discharge interna-

[2] EAS 469, *ante*, vol. 3, p. 934.
[3] For an amendment, see agreement of Mar. 3, 1970 (21 UST 470; TIAS 6837).

tional traffic in passengers, cargo, and mail at Los Angeles and Honolulu on the following route via intermediate points; in both directions:

1. Siam to Los Angeles over reasonably direct route.[4]

C. In the establishment and operation of air services covered by this Agreement and its Annex, the following principles shall apply:

1. The two contracting parties desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

2. There shall be a fair and equal opportunity for the airlines of the two contracting parties to operate on their respective routes.

3. It is the understanding of both contracting parties that services provided by a designated air carrier under the Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark and disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the Annex to the Agreement shall be applied in accordance with the general principles of orderly development to which both contracting parties subscribe and shall be subject to the general principle that capacity should be related:

(a) to traffic requirements between the country of origin and the countries of destination;

(b) to the requirements of through airline operation, and

(c) to the traffic requirements of the area through which the airline passes after taking into consideration local and regional services.

4. The contracting parties should undertake regular and frequent consultation between their respective aeronautical authorities so that there should be close collaboration in observance of the principles and the implementation of the provisions outlined in the Agreement and its Annex, and in case of dispute the matter shall be settled in accordance with the provisions of Article 11 of the Agreement.

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[4] For an amendment, see agreement of Mar. 3, 1970 (21 UST 470; TIAS 6837).

AIR SERVICE FACILITIES AT DON MUANG AIRPORT AND BANGKAPI

Agreement signed at Bangkok May 8, 1947
Entered into force May 8, 1947

61 Stat. 3855; Treaties and Other International Acts Series 1735

AGREEMENT BETWEEN THE GOVERNMENT OF SIAM AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The Government of Siam, in consideration of the transfer to the Government of Siam by the Government of the United States of America of certain air navigation, air communication and weather facilities situated at Don Muang Airport in the District of Bangkhen and also at Bangkapi in Siam (in this Agreement referred to as "the facilities") agrees with the Government of the United States of America as follows.

I. To operate and maintain the facilities continuously in a manner adequate for the air traffic operating to and away from the Don Muang aerodrome and along the recognised international air routes converging on that aerodrome, and, to ensure this standard of service, to abide by approved Provisional International Civil Aviation Organisation standards of operation [1] unless and until those standards are changed by any other international agreement to which the Government of Siam and the Government of the United States are both parties.

II. To provide the full service of all facilities to all aircraft on a non-discriminatory basis with charges, if any, only for non-operational messages until an international agreement on charges has been promulgated by the Provisional International Civil Aviation Organisation.

III. To transmit weather reports as prescribed by the Weather Service of the United States to designated stations of the United States and to such other stations as are necessary to ensure an integrated meteorological network for international air-routes unless and until other provision is made

[1] See interim agreement opened for signature at Chicago Dec. 7, 1944 (EAS 469), *ante*, vol. 3, p. 929.

by international agreement to which the Government of the United States is a party concerning civil and military meteorological requirements.

IV. To continue the operation of all types of facilities at their original locations or on new locations mutually agreed by the Government of Siam and the Government of the United States until new facilities are installed in accordance with the standards promulgated by the Provisional International Civil Aviation Organisation or until it is mutually agreed by the Government of Siam and the Government of the United States that there is no longer a need for the original facilities, it being understood that such of the original facilities as are devoted to the aeronautical communication service will be devoted exclusively to that service and will not be diverted to the general communication service.

V. To provide English speaking operators at air-to-ground and control tower communication positions until regulations covering such voice transmissions are promulgated by the Provisional International Civil Aviation Organisation and further, until such regulations are promulgated, to grant permission to a representative of the United States air carriers authorised to serve an aerodrome to enter its control tower and, when in the opinion of the representative a case of necessity exists, to talk to the pilot of any United States aircraft flying in the vicinity of the aerodrome.

VI. To select radio frequencies for air-to-ground and control tower operations at an aerodrome only after coordination with the United States air carriers using the aerodrome and with adjacent stations in the recognised international air routes converging on the aerodrome in order to minimise—

(a) radio interference; and
(b) the number of frequencies required to be operated by aircraft.

VII. To authorise and facilitate day-to-day adjustment in aeronautical communication service matters by direct communication between the operating agency of the Government of Siam and the service agency of the Government of the United States, United States air carriers or a communication company representing one or more of them.

VIII. To authorise United States air carriers of the Civil Aeronautics Administration of the United States to designate a technical officer to advise and assist the agency designated by the Government of Siam to operate the facilities insofar as they relate to the safety and efficiency of the United States airline operations. This designation is to continue as long as it is useful to United States air carriers.

IX. (a) To furnish in sufficient number suitable personnel to be trained to operate and maintain all facilities transferred under this sale.

(b) To negotiate a supplemental agreement to be entered into by the agency of the Siamese Government which will eventually take over the operation of the facilities and the agency of the United States Government, or its representative, which undertakes the training and interim operation and

maintenance of the facilities free of any charges or emolument, pending transfer of full operating responsibility to the agency of the Siamese Government. The supplemental agreement will define the responsibility, authority, and relations between the above mentioned agencies and their representatives during the period the United States agency remains in charge of the operation, maintenance, and training.

X. The United States Government, through either the Army, Navy, CAA or private agency agrees:

(a) To include in the sale of the basic installations, wherever Theater surplus stocks permit, one year's supply of maintenance parts and expendable supplies.

(b) To do everything possible to assist the Government of Siam or its representative in purchasing, through regular commercial channels, maintenance parts and expendable supplies for the operation of the facilities.

(c) To operate and maintain the facilities until such time when the Air Attache to the United States Embassy, Bangkok, is assured the Government of Siam is prepared to assume full responsibility for the operation and maintenance of the facilities as hereinabove provided.

(d) To train the personnel selected by the Government of Siam pursuant to paragraph IX above, as long as an agency of the United States operates and maintains the facilities in accordance with paragragh (c) above.

IN FAITH WHEREOF the Representatives of the Government of Siam and the Government of the United States of America have hereunto signed their names.

SIGNED in Bangkok, Siam, this eighth day of May nineteen hundred and forty-seven.

For the Government of the United States of America:

Department of State
Office of the Foreign Liquidation
Commissioner
Central Field Commission
China Pacific Area.

J. A. WARNER
Director, Fixed Installation Division

For the Government of Siam:

Ministry of Communications

PHRA SUVABHAND BIDYAKAR
Director-General of the Department of Transport

Witnesses:
JAMES T. SCOTT
SANGA NILKAMHAENG

308-582—73——67

EXCHANGE OF PUBLICATIONS

Exchange of notes at Bangkok September 5, 1947
Entered into force September 5, 1947

61 Stat. 3154; Treaties and Other International Acts Series 1654

The American Ambassador to the Minister of Foreign Affairs

AMERICAN EMBASSY
BANGKOK, SIAM
September 5, 1947

No. 352

EXCELLENCY:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of Siam in regard to the exchange of official publications, and to inform Your Excellency that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the Smithsonian Institution. The official exchange office for the transmission of publications of the Government of Siam shall be the National Library.

3. The publications shall be received on behalf of the United States of

America by the Library of Congress and on behalf of the Kingdom of Siam by the National Library.

4. The present agreement does not obligate either of the two Governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Siam, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

EDWIN F. STANTON

His Excellency
LUANG ARTTHAKITTI BANOMYONG
Minister of Foreign Affairs
Bangkok

The Minister of Foreign Affairs to the American Ambassador

MINISTRY OF FOREIGN AFFAIRS
SARANROMYA PALACE

No. 9800/2490 *5th September, 1947*

MONSIEUR L'AMBASSADEUR,

With reference to Your Excellency's Note of today's date, and to the conversations between representatives of the Government of Siam and representatives of the Government of the United States of America in regard to the exchange of official publications, I have the honour to inform Your Excellency that the Government of Siam agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

[For text of provisions, see numbered paragraphs in U.S. note, above.]

The Government of Siam considers that your note and this reply con-

stitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

I avail myself of this opportunity, Monsieur l'Ambassadeur, to renew to Your Excellency the assurance of my highest consideration.

A. BANOMYONG
Minister of Foreign Affairs

His Excellency
Monsieur EDWIN F. STANTON
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Bangkok

Tonga

AMITY, COMMERCE, AND NAVIGATION

Treaty signed at Nukualofa, Tongatabu, October 2, 1886
Senate advice and consent to ratification, with an amendment, January 19, 1888 [1]
Ratified by the President of the United States, with an amendment, February 7, 1888 [1]
Ratified by Tonga August 1, 1888
Ratifications exchanged at Nukualofa August 1, 1888
Proclaimed by the President of the United States September 18, 1888
Entered into force September 18, 1888
Terminated (with exception of article VI) July 28, 1920 [2]

25 Stat. 1440; Treaty Series 357

Treaty of Amity, Commerce and Navigation, between the United States of America and the King of Tonga

The United States of America, and the King of Tonga, mutually desirous of maintaining and strengthening their relations and interests; have resolved to conclude a treaty of amity, commerce and navigation; and to this end have empowered as their representatives: The President of the United States; George H. Bates, Special Commissioner of the United States to Tonga; And His Majesty, the King of Tonga; the Reverend Shirley Waldemar Baker,

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[1] The U.S. amendment struck out all of art. VII and inserted a new article. The text printed here is the amended text as proclaimed by the President. The text of art. VII as signed is as follows:

"All steam vessels which may be employed by the Government of the United States in the carrying of their mails in or across the Pacific Ocean shall have free access to all ports of the Tonga Islands and shall be there subject to no harbor or pilotage dues; Provided, that no vessel shall be entitled to such exemption, except upon condition of carrying, free of charge the Tongan mails to ports of destination and call of such vessel."

[2] Pursuant to notice of termination July 28, 1919, given by the British Foreign Office on behalf of the King of Tonga.

Premier of the Kingdom of Tonga; Who, after producing to each other their respective powers, have agreed upon the following articles:

Article I

There shall be perpetual peace and amity between the United States of America and the King of Tonga, his heirs and his successors.

Article II

The citizens of the United States shall always enjoy, in the dominions of the King of Tonga, and Tongan subjects shall always enjoy in the United States, whatever rights, privileges and immunities are now accorded to citizens or subjects of the most-favored nation; and no rights, privileges or immunities shall be granted hereafter to any foreign state or to the citizens or subjects of any foreign state by either of the High Contracting Parties, which shall not be also equally and unconditionally granted by the same to the other High Contracting Party, its citizens or subjects; it being understood that the Parties hereto affirm the principle of the law of nations that no privilege granted for equivalent or on account of propinquity or other special conditions comes under the stipulations herein contained as to favored nations.

Article III

Citizens of the United States in Tonga, and Tongans in the United States, may visit, sojourn and trade in any part of the respective jurisdictions, and rent, occupy and improve lands and erect dwellings, offices and ware-houses thereon, subject to the laws and regulations of the country; which shall however in no case, except in respect of employment as laborers, be more restrictive than those imposed upon the citizens or subjects of the respective country, or upon the citizens or subjects of the most-favored nation.

Article IV

There shall be reciprocal liberty of commerce and navigation between the United States and the Tonga Islands, and no duty of customs or other impost shall be charged upon any goods being the produce or manufacture of one country, when imported therefrom into the other country, other or higher than is charged upon the same, the produce or manufacture of or imported from any other country.

Article V

No other or higher duties or charges on account of harbor dues, pilotage, quarantine, salvage in case of damage or ship-wreck or other shipping charges shall be imposed in the dominions of the King of Tonga on vessels of the United States, or in the United States on Tongan vessels, than are imposed on vessels belonging to the most-favored nation.

Article VI

The ships-of-war of either of the High Contracting Parties may enter all ports, places and waters within the jurisdiction of the other, to anchor and remain, take in stores, refit and repair, subject to the laws and regulations of the country. To enable this privilege to be carried out in his dominions, the King of Tonga agrees to secure to the government of the United States by lease at nominal rent, with covenants of renewal, all rights of free use of necessary ground in any harbor of the Tonga Islands which shall be mutually agreed upon, for the purpose of establishing a permanent coaling and repair-station, the rights of Tongan sovereignty therein being fully reserved and admitted; and in selecting a station for this purpose, due regard shall be had for any similar concession which the King of Tonga has or may have granted by treaty to any other government.

Article VII [3]

All steam vessels which may be employed by the Government of the United States in the carrying of their mails in and across the Pacific Ocean shall have free access to all ports of the Tonga Islands, and shall be there subject only to one-third of the usual harbor and pilotage dues, *provided* that no vessel shall be entitled to such exemption except upon condition of carrying free of charge the Tongan mails to ports of destination and call of such vessel.

Article VIII

The whaling or fishing vessels of the United States shall have free access to the ports and harbors of Tonga, and in the ports of entry thereof shall be permitted to barter or trade their supplies or goods for provisions for the use of their own vessels and crews, without being subject to the law relative to trading licenses, and shall be subject to no port-, or harbor-dues or pilotage whatever; but this privilege of barter and trade shall not include the supplying of spirituous liquors, or arms or ammunition to the Tongans. And such whaling or fishing vessels shall, after having entered any port of entry in the Tonga Islands, be at liberty to anchor off any island or reef thereof, for the purpose of whaling or boiling down; *provided,* such vessel does not anchor within the distance of three nautical miles from any inhabited town,—but nothing in this clause shall be so construed as to permit infringement of the quarantine laws of the dominions of the King of Tonga.

Article IX

All citizens of the United States residing in the Tonga Islands, and Tongan subjects residing in the United States, shall be exempted from all compulsory military service whether by sea or land, and from all forced loans, military

[3] See footnote 1, p. 1043.

requisitions and quartering of troops. They shall, moreover not be compelled to pay any other or higher taxes or license fees, or personal dues of any kind, than are or may be paid by the citizens or subjects of the High Contracting Party levying the same.

Article X

Should any member of the ship's company desert from a vessel-of-war or merchant vessel of either of the High Contracting Parties, while such vessel is within the territorial jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by the Consul of the High Contracting Party concerned, or if there be no Consul, then by the master of the vessel.

Article XI

Each of the High Contracting Parties may appoint Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, for the protection of trade, to reside in the territory of the other High Contracting Party; but before any Consular officer so appointed shall act as such, he shall in the usual form be approved of and admitted by the Government of the country to which he is sent; and all such Consular officers shall enjoy the same privileges and powers with those of the most favored nation.

Article XII

Consuls and Consular representatives of the United States in Tonga shall have all jurisdictional rights over civil and criminal matters concerning their own citizens and vessels, in conformity with the statutes of the United States and the law of nations; and they may call upon the authorities of Tonga for aid in making arrests or enforcing judgments: And, Citizens of the United States charged with committing offenses against Tongans shall be amenable only to the Consular jurisdiction and shall be punished according to the law of the United States: and Tongans charged with committing offenses against citizens of the United States shall be tried by Tongan courts and punished according to Tongan law.

Claims of a civil nature against citizens of the United States shall be cognizable only in the Consular jurisdiction, and Tongan Courts shall be open to citizens of the United States to prosecute such claims against Tongans, according to law: *Provided* that citizens of the United States charged with violations of laws and regulations of Tonga relating to customs, taxation, public health and local police not cognizable as such under the laws of the United States, shall be amenable to the jurisdiction of the Tongan Courts upon notice to the nearest U.S. Consul or Commercial Agent, if there be one resident in Tonga, who shall have the right to be present at the trial and to direct or provide for the defense of the accused; the proceedings at all such trials shall be public and the records thereof shall be public and accessible.

ARTICLE XIII

Perfect and entire freedom of conscience and worship, with right of sepulture according to their creed, shall be enjoyed by the citizens or subjects of either of the High Contracting Parties within the jurisdiction of the other.

ARTICLE XIV

This Treaty shall become effective upon promulgation and shall continue in force for ten years, and thereafter until one year after notice shall have been given by one of the High Contracting Parties to the other of its desire to terminate the same: save and except as to Article VI (relative to the establishment of a coaling-station), which shall be terminable only by mutual consent.

ARTICLE XV

This Treaty shall be ratified and the ratifications exchanged at Nukualofa as soon as possible.

This Treaty is executed in duplicate, one copy being in English and the other in Tongan, both versions having the same meaning aand intention, but the English version shall be considered the original, and shall control in case of any variance.

In witness whereof, the respective plenipotentiaries have signed this Treaty, and thereunto affixed their respective seals.

Done in the harbor of Nukualofa, in Tongatabu, on board the United States Steamer, "Mohican," this second day of October, in the year of our Lord, one thousand, eight hundred and eighty-six.

GEO. H. BATES [SEAL]
SHIRLEY W. BAKER [SEAL]

Free Territory of Trieste (British/United States Zone)

ECONOMIC COOPERATION

Agreement signed at Trieste October 15, 1948, with annex
Entered into force October 15, 1948
Amended by agreements of December 27 and 28, 1949,[1] *and March 29 and April 19, 1951* [2]
Expired June 30, 1953 [3]

62 Stat. 3026; Treaties and Other International Acts Series 1845

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE BRITISH/UNITED STATES ZONE, FREE TERRITORY OF TRIESTE

Preamble

The Government of the United States of America and, on behalf of the British/United States Zone, Free Territory of Trieste, the Commander, British/United States Forces, Free Territory of Trieste:

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

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

Considering that the achievement of such conditions calls for a European

[1] TIAS 2035, *post*, p. 1064.
[2] 2 UST 1156; TIAS 2261.
[3] In accordance with terms of art. X.

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

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

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948,[4] providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

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

Have agreed as follows:

Article I

(Assistance and Cooperation)

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

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[4] 62 Stat. 137.

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

3. The Commander will carry out his obligations under this Agreement with due regard for his responsibilities under the relevant clauses of the Treaty of Peace with Italy signed at Paris February 10, 1947.[5]

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

Article II [6]

(General Undertakings)

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

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

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

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[5] TIAS 1648, *ante*, vol. 4, p. 311.

[6] For understandings relating to art. II, paras. 1 (a) and (c) and para. 3, see annex, p. 1058.

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

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

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Commander to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of steel and transportation facilities;

c) to balance the governmental budget as soon as practicable and to create or maintain internal financial stability; and

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

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries, the Commander, with due regard for the urgency and importance of the problems of surplus manpower in the UK/US Zone, will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

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

ARTICLE III [7]

(Guaranties)

1. The Government of the United States of America and the Commander will, upon the request of either party, consult respecting projects in the UK/US Zone proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111(b)(3) of the Economic Cooperation Act of 1948.

2. The Commander agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Italian lire, or credits in Italian lire, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

ARTICLE IV [8]

(Local Currency)

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

2. The Commander will establish a special account in the Banca d'Italia in the name of the Commander (hereinafter called the Special Account) and will make deposits in Italian lire to this account as follows:

(a) The unencumbered balance, at the close of business on the date of this Agreement, in the Special Account in the Banca d'Italia established in accordance with the provisions of Section 6 of Public Law 84, Eightieth Congress,[9] and Section 103(b) of the Economic Cooperation Act of 1948, together with any further sums which may, from time to time, be required to be deposited in the Special Account. It is understood that subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance.

(b) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to the UK/US Zone on a grant basis by any means authorized under the Economic Cooperation

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[7] For an amendment to art. III, para. 2, see agreement of Dec. 27 and 28, 1949 (TIAS 2035), *post*, p. 1064.

[8] For an understanding relating to art. IV, para. 2(b), and an amendment to art. IV, para. 4, see *ibid.*

[9] 61 Stat. 125.

Act of 1948. The Government of the United States of America shall from time to time notify the Commander of the indicated dollar cost of any such commodities, services and technical information, and the Commander will thereupon deposit in the Special Account a commensurate amount of Italian lire computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into the UK/US Zone. If at the time of notification a par value for the Italian lira is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into the UK/US Zone or, if at the time of notification no par value for the Italian lira is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Commander and the Government of the United States of America. The Commander may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

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

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949,[10] shall be allocated to the use of the Government of the United States of America for its expenditures in the UK/US Zone and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Commander will further make such sums of Italian lire available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in the UK/US Zone to the consignee's designated point of delivery in the UK/US Zone of such relief supplies and packages as are referred to in article V.

6. The Commander may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Commander for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization

[10] 62 Stat. 1054.

in the UK/US Zone and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the UK/US Zone, including in particular:

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

(b) effective retirement of public debt, especially debt held by banking institutions.

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

Article V

(Travel Arrangements and Relief Supplies)

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

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

Article VI [11]

(Consultation and Transmittal of Information)

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

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[11] For an understanding relating to art. VI, para. 2(a), see annex, p. 1059.

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

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

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

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

Article VII

(Publicity)

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

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

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

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

Article VIII

(Missions)

1. The Commander agrees to receive a Special Mission for Economic Cooperation which shall conform to any administrative arrangements established by the President of the United States of America pursuant to Section 109(d) of the Economic Cooperation Act of 1948 and which will discharge the responsibilities of the Government of the United States of America in the UK/US under this Agreement.

2. The Commander, upon appropriate notification from the Government of the United States of America, will accord appropriate courtesies to the Special Mission and its personnel, the United States Special Representative in Europe and his staff, and the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and will grant them the facilities and assistance necessary to the effective performance of their responsibilities to assure the accomplishment of the purposes of this Agreement.

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

Article IX

(Definitions)

As used in this Agreement:

1. The "UK/US Zone" means that zone of the Free Territory of Trieste under the joint administration of the United Kingdom and United States military commands.

2. The "Commander" means the Commander, British–United States Forces, Free Territory of Trieste.

3. The term "participating country" means

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

(ii) any other country (including any of the zones of occupation of

Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

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

ARTICLE X

(Entry into Force, Amendment, Duration)

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, or until the authority of the Commander with respect to the UK/US Zone shall have ceased, whichever is the earlier date.

2. If, during the life of this Agreement, either the Government of the United States of America or the Commander should consider there has been a fundamental change in the basic assumptions underlying this Agreement, the other shall be so notified in writing and the Government of the United States of America and the Commander will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, no agreement has been reached upon the action to be taken in the circumstances, either party may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Commander are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice.

3. Article IV shall remain in effect until all the sums in the currency of the UK/US Zone required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

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

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

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

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

Done at Trieste, in duplicate, both texts authentic, this 15th day of October 1948.

T. S. AIREY

Major General T. S. AIREY, C.B., C.B.E.
Commander, British/United States Zone, Free Territory of Trieste

ROBERT P. JOYCE

ROBERT P. JOYCE, *United States Political Advisor to the Commander, British/United States Zone, Free Territory of Trieste, and Ad Interim Representative for the Economic Cooperation Administration*

ANNEX

Interpretative Notes

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

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

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of

production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

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

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

RELIEF ASSISTANCE

Agreement signed at Trieste February 11, 1949
Entered into force February 11, 1949
Amended by agreement of June 30 and July 18, 1952 [1]
Terminated October 26, 1954 [2]

63 Stat. 2709; Treaties and Other International Acts Series 1978

Agreement for the Free Entry and Free Inland Transportation of Relief Supplies and Packages

For the purpose of giving effect to Article V, paragraph 2, read with Article IV, paragraph 5, of the Economic Cooperation Agreement between the Governments of the British–United States Zone, Free Territory of Trieste and the United States of America, signed on 15 October 1948,[3] the Governments of the British–United States Zone, Free Territory of Trieste and the United States agree as follows:

1. The Government of the British–United States Zone, Free Territory of Trieste shall accord duty-free entry into the Free Territory of Trieste of:

(a) Supplies of relief goods or standard packs donated to or purchased by United States voluntary non-profit relief agencies qualified under Economic Cooperation Administration (hereinafter referred to as ECA) regulations and consigned to such charitable organizations (including Free Territory of Trieste branches of these agencies) as have been or hereafter shall be approved by the British–United States Zone, Free Territory of Trieste.

(b) Relief packages from residents of the United States of America sent by parcel post or other commercial channels addressed to an individual residing in the Free Territory of Trieste whether privately packed or by order placed with a commercial firm.

(c) Standard packs put up by United States voluntary non-profit relief agencies, or their approved agents, qualified under ECA regulations, to the order of individuals in the United States and sent for delivery addressed to

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[1] 3 UST 4967; TIAS 2670.
[2] Upon termination of joint United States-United Kingdom military administration.
[3] TIAS 1845, *ante*, p. 1048.

individuals residing in the British–United States Zone, Free Territory of Trieste.

2. For the purpose of this Agreement, the term "standard packs" (subparagraph (a) of paragraph above), shall include only such goods as are permitted to be included in relief packages and standard packs as specified below in this paragraph 2, but also may include upon special authorization of the customs authorities of the British–United States Zone, Free Territory of Trieste at the request of any such United States voluntary non-profit relief agency, any other goods except such as are specifically to be excluded from the contents of relief packages and standard packs, as stated below in this paragraph 2; "relief packages" (subparagraph (b) of paragraph 1 above) shall include only such goods as are qualified for ocean freight subsidy under the ECA Act and regulations issued by the Administrator thereunder; "standard packs" (subparagraph (c) of paragraph 1 above) shall contain only such articles which qualify under ECA regulations; and the further provisions stated in subparagraphs (a) to (f) of this paragraph 2 shall be applicable both to relief packages (subparagraph (b) of paragraph 1 above) and to standard packs (subparagraphs (a) and (c) of paragraph 1 above):

(a) The contents of such relief packages and of such standard packs are to include only non-perishable food, every-day clothing or clothes making materials, shoes or shoe-making materials, mailable medical and health supplies the admission of which is permitted under Free Territory of Trieste regulations, and household supplies and utensils: and shall specifically exclude tobacco, cigars and cigarettes, alcohol and alcoholic beverages, luxury clothing, furs, clothes made with furs and skins, all textiles made of silk or nylon, gloves and other luxury items.

(b) Such relief packages and such standard packs shall not exceed, in any case, 44 lbs. in weight.

(c) Such relief packages as referred to in paragraph 1 (b) must be accompanied in each case by a detailed description of contents and statement of value and must be labeled "USA Gift Parcel".

(d) Such relief packages and such standard packs shall be intended only for the personal use of the addressee and his immediate family.

(e) The British–United States Zone, Free Territory of Trieste Commander, after consultation with ECA Special Mission in Trieste, shall be entitled to make provisions as to the quantities of each product or article which may be included in any such relief packages or standard packs which any one addressee may receive free of duty in any month; relief packages or standard packs containing quantities of any article or product beyond the limits thus provided for or relief packages or standard packs for any one addressee in excess of such number per month as may be so prescribed, shall be excluded from the benefit of the foregoing provisions for free entry.

(f) The British–United States Zone, Free Territory of Trieste Com-

mander may exclude from the benefits of this Agreement the importation of all relief packages shipped by commercial firms when payment for such relief packages has been made illicitly or when such purchases have been made as a result of publicity or other means of soliciting such purchase from residents of the Free Territory of Trieste.

3. Transportation charges (as defined in paragraph 5 of Article IV, of the Economic Cooperation Agreement) in the Free Territory of Trieste on "relief goods", "relief packages" and "standard packs" all as defined in paragraph 1 above and subject to the provisions of paragraph 2 above, shall be defrayed as follows:

(a) The amount of such charges for all such shipments which are sent by United States parcel post addressed to individuals in the Free Territory of Trieste will be computed by the Free Territory of Trieste Postal Service in the manner now or hereafter provided by the applicable agreements, rules and regulations of the International Postal System. Such charges shall be reimbursed to the Postal Service out of the Special Account provided for in Article IV of the Economic Cooperation Agreement between the United States of America and the Free Territory of Trieste (hereinafter referred to as the Special Account) and no claim for such charges will be made against the United States.

(b) With respect to such shipments as are originally dispatched from the United States by any regular established commercial channels and forwarded in the Free Territory of Trieste by an approved agent of the shipper to the addressee by the Free Territory of Trieste parcel post, such items shall be accepted by the Free Territory of Trieste postal service without payment of postal charges by such agent. The Free Territory of Trieste shall be reimbursed for such parcel post charges out of the Special Account upon presentation of adequate documentation.

(c) With respect to such shipments as are originally dispatched from the United States by any commercial channel and forwarded in the Free Territory of Trieste by an approved agent of the shipper to the addressee by the Free Territory of Trieste common carrier or contract carrier, such items shall be accepted by such Free Territory of Trieste carrier with or without payment of charges therefor by such agent. The Free Territory of Trieste shall reimburse such agent or Free Territory of Trieste carrier, as the case may be, out of the Special Account upon presentation of adequate documentation.

(d) With respect to any such charges which may be incurred by an agent of a shipper under subparagraphs (b) and (c) above, other than parcel post charges and carrier charges, such approved agent shall be reimbursed by the Free Territory of Trieste out of the Special Account upon presentation of adequate documentation.

4. (a) The Free Territory of Trieste shall make payments out of the

Special Account for the purpose mentioned in subparagraphs (a) (b) (c) and (d) of paragraph 3 above, and shall submit to the ECA Mission in the Free Territory of Trieste with a copy to Controller, ECA Washington, monthly statements of the amounts so expended in form mutually satisfactory to the Free Territory of Trieste and said Mission provided that each such statement shall at least show the total weight carried and charges therefor and adjustments shall be made to said fund if shown to be required by ECA audit.

(b) Such payments shall be made by the Free Territory of Trieste to reimburse (1) transportation charges incurred on and after the date of the signing of this Agreement, (2) transportation charges incurred by United States voluntary non-profit relief agencies within the Free Territory of Trieste, British–United States Zone between April 30 of 1948 and the date of signing of this Agreement, upon presentation of adequate documentation.

5. This Agreement shall go into effect upon the date of signing hereof.

In witness whereof the parties to this Agreement have authorized the same to be executed in their behalf by T. S. Airey, C.B., C.B.E., Major General, Zone Commander for the Government of the British–United States Zone of the Free Territory of Trieste and Hon. Robert E. Galloway, Chief, Economic Cooperation Administration Special Mission to Trieste for the Government of the United States of America.

Executed at Trieste, Free Territory of Trieste, this 11th day of February, 1949.

For Government Br/US Zone, Free Territory of Trieste:

Terence Airey
T. S. Airey, C.B., C.B.E., *Major General,*
Zone Commander

For Government of United States of America:

Robert E. Galloway
Robert E. Galloway, *Chief*
Economic Cooperation Administration
Special Mission to Trieste

ECONOMIC COOPERATION

Exchange of letters at Trieste December 27 and 28, 1949, amending agreement of October 15, 1948
Entered into force December 28, 1949
Expired June 30, 1953 [1]

64 Stat. B107; Treaties and Other International Acts Series 2035

The Acting United States Political Adviser to the Commander of the British/United States Zone, Free Territory of Trieste

HQ AMG FTT
December 27, 1949

To: The Zone Commander
From: U.S. Polad, Trieste

The United States Government has proposed several amendments to the bilateral Economic Cooperation Agreement between the United States of America and the British/U. S. Zone of the Free Territory of Trieste.[2] The suggested amendments are listed below. I would be most grateful if you would inform me if you are in agreement with the proposed amendments in order that I may inform the Department of State.

1. The Commander of the British/United States Forces, Free Territory of Trieste expresses his adherence to the purposes and policies of the Economic Cooperation Act of 1948 [3] as heretofore amended.[4]

2. Whenever reference is made in any of the articles of such Economic Cooperation Agreement to the Economic Cooperation Act of 1948, it shall be construed as meaning the Economic Cooperation Act of 1948 as heretofore amended.

3. The reference in paragraph 2 of Article III of the Economic Cooperation Agreement, to recognition as the property of the Government of the United States of any Italian lire or credits in Italian lire assigned or

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[1] In accordance with terms of agreement of Oct. 15, 1948 (TIAS 1845, *ante*, p. 1048).
[2] TIAS 1845, *ante*, p. 1048.
[3] 62 Stat. 137.
[4] 63 Stat. 50.

transferred to it pursuant to section 111 (b)(3) of the Economic Cooperation Act of 1948 as heretofore amended, includes recognition that the Government of the United States will be subrogated to any right, title, claim, or cause of action existing in connection with such Italian lire or credits in Italian lire.

4. The provisions of Article IV, paragraph 4 of the Economic Cooperation Agreement shall be applied to all deposits made pursuant to that Article except deposits made in accordance with the provisions of section 6 of Public Law 84.[5]

5. It is understood that the time of notification to which reference is made in Article IV, paragraph 2 (b) for the purpose of determining the rate of exchange to be used in computing the deposits to be made upon notifications to the Commander of the indicated dollar costs of commodities, services, and technical information shall, in the case of each notification covering a disbursement period after September 30, 1949, be deemed to be the date of the last day of the disbursement period covered by the notification.

THOMAS M. JUDD
Acting U.S. Political Adviser

The Commander of the British/United States Zone, Free Territory of Trieste to the Acting United States Political Adviser

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
BRITISH/UNITED STATES ZONE
FREE TERRITORY OF TRIESTE
OFFICE OF THE ZONE COMMANDER

REF: AMG/FTT/PL/357.5

28 DECEMBER 1949

SUBJECT: Amendment of Economic Cooperation Agreement of 15 October 1948, between the U.S.A. and the British/U.S. Zone F.T.T.

TO: U.S. POLAD

I have studied your letter of 27 December 1949, on the subject of the bilateral Economic Cooperation Agreement between the United States of America and the British/United States Zone of the Free Territory of Trieste.

I should be glad if you would consider this letter as signifying my formal approval of the proposed amendments and inform the Department of State accordingly.

TERENCE AIREY
T. S. Airey
Major General
Zone Commander

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[5] 61 Stat. 125.

Trinidad and Tobago

TRANSFER OF SURPLUS PROPERTY

Agreement signed at Port of Spain April 24, 1947
Entered into force April 24, 1947
Second article superseded February 10, 1961, by agreement of February 10, 1961, between the United States and the Federation of The West Indies[1]

Department of State files

The undersigned, George Smith Busby, Sub-Intendant of Crown Lands—on behalf of His Majesty The King, of the one part, and Commodore Erl C. B. Gould, USNR, Central Field Commissioner for Latin America, Office of the Foreign Liquidation Commissioner, Department of State, acting in the name and representation of the United States of America, of the other part, by whom we are legally and sufficiently authorized, have concluded the following Agreement:

WHEREAS, The Government of the United States owns certain installations on the Island of Tobago, B.W.I., erected during World War II with the consent of His Majesty The King in the joint defense against the common enemies, which it tenders to the Government of Trinidad and Tobago in consideration for landing rights for its military aircraft of the nature and for the period herein described;

AND, WHEREAS, The Government of Trinidad and Tobago is willing to accept the proposal of the Government of the United States in the spirit of friendly cooperation and good neighborliness which characterizes the alliance of our respective Governments;

NOW, THEREFORE, The Government of the Colony of Trinidad and Tobago, of the one part, and the Government of the United States of America, of the other, do covenant and agree as follows:

FIRST—The Government of the United States transfers and conveys unto

[1] 12 UST 408; TIAS 4734.

the Government of Trinidad and Tobago full title, right, and possession to the installations listed in Schedule A attached to this Agreement, which installations are affixed to land known as the Tobago Auxiliary Landing Field or as the Crown Point Airport.

The Government of the United States further transfers and conveys unto the Government of Trinidad and Tobago the following items of surplus movable property which supposedly are located at the Tobago Auxiliary Landing Field, it being understood and agreed that if such property cannot be found there the Government of the United States shall not be obligated to return or replace them—1 grindstone; 20 torch flares; 1 wheelbarrow; 14 sheets corrugated iron, 3′ x 20′.

SECOND—In full consideration and exchange for the properties conveyed in the First Article of this Agreement, the Government of Trinidad and Tobago grants unto the Government of the United States the right for its military aircraft to make landings of the following nature at any time within the period herein indicated and without costs, charges or fees of any kind.

a. *Emergency Landings:* Rights for United States military aircraft to make bona fide emergency landings on or in the immediate vicinity of Tobago, and for subsequent United States military aircraft landings necessary in connection with the investigation, inspection, repair, evacuation, and/or disposition of such emergency-landed aircraft. These landing rights are desired for unexpired term of the 99-year lease of naval and air bases made pursuant to the Base Lease Agreement of March 27, 1041.[2]

b. *Administrative and Service Landings:* Rights for United States military aircraft to make landings at Tobago Auxiliary Landing Field (Crown Point Airport) in connection with the operation, supply, evacuation, maintenance, inspection, and/or other related functions connected with United States military installations located on Tobago. These landing rights are desired for such periods as the United States maintains or operates installations on Tobago.

THIRD—The Government of Trinidad and Tobago agrees to release the Government of the United States from all liability and responsibility whatsoever which the United States may have either to it or to others to return or restore the premises on which the installations hereby conveyed are situated, in the same or as good condition as that existing at the time of original occupancy by the United States Government, or in any condition other than that in which such premises actually may be; and further agrees to assume and be answerable for any claim brought against the United States in regard to the condition of the premises.

FOURTH—There is no guaranty, warranty, or representation on the part

[2] EAS 235, *post*, vol. 12, UNITED KINGDOM.

of the United States as to quantity, quality, kind, cost, character, description, condition, or suitability for use of any property which it conveys. All property is conveyed "as is" and "where is"; and no adjustment will be made if the property listed does not meet expectations or is not as described in the attached Schedule A or elsewhere.

FIFTH—This Agreement shall be executed in two counterparts, each of which shall be an original and both of which shall constitute the Agreement. Either Government may request the signing of additional copies of this Agreement.

SIXTH—This Agreement for fiscal purposes of the Government of the United States of America shall be designated as Contract No. W–ANL–(LAM–II)–16988. The powers of the signatory for the United States of America derive from the Surplus Property Act, Public Law 457—78 U.S. Congress, as amended; regulations, orders and directives issued in compliance therewith; and his letter of appointment. Under these powers he is authorized to sign this Agreement on behalf of his Government without the necessity of further ratification or approval.

Executed this 24th day of April, 1947 in the City of Port of Spain, Trinidad.

For the Government of Trinidad and Tobago:
G. S. BUSBY
Sub Intendant of Crown Lands

For the United States of America:
ERL C. B. GOULD
Commodore, USNR,
Central Field Commissioner for Latin America
Office of the Foreign Liquidation Commissioner
Department of State

SCHEDULE A

Inventory of Buildings, Facilities, Utilities

Description	*Number of Units*	*Units*
Radio Building, T/O frame, w/wood floor and corr. metal roof, 20′ x 20′	1	ea.
Messhall and Kitchen, T/O frame, w/wood floor and corr. metal roof, 20′ x 42′	1	ea.
EM Barracks, Ogden panel, w/shower room, wood floor and roll roofing, 16′ x 64′	1	ea.
Officers' Barracks, T/O frame, w/two full partitions and shower room, wood floor and corr. metal roof, 20′ x 44′	1	ea.
Day Room, T/O frame w/concrete floor and corr. metal roof, 20′ x 42′	1	ea.
Generator Shed, frame w/conc. floor and corr. metal roof, 8′ x 20′	1	ea.
Water Tank Tower, timber, 10½′ x 10½′ x 20′	1	ea.
Pit Latrine, T/O frame w/wood floor and corr. metal roof, 4′ x 8′′	1	ea.
Pit Latrine, frame w/corr. metal walls and roof, wood floor, 5′ x 9′	2	ea.
Antenna Poles, 85′ creosoted hardwood	3	ea.
Roads, 10′ wide, unsurfaced	950	sq. yds.
Airfield Facilities:		
a. Runway, grass on rock and coral sub-base, 200′ x 5,000′.	111, 111	sq. yds.
b. Taxiway, grass on rock and coral sub-base, 30′ x 2,120′.	7, 000	sq. yds.
c. Hardstands, grass on rock and coral sub-base, five –30′ x 110′ each.	1, 900	sq. yds.
d. General Clearing, Grading and Drainage	1	item
Power Distribution System:		
a. Wire, #8 WP	1, 090	lin. ft.
b. Poles, hardwood, 25′	3	ea.
Water Supply:		
a. Water Mains, 1′′ –1½′′ G.I. pipe	240	lin. ft.
Sewage Disposal		
a. Cess Pools	3	ea.
b. Laterals, 4′′ C.I. pipe	320	lin. ft.
2′′ G.I. pipe	120	lin. ft.

Tripoli

PEACE AND FRIENDSHIP

Treaty signed at Tripoli November 4, 1796, and at Algiers January 3, 1797
Senate advice and consent to ratification June 7, 1797
Ratified by the President of the United States June 10, 1797
Entered into force June 10, 1797
Proclaimed by the President of the United States June 10, 1797
Superseded April 17, 1806, by treaty of June 4, 1805 [1]

8 Stat. 154; Treaty Series 358 [2]

[TRANSLATION OF 1796] [3]

TREATY OF PEACE AND FRIENDSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE BEY AND SUBJECTS OF TRIPOLI OF BARBARY

ARTICLE 1

There is a firm and perpetual Peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by

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[1] TS 359, *post*, p. 1081.

[2] For a detailed study of this treaty, see 2 Miller 349.

[3] This translation from the Arabic by Joel Barlow, Consul General at Algiers, has been printed in all official and unofficial treaty collections since it first appeared in 1797 in the Session Laws of the Fifth Congress, first session. In a "Note Regarding the Barlow Translation" Hunter Miller stated: ". . . Most extraordinary (and wholly unexplained) is the fact that Article 11 of the Barlow translation, with its famous phrase, 'the government of the United States of America is not in any sense founded on he Christian Religion.' does not exist at all. There is no Article 11. The Arabic text which is betwee Articles 10 and 12 is in form a letter, crude and flamboyant and withal quite unimportant, from the Dey of Algiers to the Pasha of Tripoli. How that script came to be written and to be regarded, as in the Barlow translation, as Article 11 of the treaty as there written, is a mystery and seemingly must remain so. Nothing in the diplomatic correspondence of the time throws any light whatever on the point." (2 Miller 384.)

The Miller edition also contains an annotated translation from the origial Arabic made in 1930 by Dr. C. Snouck Hurgronje of Leiden; for text, see p. 1075.

the free consent of both parties, and guaranteed by the most potent Dey & regency of Algiers.

ARTICLE 2

If any goods belonging to any nation with which either of the parties is at war shall be loaded on board of vessels belonging to the other party they shall pass free, and no attempt shall be made to take or detain them.

ARTICLE 3

If any citizens, subjects or effects belonging to either party shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

ARTICLE 4

Proper passports are to be given to all vessels of both parties, by which they are to be known. And, considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval the other papers belonging to such vessels shall be sufficient for their protection.

ARTICLE 5

A citizen or subject of either party having bought a prize vessel condemned by the other party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

ARTICLE 6

Vessels of either party putting into the ports of the other and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea and have occasion to repair, she shall be at liberty to land and reembark her cargo without paying any duties. But in no case shall she be compelled to land her cargo.

ARTICLE 7

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people; no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succoured till they can be sent to their country.

ARTICLE 8

If a vessel of either party should be attacked by an enemy within gun-shot of the forts of the other she shall be defended as much as possible. If she be in

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port she shall not be seized or attacked when it is in the power of the other party to protect her. And when she proceeds to sea no enemy shall be allowed to pursue her from the same port within twenty four hours after her departure.

ARTICLE 9

The commerce between the United States and Tripoli,—the protection to be given to merchants, masters of vessels and seamen,—the reciprocal right of establishing consuls in each country, and the privileges, immunities and jurisdictions to be enjoyed by such consuls, are declared to be on the same footing with those of the most favoured nations respectively.

ARTICLE 10

The money and presents demanded by the Bey of Tripoli as a full and satisfactory consideration on his part and on the part of his subjects for this treaty of perpetual peace and friendship are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed, except such part as is promised on the part of the United States to be delivered and paid by them on the arrival of their Consul in Tripoli, of which part a note is likewise hereto annexed. And no pretence of any periodical tribute or farther payment is ever to be made by either party.

ARTICLE 11

As the government of the United States of America is not in any sense founded on the Christian Religion,[4]—as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,—and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

ARTICLE 12

In case of any dispute arising from a violation of any of the articles of this treaty no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision. And he by virtue of his signature to this treaty engages for himself and successors to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

[4] See footnote 3, p. 1070.

Signed and sealed at Tripoli of Barbary the 3d day of Jumad in the year of the Higera 1211—corresponding with the 4th day of Novr 1796 by

Jussuf Bashaw Mahomet *Bey*
Mamet—*Treasurer*
Amet—*Minister of Marine*
Amet—*Chamberlain*
Ally—*Chief of the Divan*
Soliman *Kaya*
Galil—*Gen*l *of the Troops*
Mahomet—*Com*t *of the city*
Mamet—*Secretary*

Signed and sealed at Algiers the 4th day of Argib 1211—corresponding with the 3d day of January 1797 by

Hassan Bashaw *Dey*

and by the Agent plenipotentiary of the United States of America

Joel Barlow [seal]

[the "receipt"]

Praise be to God &c—
The present writing done by our hand and delivered to the American Captain OBrien makes known that he has delivered to us forty thousand Spanish dollars,—thirteen watches of gold, silver & pins-back,—five rings, of which three of diamonds, one of saphire and one with a watch in it,—one hundred & forty piques of cloth, and four caftans of brocade, —and these on account of the peace concluded with the Americans.

Given at Tripoli in Barbary the 20th day of Jumad 1211, corresponding with the 21st day of Novr 1796—

Jussuf Bashaw—*Bey*
whom God *Exalt*

The foregoing is a true copy of the receipt given by Jussuf Bashaw—Bey of Tripoli—

Hassan Bashaw—*Dey of Algiers*

The foregoing is a literal translation of the writing in Arabic on the opposite page

Joel Barlow

[the "note"]

On the arrival of a consul of the United States in Tripoli he is to deliver to Jussuf Bashaw Bey—

twelve thousand Spanish dollars
five hawsers—8 Inch
three cables—10 Inch
twenty five barrels tar
twenty five do pitch
ten do rosin

five hundred pine boards
five hundred oak do
ten masts (without any measure mentioned, suppose for vessels from 2 to 300 ton)
twelve yards
fifty bolts canvas
four anchors

And these when delivered are to be in full of all demands on his part or on that of his successors from the United States according as it is expressed in the tenth article of the following treaty. And no farther demand of tributes, presents or payments shall ever be made.

Translated from the Arabic on the opposite page, which is signed & sealed by Hassan Bashaw Dey of Algiers—the 4th day of Argib 1211—or the 3d day of Janr 1797—by—

Joel Barlow

[APPROVAL OF U.S. MINISTER AT LISBON]

To all to whom these Presents shall come or be made known.

Whereas the Underwritten David Humphreys hath been duly appointed Commissioner Plenipotentiary by Letters Patent, under the Signature of the President and Seal of the United States of America, dated the 30th of March 1795, for negociating and concluding a Treaty of Peace with the Most Illustrious the Bashaw, Lords and Governors of the City & Kingdom of Tripoli; whereas by a Writing under his Hand and Seal dated the 10th of February 1796, he did (in conformity to the authority committed to me therefor) constitute and appoint Joel Barlow and Joseph Donaldson Junior Agents jointly and seperately in the business aforesaid; whereas the annexed Treaty of Peace and Friendship was agreed upon, signed and sealed at Tripoli of Barbary on the 4th of November 1796, in virtue of the Powers aforesaid and guaranteed by the Most potent Dey and Regency of Algiers; and whereas the same was certified at Algiers on the 3d of January 1797, with the Signature and Seal of Hassan Bashaw Dey, and of Joel Barlow one of the Agents aforesaid, in the absence of the other.

Now Know ye, that I David Humphreys Commissioner Plenipotentiary aforesaid, do approve and conclude the said Treaty, and every article and clause therein contained, reserving the same nevertheless for the final Ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof I have signed the same with my Name and Seal, at the City of Lisbon this 10th of February 1797.

David Humphreys [SEAL]
[*United States Minister at Lisbon*]

Translation of 1930 [5]

Praise be to God! Declaration from [*sic*] this noble affair and this clear and important speech, being the agreement consisting of the articles of peace and fellowship and all friendship and love and good trust and all confidence on account of the peace treaty between us with the Americans and [*sic*] with our Lord and Master the exalted Lord Yussuf Pasha of Tripoli, may God strengthen him by His grace, amen! and in agreement with his whole Divan, the whole population of his regency and his Divan, may God strengthen them by His grace and His favor, amen!

Praise be to God! Declaration thereof from the first article. That we have agreed upon a perfect, valid, everlasting peace, without modification or change from the beginning to the end, in permanency, with the Americans and [*sic*] with our honored Lord, the Lord Yussuf Pasha of Tripoli, may God strengthen him and likewise his Divan, and what we have arranged between us [has been arranged] with a pure heart from our side and from their side. This treaty of peace has been displayed [the Arabic word here used generally denotes "to break a seal," or something of that sort] and worked out in detail by our honored and exalted Master, our supreme [the word here used is uncommon; it may have the meaning of sovereign] Master, the Lord Yussuf Pasha, in the protected [*i. e.,* by God] Algiers, may God strengthen him by His grace, amen!

Praise be to God! Declaration thereof: the second article. We have agreed concerning all goods carried by ships of the Americans, that it shall not be lawful to seize them from [on] the part of Tripoli ships; and likewise ships of Tripoli carrying goods, no American warship shall commit inimical acts against them. Thus it shall be with us and with them, from both of the two [*sic*] sides.

Glory be to God! Declaration of the third article. We have agreed that if American Christians are traveling with a nation that is at war with the well-preserved Tripoli, and he [evidently the Tripolitan] takes [prisoners] from the Christian enemies and from the American Christians with whom we are at peace [the Arabic sentence is here most confused], then he sets him [*sic*] free; neither he nor his goods shall be taken. Likewise, the Americans, when they take [literally "bring"] ships of their enemies and there are on board people from Tripoli, they shall not take one of them nor their goods. Thus! [This word, occurring at the end of several articles, seems to take the place of a full stop.]

Praise be to God! Declaration of the fourth article. We have also agreed concerning all the ships sailing out from the well-preserved Tripoli, that they [evidently the Tripolitans] are not allowed to take any of the American ships until a term of eighteen months shall have expired, and likewise there

[5] See footnote 3, p. 1070.

shall not be taken any of the Tripolitan ships until the condition of eighteen months shall be fulfilled, because the country of the Americans is at a great distance. This stipulation is connected with the passports; when the number of months of the term that we have mentioned shall be complete, and we have observed the term of one year and a half, beginning by the date which we have mentioned, then all the ships of the Americans must have passports. Thus.

Praise be to God! Declaration of the fifth article. We have agreed that, if persons of the American nation have bought a prize from the nation which has been by correspondence [writing] that they have bought it [apart from the obscurity of this Arabic sentence, it seems that some words after "nation" have been omitted], then the written document shall be valid between us from both sides, because the correspondence has the validity of a passport, and term shall be of one year from the date of their buying the prize. Thus.

Praise be to God! Declaration of the sixth article. We have agreed that all American vessels putting into the port of the well-preserved Tripoli, of the Americans [*sic*], shall buy anything they are entitled to, provisions and other things. If the ship has suffered any damage, she shall repair it and so forth, like all the other Christian nations. And if an American ship, while sailing, has encountered winds or heavy storm at sea and is shipwrecked, and she is in want of lifting [?] or of anything else, she shall take whatever is necessary [or "whatever belongs to her"], and if she is bound to another country, being full of cargo, while such a misfortune befell her at sea, and she put into the port of Tripoli in order to repair all her damages, [she shall be allowed to do so]. And if she wants to sell her merchandise, she shall pay the customs according to the custom of other [Christian] nations. But if she has repaired all her damages and discharged her load and merchandise, and then reloads it again as it was before, [the cargo] shall be free. Thus.

Praise be to God! Declaration of the seventh article. We have agreed that if any vessel of the Americans is shipwrecked or damaged on the shore of Tripoli, the Moslems shall assist them until their goods are completely recovered from him who withholds. And if the vessel has merchandise or anything else, the Moslems shall be with them guarding the goods from thieves [deceivers] and shall watch over them until they have finished their affairs. Thus.

Praise be to God! Declaration of the eighth article. We have agreed upon this matter from both the two [*sic*] sides. If there is an American ship in the neighborhood of the Tripoli shore, and an enemy of their own kind [*i.e.*, a Christian enemy] encounters them and pursues them, trying to take them, then they shall be assisted from the side of the Moslems with guns from the forts of Tripoli for their defense [?], that they commit no hostility against

them within gunshot. Likewise, if they are in the port, lying at anchor, the enemy shall not be allowed to expel them. Likewise, if there are at anchor in the port two ships [belonging to nations] which are at enmity with each other, and one of them wishes to sail out, then her enemy shall not be allowed to sail out within twenty-four hours, as is the custom of all the [Christian] nations. Thus.

Praise be to God! Declaration of the ninth article. We have agreed that all the tradesmen and likewise the merchants [the two words used here are the Arabic *musabbibîn* and the foreign word *merkantiyye;* perhaps it is simply a pleonastic expression, or perhaps two different classes of commercial people are meant] of the American nation who bring merchandise to the well-preserved Tripoli, and likewise the captains and sailors, shall have to pay the customs as all the [Christian] nations pay them, and as it is the custom, and the Consul of the Americans shall continue doing his official duty as it is done by all the [Christian] nations, namely, the kiss of the Feast and of the [*mifdâ*?]. Thus.

The word not translated (*mifdâ,* or something like it), is of uncertain reading; the Italian translation renders it by "godimento." It may have denoted some periodical, probably annual, entertainment or feast of non-religious character, at which the authorities had to pay a complimentary visit to the Sultan. The "Feast" seems to denote that of the 1st of Shawwal, the conclusion of the Ramadan fasting. I guess that on such occasions the consuls had to "kiss" the Pasha's cloak or even the floor in front of His Highness, and most probably they were obliged to accompany that act of reverence with the offering of costly presents.

Praise be to God! Declaration of the tenth article. Be it known that the Americans have paid the present and the money for the peace treaty on the hand of the exalted Lord, our Master, the Lord Hassan Pasha, who [*al-munshî*?] in Algiers, may God strengthen him, and they are now acquitted of the number of presents [literally "the number, the present"] and likewise of the money, and this money and these presents they have given [shall be counted] forever, and they shall not continue to pay every year. This which they have given shall be at once complete, remaining forever. Thus.

The word not translated, probably to be read *al-munshî,* seems to be the equivalent of "residing" or "governing," but is not used in that sense in common Arabic.

The eleventh article of the Barlow translation has no equivalent whatever in the Arabic. The Arabic text opposite that article is a letter from Hassan Pasha of Algiers to Yussuf Pasha of Tripoli. The letter gives notice of the treaty of peace concluded with the Americans and recommends its observation. Three fourths of the letter consists of an introduction, drawn up by a stupid secretary who just knew a certain number of bombastic words and expressions occurring in solemn documents, but entirely failed to catch their real meaning. Here the only thing to be done by a translator is to try to give the reader an impression of the nonsensical original:

Praise be to God, who inspires the minds of rulers with causes of well-being and righteousness! The present matter may be in the interest of the land and the servants [of God], in order that things may be put in their place. This whole affair has been opened [by omission of one letter the Arabic reads

"victories" instead of "opened"] by the intermediary of the exalted, honored Prince, the Lord Hassan Pasha, in the protected [by God] Algiers, may God strengthen him and give him victory and help him in accomplishing good things; thus in the beginning and in the end, and may the acquiescence in his order take place by considering all his affairs, and may his endeavor repose on the fitness of his reflection. So may God make it, the beginning of this peace, a good and graceful measure and an introduction having for result exaltation and glorification, out of love for our brother and friend and our most beloved, the exalted Lord Yussuf Pasha, [here follows the same word as in Article 10: *al-munshî*?, "residing" or "governing"] in the well-protected [by God] Tripoli, may God strengthen him by His grace and His favor, amen! Because our interests are one and united, because our aim is that acts may succeed by overflowing justice, and the observance [of duty?; of treaties?; of the Sacred Law?] becomes praiseworthy by facts entirely, amen! by making successful safety and security by permanence of innumerable benefits and pure and unmixed issue. Prosperity accompanies highness and facilitation of good by length of the different kinds of joy makes permanent. Praise be to God for the comprehensive benefit and your perfect gifts, may God make them permanent for us and for you, thus till the day of resurrection and judgment, as long as times last, amen!

Further, if there are American people coming to the well-protected Tripoli, they wish to be, by your carefulness, honored [and free] from all disagreements as are, indeed, all the [Christian] nations, so that nobody molests them and no injury befalls them; and likewise people from Tripoli, if they proceed to the country of the Americans, they shall be honored, elevated upon the heads, nobody molesting or hindering them until they travel [homeward] in good state and prosperity. Thus. And greetings!

Praise be to God! Declaration of the twelfth article. If there arises a disturbance between us on both sides, and it becomes a serious dispute, and the American Consul is not able to make clear [settle] his affair, and [then] the affair shall remain suspended between them both, between the Pasha of Tripoli, may God strengthen him, and the Americans, until the Lord Hassan Pasha, may God strengthen him, in the well-protected Algiers, has taken cognizance of the matter. We shall accept whatever decision he enjoins on us, and we shall agree with his condition and his seal [*i. e.*, the decision sealed by him]; may God make it all permanent love and a good conclusion between us in the beginning and in the end, by His grace and favor, amen!

[THE "RECEIPT"]

forty thousand duros	watches	seal rings	ells of cloth	*sersâr*[?] garments
40,000	13	5	140	4

Praise be to God! Explanation: This is our memorandum delivered to [in the hand of] its bearer, the Captain Ibrahîm [*sic*], the American: We have received forty thousand royal duros and thirteen watches, some of them gold, some silver, some *tumbâk,* and five seal rings, three of which diamond, one sapphire, one with a watch in it, hundred and forty one[*sic*] ells of cloth, and four *sersâr* [?] garments. That is on account of the peace treaty of His [God's] servant, Yussuf Pasha, with the Americans and the completeness [perhaps the last word means only that the memorandum is hereby finished].

The seal, badly imprinted on this "receipt," is the same as the topmost of those which follow Article 12 of the treaty; it represents the signature of Hassan Pasha.

On the right side of the seal there are four small lines of script, written by the same hand that wrote the names of the goods and the figures at the top of the page, and the two lines under the seal, but a hand other than that which wrote the three lines of text. Those four lines of script read as follows: "Karamaili [*sic*], may his glory last, amen! 20th day of Jumada al-awwl, year 1211." The last two lines read: "This is the copy from [*sic*] the memorandum of the exalted Lord Yussuf Pasha, in the well-preserved Tripoli, and his seal.

The word used for "silver" (*fejra*) is uncommon, although not altogether unknown. The word corresponding to "pinsback" in the Barlow translation is *tumbâk,* which may be derived from Portuguese "tambaca" (from Malay "tembâga"), which denotes copper and a certain number of alloys of that metal. That word is derived from the Sanskrit; the thus-named alloy of copper and zinc used to be imported from Indo-Chinese countries (see Hobson-Jobson—A Glossary of Colloquial Anglo-Indian Words and Phrases, 929, and the references in Note A of that work, List of Glossaries, *in verbo*).

The 20th day of Jumada I, A. H. 1211, coincided with November 21, 1796, or thereabout.

"Karamaïli" is probably a corruption of the clan-name, "Karamanli," which occurs several times in the signatures to the treaty, *e. g.*, in the signature of Yussuf Pasha of Tripoli, but not in that of Hassan Pasha of Algiers; so it seems to be here not an adscript to the seal of Hassan Pasha, but rather a substitute for the seal of Yussuf Pasha; but even then it remains an enigma why he did not seal this receipt and why his name should have been written so incompletely, with the essential elements lacking.

[THE "NOTE"]

Praise be to God! This is a memorandum and a statement of what the Americans are still obliged to pay on account of the peace treaty: The amount of money being the value of twelve thousand royal duros; and likewise hawsers, being five, eight inches thick; and also cables, being three, each ten inches thick; and also tar, twenty-five barrels; and also pitch, twenty-five barrels; and likewise rosin, ten barrels; and also boards of *rubel* [this denotation of a sort of wood is unknown to me; it is not the common Arabic word for oak], five hundred; and likewise boards of *binu flamank* [also unknown to me; *flamank* means Dutch; perhaps "Dutch pine" is meant], five hundred; and also masts, being ten; and likewise yards, twelve; and also canvas for sails [the text adds the qualification *dhî lamûnah,* which I cannot explain], fifty pieces; and also anchors, being four. This is what the Americans are still obliged to pay in this mentioned number as has been mentioned [*sic*] and afterwards, when the Consul comes from his country, they shall have to bring all that we have mentioned, amounting to this

number, when he arrives at the well-preserved Tripoli, may God protect her by His grace, amen! Contained [certified?] completely on the first day of Rajab in this above-mentioned rescript, year 1211.

The seal imprinted on this "note" is illegible; it is, however, the seal of Hassan Pasha, Dey of Algiers, and the same as the topmost of those which follow Article 12 of the treaty, where the imprint is clearer.

The "4th" of Rajab is not in the Arabic text. The 1st of Rajab, 1211, may have corresponded to December 31, 1796, or to January 1, 1797; but compare "four days from the beginning" in the lines written at the left of the seal of Hassan Pasha, following Article 12 of the treaty, which are translated below in the account of the seals.[6] The Arabic rendering of "1st Rajab" may also mean "beginning of Rajab."

[6] See 2 Miller 373.

PEACE AND AMITY

Treaty signed at Tripoli June 4, 1805
Senate advice and consent to ratification April 12, 1806
Ratified by the President of the United States April 17, 1806
Entered into force April 17, 1806
Proclaimed by the President of the United States April 22, 1806
Terminated November 1, 1912 [1]

8 Stat. 214; Treaty Series 359 [2]

Treaty of Peace and Amity between the United States of America and the Bashaw, Bey and Subjects of Tripoli in Barbary

Article 1st

There shall be, from the conclusion of this Treaty, a firm, inviolable and universal peace, and a sincere friendship between the President and Citizens of the United States of America, on the one part, and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary on the other, made by the free consent of both Parties, and on the terms of the most favoured Nation. And if either party shall hereafter grant to any other Nation, any particular favour or privilege in Navigation or Commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other Nation, but where the grant is conditional it shall be at the option of the contracting parties to accept, alter or reject, such conditions in such manner, as shall be most conducive to their respective Interests.

Article 2nd

The Bashaw of Tripoli shall deliver up to the American Squadron now off Tripoli, all the Americans in his possession; and all the Subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to Three Hundred Persons, more or less; and the number of Tripoline Subjects in the power of the Americans to about, One Hundred more or less; The Bashaw of Tripoli shall receive from the United States

[1] Date of U.S. recognition of Italian sovereignty over Libya (see 1912 For. Rel. 608).
[2] For a detailed study of this treaty, see 2 Miller 529.

of America, the sum of Sixty Thousand Dollars, as a payment for the difference between the Prisoners herein mentioned.

ARTICLE 3rd

All the forces of the United States which have been, or may be in hostility against the Bashaw of Tripoli, in the Province of Derne, or elsewhere within the Dominions of the said Bashaw shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the Subjects of the said Bashaw, who may be in hostility against him in any part of his Dominions; And the Americans will use all means in their power to persuade the Brother of the said Bashaw, who has co-operated with them at Derne &c, to withdraw from the Territory of the said Bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him, his Wife and Children now in his power.

ARTICLE 4th

If any goods belonging to any Nation with which either of the parties are at war, should be loaded on board Vessels belonging to the other party they shall pass free and unmolested, and no attempt shall be made to take or detain them.

ARTICLE 5th

If any Citizens, or Subjects with or their effects belonging to either party shall be found on board a Prize Vessel taken from an Enemy by the other party, such Citizens or Subjects shall be liberated immediately and their effects so captured shall be restored to their lawful owners or their Agents.

ARTICLE 6th

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the Vessels of War belonging to the Regency of Tripoli on meeting with merchant Vessels belonging to Citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers, these two only shall be permitted to go on board said Vessel, without first obtaining leave from the Commander of said Vessel, who shall compare the passport, and immediately permit said Vessel to proceed on her voyage; and should any of the said Subjects of Tripoli insult or molest the Commander or any other person on board a Vessel so visited; or plunder any of the property contained in her; On complaint being made by the Consul of the United States of America resident at Tripoli and on his producing sufficient proof to substantiate the fact, The Commander or Rais of said Tripoline Ship or Vessel of War, as well as the Offenders shall be punished in the most exemplary manner.

All vessels of War belonging to the United States of America on meeting with a Cruizer belonging to the Regency of Tripoli, and having seen her passport and Certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her Cruize unmolested, and without detention. No passport shall be granted by either party to any Vessels, but such as are absolutely the property of Citizens or Subjects of said contracting parties, on any pretence whatever.

ARTICLE 7th

A Citizen or Subject of either of the contracting parties having bought a Prize Vessel condemned by the other party, or by any other Nation, the Certificate of condemnation and Bill of Sale shall be a sufficient passport for such Vessel for two years, which, considering the distance between the two Countries, is no more than a reasonable time for her to procure proper passports.

ARTICLE 8th

Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the Market price, and if any such Vessel should so put in from a disaster at Sea, and have occasion to repair; she shall be at liberty to land and reimbark her Cargo, without paying any duties; but in no case shall she be compelled to land her Cargo.

ARTICLE 9th

Should a Vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her Crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the Crew protected and succoured till they can be sent to their Country.

ARTICLE 10th

If a Vessel of either party, shall be attacked by an Enemy within Gunshot of the Forts of the other, she shall be defended as much as possible; If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to Sea, no Enemy shall be allowed to pursue her from the same port, within twenty four hours after her departure.

ARTICLE 11th

The Commerce between the United States of America and the Regency of Tripoli; The Protections to be given to Merchants, Masters of Vessels and Seamen; The reciprocal right of establishing Consuls in each Country; and the privileges, immunities and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, with those of the most favoured Nations respectively.

ARTICLE 12th

The Consul of the United States of America shall not be answerable for debts contracted by Citizens of his own Nation, unless, he previously gives a written obligation so to do.

ARTICLE 13th

On a Vessel of War, belonging to the United States of America, anchoring before the City of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty one Guns, which she is to return in the same quantity or number.

ARTICLE 14th

As the Government of the United States of America, has in itself no character of enmity against the Laws, Religion or Tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostility against any Mahometan Nation, except in the defence of their just rights to freely navigate the High Seas: It is declared by the contracting parties that no pretext arising from Religious Opinions, shall ever produce an interruption of the Harmony existing between the two Nations; And the Consuls and Agents of both Nations respectively, shall have liberty to exercise his Religion in his own house; all slaves of the same Religion shall not be impeded in going to said Consuls house at hours of Prayer. The Consuls shall have liberty and personal security given them to travel within the Territories of each other, both by land and sea, and shall not be prevented from going on board any Vessel that they may think proper to visit; they shall have likewise the liberty to appoint their own Drogoman and Brokers.

ARTICLE 15th

In case of any dispute arising from the violation of any of the articles of this Treaty, no appeal shall be made to Arms, nor shall War be declared on any pretext whatever; but if the Consul residing at the place, where the dispute shall happen, shall not be able to settle the same; The Government of that Country shall state their grievances in writing, and transmit it to the Government of the other, and the period of twelve Calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party, and in case the grievances are not redressed, and War should be the event, the Consuls and Citizens or Subjects of both parties reciprocally shall be permitted to embark with their effects unmolested, on board of what vessel or Vessels they shall think proper.

ARTICLE 16th

If in the fluctuation of Human Events, a War should break out between the two Nations; The Prisoners captured by either party shall not be made Slaves; but shall be exchanged Rank of Rank; and if there should be a deficiency on

either side, it shall be made up by the payment of Five Hundred Spanish Dollars for each Captain, Three Hundred Dollars for each Mate and Supercargo and One hundred Spanish Dollars for each Seaman so wanting. And it is agreed that Prisoners shall be exchanged in twelve months from the time of their capture, and that this Exchange may be effected by any private Individual legally authorized by either of the parties.

ARTICLE 17th

If any of the Barbary States, or other powers at War with the United States of America, shall capture any American Vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the Port on procuring the requisite supplies of Provisions; and no duties shall be exacted on the sale of Prizes captured by Vessels sailing under the Flag of the United States of America when brought into any Port in the Regency of Tripoli.

ARTICLE 18th

If any of the Citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Tripoli, to enforce his decisions, it shall immediately be granted to him. And if any dispute shall arise between any Citizen of the United States and the Citizens or Subjects of any other Nation, having a Consul or Agent in Tripoli, such dispute shall be settled by the Consuls or Agents of the respective Nations.

ARTICLE 19th

If a Citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a Citizen of the United States, the law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

ARTICLE 20th

Should any Citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his Subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his Subjects give hindrance in the execution of any will that may appear.

Whereas, the undersigned, Tobias Lear, Consul General of the United

States of America for the Regency of Algiers, being duly appointed Commissioner, by letters patent under the signature of the President, and Seal of the United States of America, bearing date at the City of Washington, the 18″ day of November 1803 for negociating and concluding a Treaty of Peace, between the United States of America, and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary—

Now Know Ye, That I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing Treaty, and every article and clause therein contained; reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli in Barbary, the fourth day of June, in the year One thousand, eight hundred and five; corresponding with the sixth day of the first month of Rabbia 1220.

Tobias Lear [SEAL]

Having appeared in our presence, Colonel Tobias Lear, Consul General of the United States of America, in the Regency of Algiers, and Commissioner for negociating and concluding a Treaty of Peace and Friendship between Us and the United States of America, bringing with him the present Treaty of Peace with the within Articles, they were by us minutely examined, and we do hereby accept, confirm and ratify them, Ordering all our Subjects to fulfill entirely their contents, without any violation and under no pretext.

In Witness whereof We, with the heads of our Regency, Subscribe it.

Given at Tripoli in Barbary the sixth day of the first month of Rabbia 1220, corresponding with the 4th. day of June 1805.

Jusuf Caramanly *Bashaw*	[SEAL]
Mohamet Caramanly *Bey*	[SEAL]
Mohamet *Kahia*	[SEAL]
Hamet *Rais de Marino*	[SEAL]
Mohamet Dghies *First Minister*	[SEAL]
Salah *Aga of Divan*	[SEAL]
Selim *Hasnadare*	[SEAL]
Murat *Dulartile*	[SEAL]
Murat Rais *Admiral*	[SEAL]
Soliman *Kehia*	[SEAL]
Abdall'a *Basa Aga*	[SEAL]
Mahamet *Scheig al Belad*	[SEAL]
Alli Ben Diab *First Secretary*	[SEAL]

[RECEIPT]

We hereby acknowledge to have received from the hands of Colonel Tobias Lear the full sum of sixty thousand dollars, mentioned as Ransom for two hundred Americans, in the Treaty of Peace concluded between Us and the United States of America on the Sixth day of the first Month of Rabbia 1220—and of all demands against the said United States.

Done this twenty first day of the first month of Rabbia 1220.[3]

(JOSEPH CARMANALY) *Bashaw* [SEAL]

[3] June 19, 1805.

Tunis

AMITY, COMMERCE, AND NAVIGATION

Treaty concluded at Tunis August 28, 1797
Senate advice and consent to ratification, with a condition regarding article XIV, March 6, 1798 [1]
Alterations in articles XI, XII, and XIV concluded at Tunis March 26, 1799
Senate advice and consent to alterations in articles XI, XII, and XIV December 24, 1799
Ratified by the President of the United States January 10, 1800
Amended by convention of February 24, 1824 [2]
Superseded May 7, 1904, by treaty of March 15, 1904, between the United States and France [3]

8 Stat. 157; Treaty Series 360 [4]

[TRANSLATION][5]

God is infinite.

Under the auspices of the greatest, the most powerful of all the Princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious son of the Sultan Moustafa, whose realm may God prosper

[1] The Senate gave its advice and consent to ratification "on condition that the fourteenth article of the said treaty, which relates to the duties on merchandise, (to be reciprocally paid by the citizens and subjects of the said parties, in their respective ports,) shall be suspended," and recommended that the President negotiate with the Bey and Government of Tunis on the subject of that article "so as to accommodate the provisions thereof to the existing treaties of the United States with other nations."

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

[2] TS 361, *post*, p. 1096.

[3] TS 434, *ante*, vol. 7, p. 862, FRANCE.

[4] For a detailed study of this treaty, see 2 Miller 386.

[5] The original treaty is in the Turkish language, with a French translation written opposite each article.

until the end of ages, the support of Kings, the Seal of Justice, the Emperor of Emperors.

The Most Illustrious and Most Magnificent Prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the Most Honored Ibrahim Dey, and Soliman, Aga of the Janissaries, the Chief of the Divan, and all the Elders of the Odgiak; and the Most Distinguished and Honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, Chargé d'Affaires of the United States of America, which stipulations and conditions are comprised in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

Article I

There shall be a perpetual and constant peace between the United States of America and the Magnificent Pacha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

Article II

If a vessel of war of the two nations shall make prize of an enemy's vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored: the Bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration, it being understood on both sides that the just right to what is claimed shall be proved.

Article III

Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

Article IV

On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document, (which, at Tunis, is called testa), but after the said term the congé shall be presented.

Article V

If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant-vessels escorted by the corsairs of Tunis.

Article VI [6]

If a Tunisian corsair shall meet with an American merchant-vessel, and shall visit with it her boat, she shall not exact anything, under pain of being severely punished. And in like manner if a vessel of war of the United States shall meet with a Tunisian merchant-vessel, she shall observe the same rule.

In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board the Tunisian vessels they shall be restored. But if any slave shall take refuge in any American merchant-vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

Article VII

An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year, by force of which our corsairs which may meet with her shall respect her; the Consul, on his part, shall furnish, her with a bill of sale, and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Article VIII

If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload and reload her cargo, without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

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[6] For amendments, see convention of Feb. 24, 1824 (TS 361), *post*, p. 1096.

Article IX

If, by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

Article X

In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

Article XI [6]

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

Article XII [6]

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant-vessels, but not to those of war.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the Chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant-vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the Government, and the captain shall not refuse it.

Article XIII

If among the crews of merchant-vessels of the United States there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Article XIV [7]

A Tunisian merchant who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay six per cent. duty: In like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

Article XV

It shall be free for the citizens of the United States to carry on what commerce they please in the Kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles; and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be

[7] For an amendment, see convention of Feb. 24, 1824 (TS 361), *post*, p. 1096.

obliged to receive merchandise on board his vessel, nor to unlade the same against his will, until the freight shall be paid.

Article XVI

The merchant-vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the Kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: Seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Article XVII

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the Government of the place shall inform his Government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the Government; and he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

Article XVIII

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

Article XIX

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the Government of the place shall have nothing to do therewith. And if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

Article XX

The Consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under

his protection; and in all cases wherein he shall require the assistance of the Government where he resides to sanction his decisions, it shall be granted to him.

Article XXI

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

Article XXII

If a dispute or law-suit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

Article XXIII

If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

The agreements and terms above concluded by the two contracting parties shall be punctually observed with the will of the Most High. And for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August of the Christian year one thousand seven hundred and ninety-seven.

[The Aga Soliman's signature and seal]	[Ibrahim Dey's signature and seal]	[The Bey's signature and seal]

Whereas the President of the United States of America, by his letters patent, under his signature and the seal of state, dated the eighteenth [seal] day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and James Leander Cathcart, or any two of them in the absence of the third, with full powers to confer, negotiate, and conclude with the Bey and Regency of Tunis, on certain

alterations in the treaty between the United States and the Government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety-seven, we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty with said alterations, reserving the same nevertheless for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

In testimony whereof we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the Christian era one thousand seven hundred and ninety-nine, and of American Independence the twenty-third.

William Eaton
James Leander Cathcart

PEACE

Convention signed at Bardo, near Tunis, February 24, 1824, amending treaty of August 28, 1797 [1]
Senate advice and consent to ratification January 13, 1825
Ratified by the President of the United States between January 13 and 21, 1825 [2]
Proclaimed by the President of the United States January 21, 1825
Superseded May 7, 1904, by agreement of March 15, 1904, between the United States and France [3]

8 Stat. 298; Treaty Series 361

ARTICLE the 6th

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact anything, on pain of being severely punished.

In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.

ARTICLE the 11th

When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

ARTICLE the 12th

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish

[1] TS 360, *ante*, p. 1088.
[2] For a detailed study of this convention and a discussion regarding date of ratification, see 3 Miller 141.
[3] TS 434, *ante*, vol. 7, p. 862, FRANCE.

themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unload, or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

The subjects and citizens of the two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be by the officers of the Government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered.

In case the Government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the Government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

ARTICLE the 14th

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the Kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the Regency. In like manner, all vessels belonging to the subjects and inhabitants of the Kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the United States.

Concluded, signed, and sealed, at the Palace of Bardo, near Tunis, the 24th day of the moon jumed-teni, in the year of the Hegira 1239, corresponding [to] the 24th of February, 1824, of the Christian year, and the 48th year of the Independence of the United States, reserving the same, nevertheless, for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

S. D. HEAP, *Chargé d'Affaires* [SEAL]
[Sidi Mahmoud's signature and seal]

RELATIONS IN TUNIS

Treaty signed for the United States and France at Washington March 15, 1904
Senate advice and consent to ratification March 24, 1904
Ratified by France April 3, 1904
Ratified by the President of the United States May 6, 1904
Entered into force May 7, 1904
Proclaimed by the President of the United States May 9, 1904 [1]

[For text, see TS 434, *ante*, vol. 7, p. 862, FRANCE.]

[1] A general convention between France and Tunisia signed June 3, 1955, provided, *inter alia,* (1) for recognition of the primacy of international conventions and treaties over internal law (art. 3) and (2) that Tunisia would take, within the framework of its internal autonomy, measures necessary for rendering applicable treaties concerning Tunisia and for assuring their execution (art. 8). In a protocol between France and Tunisia signed Mar. 20, 1956, France recognized the independence of Tunisia.

Turkey[1]

EXTRADITION

Treaty signed at Lausanne August 6, 1923
Senate advice and consent to ratification February 5, 1934
Ratified by the President of the United States February 21, 1934
Ratified by Turkey May 8, 1934
Ratifications exchanged at Ankara June 18, 1934
Entered into force August 18, 1934
Proclaimed by the President of the United States August 18, 1934

49 Stat. 2692; Treaty Series 872

Extradition Treaty between the United States of America and Turkey

The United States of America and Turkey

having deemed it advantageous, with a view to assuring a better administration of justice, to surrender, reciprocally, under certain specified circumstances, persons sentenced or prosecuted for the crimes and offenses indicated hereinafter, have resolved to conclude a new Extradition Treaty and to that end have appointed as their Plenipotentiaries, to wit:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Joseph C. Grew, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Swiss Confederation;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY,

Ismet Pasha, Minister of Foreign Affairs of the Government of the Grand National Assembly of Turkey, Deputy of Adrianople in the said Assembly;

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[1] See also agreements between the United States and the Ottoman Empire, *ante*, vol. 10, p. 619, OTTOMAN EMPIRE.

Doctor Riza Nour Bey, Minister of Sanitary Affairs and of Social Welfare of the Government of the Grand National Assembly of Turkey, Deputy of Sinope in the said Assembly; and

Hassan Bey, former Minister of National Economy of the Government of the Grand National Assembly of Turkey, Deputy of Trebizond in the said Assembly;

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

Article I

The Government of the United States of America and the Government of the Grand National Assembly of Turkey agree upon requisition to deliver reciprocally persons who, being prosecuted or condemned by the judicial authorities of one of the High Contracting Parties for any of the crimes or offenses enumerated in Article II, committed in territory subject to the jurisdiction of such Party, may seek asylum or be found in the territory of the other Party. Nevertheless, the extradition shall take place only if the evidence of culpability is such that, according to the laws of the place where the fugitive or accused is found, it would justify his apprehension and warrant penal proceedings had the act been committed there.

Article II

Extradition shall be granted for the following crimes and offenses, provided they are punishable both under the laws of the place of refuge and under those of the State making the requisition, to wit:

1.—Wilful homicide, including parricide, assassination, poisoning and infanticide.

2.—Arson.

3.—Piracy; mutiny on board a vessel when the crew or a part thereof or other persons on board shall have taken possession of the vessel, by means of fraud or violence against the captain.

4.—The act of breaking into and entering a dwelling house in the night time with intent to commit therein a crime, the character of which shall be specified in the documents referred to in Article VI. (Crime of burglary.)

5.—The forgery or falsification of public or private documents; fraudulent use of forged or falsified documents.

6.—Counterfeiting, forgery or alteration of money (either coin or paper), public bonds and their coupons, bank-notes, debentures, or other documents or instruments of credit; the issuance, circulation or use thereof with fraudulent intent; forgery or counterfeiting of public seals, dies, stamps, or marks, as well as the fraudulent use of such forged or counterfeited objects.

7.—Embezzlement of public funds by the depositaries of such funds or by public officers, when the funds embezzled exceed 200 dollars or the equivalent in Turkish money.

8.—Embezzlement by a person or persons employed or salaried, to the detriment of their employers, provided that such crime or offense is punishable by imprisonment or more severe penalty under the laws of both countries, and that the funds embezzled exceed 200 dollars or the equivalent in Turkish money.

9.—Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

10.—Abortion; rape; violation; kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, for the purpose of exacting money from them or their families, or for any other unlawful end.

11.—Robbery; house-breaking or shop-breaking.

12.—Larceny, if the money or the value of the objects stolen exceeds 25 dollars or the equivalent in Turkish money.

13.—Swindling; receiving money, securities or other property, knowing the same to have been embezzled, stolen or fraudulently obtained; when the amount of money or the value of the property exceeds 200 dollars or the equivalent in Turkish money.

14.—Fraud or breach of trust by any person; notably, by a depositary, agent, banker, or trustee, or by the president, a member or any officer of a company or association, if the loss suffered exceeds 200 dollars or the equivalent in Turkish money.

15.—Perjury or subornation of perjury.

16.—Crimes or offenses against the laws of both countries relative to the suppression of slavery and the slave trade.

17.—Fraudulent bankruptcy.

18.—Bribery.

19.—Serious woundings the minimum punishment of which is not less than one year of imprisonment.

20.—Attempt to commit offenses mentioned above, when such attempt is punishable as a crime.

21.—Complicity in any of the above mentioned crimes or offenses provided such complicity is punishable by imprisonment or a more severe penalty by the laws of both the Contracting Parties.

Article III

Extradition shall not take place for political crimes or offenses nor for acts connected with such crimes or offenses.

The attack upon the life of the Head of a State or the members of his family shall not be deemed a political crime or offense.

No person surrendered by one of the High Contracting Parties to the other Party shall be prosecuted or punished for an offense committed before the demand of extradition other than that for which the extradition has been granted, unless such person expressly consents in writing, which shall be communicated to the Government of the Party which effected the extradition; or unless, having had during 30 days since his definitive release the opportunity of leaving the territory of the State which demanded his extradition, he has not availed himself of this opportunity; or finally, unless he returns to such territory after having left it.

Article IV

When the person whose extradition is demanded is under prosecution, whether in custody or out on bail, for another offense committed in the country in which he has sought asylum, or when he has been convicted of such offense, his extradition may be deferred until the penal proceedings be determined and until he shall have been definitively set at liberty in due course of law.

Article V

The High Contracting Parties shall not be bound to accord the extradition of their respective nationals.

Article VI

Demands for extradition shall be made through diplomatic channels.

When the person whose extradition is demanded shall have been sentenced for the offense which occasioned the demand for extradition, the demand must be accompanied by an authentic copy of the sentence pronounced. If the person claimed is merely charged with an offense, the demand must be accompanied by a duly certified copy of the warrant of arrest issued by the competent magistrate of the Party demanding the extradition, as well as by duly authenticated copies of the depositions or other evidence upon the basis of which the warrant was issued. These documents must contain the precise indication of the offense charged and of the place where and the time when it was committed. They must be accompanied by a duly certified copy of the provisions of law applicable to the offense charged as well as by the elements necessary to establish the identity of the person claimed.

The documents above indicated shall be drawn up in the form prescribed by the laws of the Party demanding the extradition and shall be accompanied by a translation, in the language of the Party from which the extradition is demanded or in French, certified to be in conformity with the original.

It is understood that the extradition procedure shall be governed by the regulations in force at the time of the demand in the State upon which the demand is made.

ARTICLE VII

When provisional arrest of a person is requested before the demand for extradition has been presented, the demand relating thereto shall be made through the diplomatic channel or addressed directly to the competent authorities of the Party on which it is made by the competent Consul of the Party making the demand or by another person duly authorized by such Party. The procedure to be followed for the arrest shall be governed by the regulations in force in the State on which the demand is made.

The provisional detention must cease and the person arrested must be set at liberty unless within three months, dating from the arrest, not including the day of the arrest, a formal demand for extradition, accompanied by the necessary documents, is presented in the manner prescribed in Article VI.

ARTICLE VIII

Extradition shall not be accorded when under the law of the Party on which demand is made or under that of the Party making the requisition the prosecution or the penalty imposed is barred by limitation.

ARTICLE IX

All articles seized which are in the possession of the person demanded, at the time of his arrest, shall, at the time of the extradition, be delivered up with his person to the Party making the demand; such delivery shall extend not only to articles acquired by means of the offense with which the accused is charged but also to all other articles that may serve to prove the offense. The rights of third parties with regard to the articles in question shall, however, be duly respected.

ARTICLE X

The expenses of the arrest, detention and transportation of the persons extradited shall be paid by the Party making the requisition.

ARTICLE XI

The present Treaty shall come into force two months after the date of the exchange of ratifications and shall remain in force for five years.

If this Treaty is not denounced by one of the High Contracting Parties at least six months before the expiration of the said period of five years, it shall remain in force until it is denounced, such denunciation becoming effective only after the expiration of a period of six months.

ARTICLE XII

The present Treaty, in French, English and Turkish, shall be ratified. In case of divergence the French text shall prevail.

The ratifications shall be exchanged at Constantinople as soon as possible.

308-582—73——71

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

Done at Lausanne, August 6, 1923.

Joseph C. Grew	[seal]
M. Ismet	[seal]
Dr. Riza Nour	[seal]
Hassan	[seal]

CLAIMS

Exchange of notes at Constantinople December 24, 1923
Confirmed by agreement of February 17, 1927 [1]
Entered into force August 15, 1933
Replaced by agreement of October 25, 1934,[2] *as supplemented and modified*

1923 For. Rel. (II) 1190

The American High Commissioner to the Delegate of the Ministry of Foreign Affairs

[TRANSLATION]

CONSTANTINOPLE, *December 24, 1923*

EXCELLENCY: Pursuant to the discussions which have been held at Constantinople since October 10, 1923, in conformity with the letters exchanged at Lausanne August 6, 1923, with a view to reserving for a subsequent discussion the question of the reciprocal claims of the nationals of the United States and of Turkey, I have the honor to inform you that I am authorized by my Government to convey to Your Excellency the following:

My Government is in accord with the Government of the Turkish Republic for the designation of two representatives as members of a committee which will meet at Constantinople six months after the exchange of the ratifications of the treaty signed at Lausanne August 6, 1923,[3] concerning the general relations between the United States and Turkey. This committee will proceed, with a view to determining the solutions which should be given them, to the examination of the claims presented by either Government within a period of six months from its constitution. The dossiers of the claims must contain the documents establishing the nature, the origin, and the justification of each claim.

Documents not accompanying the claims presented within the period of six months provided for in the preceding paragraph and relating to the said

[1] *Post,* p. 1109.
[2] EAS 73, *post,* p. 1129.
[3] Unperfected; for text, see 1923 For. Rel. (II) 1153.

claims must be communicated to the committee at the latest within a period of one year from its constitution.

I shall be grateful if Your Excellency will be so good as to convey to me the confirmation of this arrangement.

Accept [etc.]

MARK L. BRISTOL

The Delegate of the Ministry of Foreign Affairs to the American High Commissioner

[TRANSLATION]

CONSTANTINOPLE, *December 24, 1923*

EXCELLENCY: I have had the honor to receive the note which Your Excellency was good enough to send me December 24th, 1923, concerning the question of the reciprocal claims of the nationals of Turkey and of the United States, a question which was reserved for a subsequent discussion by virtue of the letters exchanged at Lausanne August 6th, 1923.

I am authorized by my Government to inform Your Excellency that it is in accord with the Government of the United States for the designation for its part of two representatives as members of a committee which will meet at Constantinople six months after the exchange of the ratifications of the treaty signed at Lausanne August 6, 1923, concerning the general relations between Turkey and the United States. This committee will proceed with a view to determining the solutions which should be given them, to the examination of the claims presented by either government within a period of six months from its constitution. The dossiers of the claims must contain the documents establishing the nature, the origin, and the justification of each claim.

Documents not accompanying the claims presented within the period of six months provided for in the preceding paragraph and relating to the said claims must be communicated to the committee at the latest within a period of one year from its constitution.

Accept [etc.]

DR. ADNAN

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Ankara February 17 [?] and 18, 1926
Entered into force February 20, 1926
Renewed for six months by agreement of July 20, 1926 [1]
Expired February 20, 1927

1926 For. Rel. (II) 999

The American High Commissioner to the Minister of Foreign Affairs

ANGORA, *February 17 [18?], 1926*

YOUR EXCELLENCY: I have the honor to inform Your Excellency that pending the ratification of the Treaties between Turkey and the United States of America, signed at Lausanne August 6, 1923,[2] my Government consents, in order to define the regime which will be applicable to the commerce between the United States and Turkey for six months, dating from February 20, 1926, to extend to agricultural and industrial products originating in or proceeding from Turkey, and imported into the United States for consumption, transit, or reexportation, that treatment accorded the most favored nation. The provisions of this agreement do not apply to the treatment which is accorded by the United States of America to the commerce of its dependencies, Cuba, or the Panama Canal Zone.

It is understood that the application of this provisional agreement is subject to the application, in Turkey, to agricultural and industrial products originating in or proceeding from the United States, of that treatment provided for by the Commercial Convention signed at Lausanne July 24, 1923,[3] in regard to the products of the States signatories thereof. The provisions of the present agreement do not apply to the commerce between Turkey and the countries detached from the Ottoman Empire following the war of 1914, nor to the frontier traffic with a state contiguous to Turkey.

Accept [etc.]

MARK L. BRISTOL

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[1] Not printed.

[2] Treaty concerning general relations (unperfected; for text, see 1923 For. Rel. (II) 1153) and extradition treaty (TS 872, *ante*, p. 1099).

[3] 28 *League of Nations Treaty Series* 171.

The Minister of Foreign Affairs to the American High Commissioner

[TRANSLATION]

No. 54642/3 ANGORA, *February 18, 1926*

Mr. REPRESENTATIVE: I have the honor to inform you that pending the ratification of the Treaty between Turkey and the United States of America, signed at Lausanne August 6, 1923, my Government consents, in order to define a regime which will be applicable to the commerce between Turkey and the United States for 6 months, dating from February 20, 1926, to extend to agricultural and industrial products originating in or proceeding from the United States, and imported into Turkey for consumption, transit, or re-exportation, that treatment accorded the most favored nation. The provisions of the present agreement do not apply to the commerce between Turkey and the countries detached from the Ottoman Empire following the war of 1914, nor to the frontier traffic with a State contiguous to Turkey.

It is understood that the application of this provisional agreement is subject to the application, in the United States of America, to agricultural and industrial products originating in or proceeding from Turkey, of that treatment accorded the most favored nation. The provisions of the present agreement do not apply to the treatment which is accorded by the United States of America to the commerce of its dependencies, Cuba, or the Panama Canal Zone.

Accept [etc.]

DR. ROUSCHDY

RELATIONS

Exchange of notes at Ankara February 17, 1927
Entered into force February 17, 1927
Expired April 22, 1930 [1]

1927 For. Rel. (III) 794

The American High Commissioner to the Minister of Foreign Affairs

[TRANSLATION]

ANGORA, *February 17, 1927*

EXCELLENCY: I have the honor to make the following statement of the agreement which has resulted from the conversations that have been held at Angora on behalf of the Government of the United States of America and the Government of Turkey with reference to the regularization of relations between the United States of America and Turkey.

1. The United States of America and Turkey are agreed to establish between themselves diplomatic and consular relations, based upon the principles of international law, and to proceed to the appointment of Ambassadors as soon as possible. They are further agreed that their diplomatic and consular representatives shall enjoy, on the basis of reciprocity in the territory of the other, the treatment recognized by the general principles of public international law.

2 (*a*). The United States of America and Turkey are agreed to regulate, by treaties or special conventions, on the basis of the general principles of public international law and of complete reciprocity, the commercial and consular relations, as well as the conditions of establishment and residence, of the nationals of the other party, in their respective territories.

(*b*) In the event that the treaty signed at Lausanne August 6, 1923,[2] by the United States of America and Turkey should be ratified on or before June 1, 1928, the provisions of that treaty, together with its annexes, shall be considered as meeting the requirements specified in subparagraph (*a*) of

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[1] Date of entry into force of treaty of Oct. 1, 1929 (TS 813, *post*, p. 1122).
[2] Unperfected; for text, see 1923 For. Rel. (II) 1153.

this paragraph, as regards the regularization of commercial and consular relations, and conditions of establishment and residence. It is understood that in the event the Turkish-American treaty should be ratified on or before June 1, 1928, article 31, thereof, shall be modified at the time of its ratification in the following sense: the articles of the said treaty which have a temporary character shall expire on the same date as the corresponding provisions of the treaties and conventions signed by Turkey and the Allies at Lausanne, July 24, 1923.

(*c*) The United States of America and Turkey are agreed that the treaty of extradition signed at Lausanne, August 6, 1923,[3] shall, at a time mutually convenient to them, be submitted to the competent authorities of their respective Governments for ratification. Further, that negotiations for a naturalization convention shall be undertaken within six months after the coming into effect of the consular convention and the convention of establishment and residence referred to in subparagraph (*a*) of this paragraph,[4] or the coming into effect of the Turkish-American treaty mentioned in subparagraph (*b*). The question of claims shall be dealt with in accordance with the provisions of the notes exchanged between the American and Turkish Governments at Constantinople on December 24, 1923;[5] it being understood that the provisions of those notes will come into force six months after the exchange of ratifications of the commercial convention and the convention of establishment and residence referred to in subparagraph (*a*), in the event that the Turkish-American treaty, mentioned in subparagraph (*b*), is not ratified.

3. Pending the coming into effect of the consular convention and the convention of establishment and residence referred to in subparagraph (*a*) of paragraph (2), or the coming into effect of the Turkish-American treaty mentioned in subparagraph (*b*), the principles enumerated in paragraph (1) and (2) of this note, together with the essential provisions of the Turkish-American treaty signed at Lausanne August 6, 1923, and its annexes, shall constitute the basis for the treatment, which, on condition of reciprocity, shall be accorded the nationals of the United States of America in the territory of Turkey and the nationals of Turkey in the territory of the United States of America.

4. The present agreement shall become effective on the day of signature.

I should be glad to have your confirmation of the accord thus reached.

Accept [etc.]

MARK L. BRISTOL

[3] TS 872, *ante*, p. 1099.
[4] See TS 813 and 859, *post*, pp. 1122 and 1127.
[5] *Ante*, p. 1105.

The Minister of Foreign Affairs to the American High Commissioner

[TRANSLATION]

ANGORA, *February 17, 1927*

MR. REPRESENTATIVE: I have the honor to make the following statement of the agreement which has resulted from the conversations that have been held at Angora on behalf of the Government of Turkey and the Government of the United States of America with reference to the regularization of relations between Turkey and the United States of America.

1. Turkey and the United States of America are agreed to establish between themselves diplomatic and consular relations, based upon the principles of international law, and to proceed to the appointment of Ambassadors as soon as possible. They are further agreed that their diplomatic and consular representatives shall enjoy, on the basis of reciprocity in the territory of the other, the treatment recognized by the general principles of public international law.

2 (*a*). Turkey and the United States of America are agreed to regulate, by treaties or special conventions, on the basis of the general principles of public international law and of complete reciprocity, the commercial and consular relations, as well as the conditions of establishment and residence, of the nationals of the other party, in their respective territories.

(*b*) In the event the treaty signed at Lausanne August 6, 1923, by Turkey and the United States of America should be ratified on or before June 1, 1928, the provisions of that treaty, together with its annexes, shall be considered as meeting the requirements specified in subparagraph (*a*) of this paragraph, as regards the regularization of commercial and consular relations, and conditions of establishment and residence. It is understood that in the event the Turkish-American treaty should be ratified on or before June 1, 1928, article 31, thereof, shall be modified at the time of its ratification in the following sense: the articles of the said treaty which have a temporary character shall expire on the same date as the corresponding provisions of the treaties and conventions signed by Turkey and the Allies at Lausanne, July 24, 1923.

(*c*) Turkey and the United States of America are agreed that the treaty of extradition signed at Lausanne, August 6, 1923, shall, at a time mutually convenient to them, be submitted to the competent authorities of their respective Governments for ratification. Further, that negotiations for a naturalization convention shall be undertaken within six months after the coming into effect of the consular convention and the convention of establishment and residence referred to in subparagraph (*a*) of this paragraph, or the coming into effect of the Turkish-American treaty mentioned in subparagraph (*b*). The question of claims shall be dealt with in accordance with the provisions of the notes exchanged between the Turkish and American Governments at

Constantinople on December 24, 1923; it being understood that the provisions of those notes will come into force six months after the exchange of ratifications of the commercial convention and the convention of establishment and residence referred to in subparagraph (*a*), in the event that the Turkish-American treaty, mentioned in subparagraph (*b*), is not ratified.

3. Pending the coming into effect of the consular convention and the convention of establishment and residence referred to in subparagraph (*a*) of paragraph (2), or the coming into effect of the Turkish-American treaty mentioned in subparagraph (*b*), the principles enumerated in paragraphs (1) and (2) of this note, together with the essential provisions of the Turkish-American treaty signed at Lausanne August 6, 1923, and its annexes, shall constitute the basis for the treatment, which, on condition of reciprocity, shall be accorded the nationals of Turkey in the territory of the United States of America and the nationals of the United States of America in the territory of Turkey.

4. The present agreement shall become effective on the day of signature.

I should be glad to have your confirmation of the accord thus reached.
Accept [etc.]

Dr. T. Rouschdy

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Ankara February 17, 1927
Entered into force February 20, 1927
Expired May 20, 1928

1927 For. Rel. (III) 797

The American High Commissioner to the Minister of Foreign Affairs

[TRANSLATION]

ANGORA, *February 17, 1927*

EXCELLENCY: I have the honor to make the following statement of the agreement which has resulted from the conversations that have been held at Angora on behalf of the Government of the United States of America and the Government of Turkey with reference to the treatment which shall be accorded to the commerce of Turkey by the United States of America and to the commerce of the United States of America by Turkey.

Pending the coming into effect of the commercial convention referred to in subparagraph (*a*) of paragraph (2), of the notes exchanged today concerning the relations between the United States of America and Turkey,[1] or the coming into effect of the Turkish-American treaty signed at Lausanne August 6, 1923,[2] the *status quo* resulting from the exchange of notes of July 20, 1926,[3] regarding commercial relations between the United States of America and Turkey, shall be preserved for a period of one year, dating from February 20, 1927. At the expiration of this period the *status quo* shall automatically continue for a further term of three months, unless in the meantime the provisions of this note shall have been modified by mutual agreement; or unless either of the two contracting parties shall have asked for a revision of its provisions.

I should be glad to have your confirmation of the accord thus reached.

Accept [etc.]

MARK L. BRISTOL

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[1] *Ante*, p. 1109.

[2] Unperfected; for text, see 1923 For. Rel. (II) 1153.

[3] Not printed. The agreement of July 20, 1926, renewed for six months the agreement of Feb. 17 [?] and 18, 1926 (*ante*, p. 1107).

The Minister of Foreign Affairs to the American High Commissioner

[TRANSLATION]

ANGORA, *February 17, 1927*

MR. REPRESENTATIVE: I have the honor to make the following statement of the agreement which has resulted from the conversations that have been held at Angora on behalf of the Government of Turkey and the Government of the United States of America with reference to the treatment which shall be accorded to the commerce of the United States of America by Turkey and to the commerce of Turkey by the United States of America.

[For text of statement, see second paragraph of U.S. note, above.]

I should be glad to have your confirmation of the accord thus reached. Accept [etc.]

Dr. T. ROUSCHDY

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Ankara May 19, 1928
Entered into force May 20, 1928
Expired April 10, 1929

1928 For. Rel. (III) 953

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

ANGORA, *May 19, 1928*

EXCELLENCY: I have the honor to inform Your Excellency that pending the coming into force of the Treaty of Commerce between Turkey and the United States of America, signed August 6, 1923,[1] my Government, with the object of determining the régime which, for ten months and twenty days on and after May 20, 1928, shall apply to the commerce between Turkey and the United States of America, agrees that the products of the soil and industry of the United States of America and coming therefrom imported into Turkish territory and intended for consumption or reexportation or transit shall enjoy, during the time above stated, the treatment provided by the Commercial Convention signed at Lausanne on July 24, 1923,[2] for the products of the States that have signed it. The provisions of this arrangement do not apply to the treatment granted by Turkey to the commerce between it and the countries detached from the Ottoman Empire following the War of 1914, nor to the border traffic with limitrophe States.

It is understood that the application of this provincial régime is conditioned on the United States of America applying to the products of the soil and industry of Turkey and coming therefrom the treatment of the most favored nation. The provisions of this arrangement do not apply to the treatment granted by the United States of America to the commerce of its dependencies, Cuba or the Panama Canal Zone.

Be pleased [etc.] DR. ROUSCHDY

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[1] Unperfected; for text, see 1923 For. Rel. (II) 1153.
[2] 28 LNTS 171.

The American Ambassador to the Minister of Foreign Affairs

[TRANSLATION]

ANGORA, *May 19, 1928*

EXCELLENCY: I have the honor to inform Your Excellency that pending the coming into force of the Treaty of Commerce between Turkey and the United States of America, signed August 6, 1923, my Government, with the object of determining the régime which, for ten months and twenty days on and after May 20, 1928, shall apply to the commerce between Turkey and the United States of America, agrees that the products of the soil and industry of Turkey and coming therefrom imported into the territory of the United States of America and intended for consumption or reexportation or transit shall enjoy, during the time above stated, the treatment of the most favored nation. The provisions of this arrangement do not apply to the treatment granted by the United States of America to the commerce of its dependencies, Cuba or the Panama Canal Zone.

It is understood that the application of this provisional régime is conditioned on Turkey applying to the products of the soil and industry of the United States of America and coming therefrom the treatment provided by the Commercial Convention signed at Lausanne on July 24, 1923, for the products of the States that have signed it. The provisions of this arrangement do not apply to the treatment granted by Turkey to the commerce between it and the countries detached from the Ottoman Empire following the War of 1914 nor to the border traffic with limitrophe States.

Be pleased [etc.]

JOSEPH C. GREW

NARCOTIC DRUGS

Exchange of notes at Constantinople February 18, 1928, and at Ankara October 3, 1928
Entered into force October 3, 1928

Department of State files

The American Ambassador to the Minister of Foreign Affairs

CONSTANTINOPLE
No. 29 *February 18, 1928*

EXCELLENCY:

I have the honor to advise Your Excellency, under instructions from my Government, of the interest of its Treasury Department in bringing about a stricter control of the illicit traffic in narcotic drugs through the establishment of closer cooperation between the administrative officials of the United States and those of Your Excellency's Government.

To achieve this end, my Government would be deeply appreciative of the cooperation of the Government of the Turkish Republic in arranging for 1) the direct exchange between the Treasury Department and the corresponding Turkish Ministry of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc. 2) The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern Turkey or the United States. Unless such information as this reaches its destination directly and speedily it is useless. 3) Mutual cooperation in detective and investigating work.

The officer of the Treasury Department who would have charge, on behalf of the United States Government, of the cooperation in the suppression of the illicit traffic in narcotics is Colonel L. G. Nutt, whose mail and telegraph address is Deputy Commissioner in Charge of Narcotics, Treasury Department, Washington, D.C.

Should the arrangements proposed above meet with the approval of Your

Excellency's Government, I should be grateful, in order that I may communicate with my Government, if Your Excellency, in so informing me, would give me the name of the Turkish official with whom the aforesaid Colonel Nutt should enter into communication.

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

JOSEPH C. GREW

His Excellency
TEWFIK ROUSCHDY BEY
Minister for Foreign Affairs
Angora, Turkey

The Ministry for Foreign Affairs to the American Embassy

[TRANSLATION]

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS
No. 51821–32

The Ministry of Foreign Affairs has the honor to acknowledge the receipt of the Note Verbale which the Embassy of the United States of America addressed to it on February 18 last, sub No. 29, with regard to the organization of a control to be established between the responsible authorities of each country, with a view to combating the traffic in drugs and the contraband in narcotics.

As a result of a communication, emanating from the competent Department, which had been advised of the contents of the Note above-mentioned, the Ministry of Foreign Affairs now has the honor to inform the Embassy of the United States of America that the Government of the Republic of Turkey, while accepting the proposed cooperation suggested by the competent American Department, wishes nevertheless to limit this cooperation as far as is strictly necessary, in order that it may in no way hinder the commerce in and exportation of crude opium, which constitutes one of Turkey's principal exports.

The cooperation should, therefore, consist in the exchange of photographs, information regarding suspected persons, fingerprints, and in exchanging information with regard to the methods employed by smugglers, in order to locate the scene of their activities.

To this end the Ministry of the Interior has authorized Staff Lieutenant-Colonel Cherif Bey, Prefect of Police of Stamboul, to enter into contact with Colonel L. G. Nutt, in order to regulate the questions of procedure and details regarding the suggested cooperation between both countries; all in accordance with the limitation set forth above.

The Ministry of Foreign Affairs would be obliged if the Embassy of the United States of America would bring the foregoing to the attention of whom it may concern.

ANGORA, *October 3, 1928.*

[SEAL]

THE EMBASSY OF THE UNITED STATES OF AMERICA
City

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Ankara April 8, 1929
Entered into force April 10, 1929
Renewed by exchange of notes at Ankara April 8, 1930 [1]
Expired April 22, 1930 [2]

1929 For. Rel. (III) 817

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

No 62318–12

ANGORA, *April 8, 1929*

EXCELLENCY: I have the honor to inform Your Excellency that pending the concluding and the coming into force of a treaty of commerce and navigation, my Government, with the object of determining the régime which, for twelve months beginning on April 10, 1929, shall apply to the commerce between Turkey and the United States of America, agrees that the products of the soil and industry of the United States of America and coming therefrom, imported into Turkish territory and intended for consumption or reexportation or transit shall enjoy, during the time above stated, the treatment of the most-favored nation. The provisions of this arrangement do not apply to the advantages granted by Turkey to the commerce between it and the countries detached from the Ottoman Empire following the War of 1914, nor to the border traffic with the limitrophe states.

It is understood that the application of this provisional régime is conditioned on the United States of America applying, during the period stated, to the products of the soil and industry of Turkey and coming therefrom the treatment of the most-favored nation. The provisions of this arrangement do not apply to the treatment granted by the United States of America to the commerce of its dependencies, Cuba and the Panama Canal Zone.

Be pleased [etc.]

DR. T. RÜSTÜ

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[1] Not printed.
[2] Date of entry into force of treaty of Oct. 1, 1929 (TS 813, *post*, p. 1122).

The American Ambassador to the Minister of Foreign Affairs

ANGORA, *April 8, 1929*

EXCELLENCY: I have the honor to inform Your Excellency that pending the concluding and the coming into force of a treaty of commerce and navigation, my Government, with the object of determining the régime which, for twelve months beginning on April 10, 1929, shall apply to the commerce between the United States of America and Turkey, agrees that the products of the soil and industry of Turkey and coming therefrom imported into the territory of the United States of America and intended for consumption or reexportation or transit shall enjoy, during the time above stated, the treatment of the most-favored nation. The provisions of this arrangement do not apply to the treatment granted by the United States of America to the commerce of its dependencies, Cuba or the Panama Canal Zone.

It is understood that the application of this provisional régime is conditioned on Turkey's applying to the products of the soil and industry of the United States of America and coming therefrom, the treatment of the most-favored nation. The provisions of this arrangement do not apply to the treatment granted by Turkey to the commerce between it and the countries detached from the Ottoman Empire following the War of 1914, nor to the border traffic with limitrophe states.

Be pleased [etc.]

JOSEPH C. GREW

COMMERCE AND NAVIGATION

Treaty signed at Ankara October 1, 1929, with text of understandings
Senate advice and consent to ratification February 17, 1930
Ratified by the President of the United States March 3, 1930
Ratified by Turkey April 21, 1930
Ratifications exchanged at Ankara April 22, 1930
Entered into force April 22, 1930
Proclaimed by the President of the United States April 25, 1930

46 Stat. 2743; Treaty Series 813

Treaty of Commerce and Navigation Between the United States of America and the Turkish Republic

The United States of America and the Turkish Republic, desirous of maintaining and furthering their commercial relations and of defining the treatment which shall be accorded in their respective territories to the commerce and shipping of the other, have resolved to conclude a treaty of commerce and navigation and for that purpose have appointed their plenipotentiaries.

The President of the United States of America:
Joseph C. Grew, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Turkish Republic.

The President of the Turkish Republic:
Zekai Bey, Deputy of Diarbekir, former Minister, Ambassador.
Menemenli Numan Bey, Minister Plenipotentiary, Undersecretary of State at the Ministry of Foreign Affairs.

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

Article I [1]

In respect of import and export duties, including surtaxes and coefficients of increase, and other duties and charges affecting commerce, as well as in respect of transit, warehousing and customs formalities, and the treatment of commercial travelers' samples, the United States will accord to Turkey and Turkey will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment.

[1] For an understanding relating to art. I, see p. 1125.

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

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

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

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

The stipulations of this article do not apply:

(*a*) To the treatment which the United States accords or may hereafter accord in the matter of the customs tariff to the commerce of Cuba or of any of the territories or possessions of the United States; or to the commerce of the Panama Canal Zone; or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions; or to the commerce of its territories or possessions with one another or with the Panama Canal Zone;

(*b*) To such special advantages and favors which Turkey accords or may hereafter accord in the matter of the customs tariff affecting products originating within the countries detached in 1923 from the former Ottoman Empire; or to the treatment which Turkey may accord to purely border traffic within a zone not exceeding fifteen kilometers wide on either side of the Turkish customs frontier.

Article II [2]

In all that concerns matters of prohibitions or restrictions on importations and exportations each of the two countries will accord, whenever they may have recourse to the said prohibitions or restrictions, to the commerce of the other country treatment equally favorable to that which is accorded to any other country.

The same treatment will apply in the case of granting licenses in so far as concerns commodities, their valuations and quantities.

[2] For an understanding relating to a proposed third paragraph of art. II, see p. 1125.

ARTICLE III [3]

(*a*) Vessels of the United States of America will enjoy in Turkey and Turkish vessels will enjoy in the United States of America the same treatment as national vessels.

(*b*) The stipulations of Article III paragraph (*a*) do not apply:

(1) To coastwise traffic (cabotage) governed by the laws which are or shall be in force within the territories of each of the High Contracting Parties;

(2) To the support in the form of bounties or subsidies of any kind which is or may be accorded to the national merchant marine;

(3) To fishing in the territorial waters of the High Contracting Parties; nor to special privileges which have been or may be recognized, in one or the other country, to products of national fishing;

(4) To the exercise of the maritime service of ports, roadsteads or seacoasts; nor to pilotage and towage; nor to diving; nor of maritime assistance and salvage; so long as such operations are carried out in the respective territorial waters, and for Turkey in the Sea of Marmara.

(*c*) All other exceptions not included in those mentioned above shall be subject to most-favored-nation treatment.

ARTICLE IV

Nothing in this treaty shall be construed to restrict the right of either High Contracting Party to impose prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

ARTICLE V

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Ankara as soon as possible. It shall take effect at the instant of the exchange of ratifications and shall remain in effect for a period of three years and thereafter until one year from the date when either of the High Contracting Parties shall have notified the other of an intention to terminate it; with the reservation, however, that the obligations concerning national treatment contained in paragraph (*a*) Article III hereof may, after one year from the date of the exchange of ratifications, be terminated by either party on ninety days' written notice and shall cease sixty days after the enactment of legislation inconsistent with the above-mentioned national treatment obligations by either of the High Contracting Parties.

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[3] For understandings relating to art. III, para. (*b*), see p. 1125.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the same and have affixed their seals thereto.

DONE at Ankara in duplicate in the English and Turkish languages which have the same value and will have equal force this first day of October nineteen hundred and twenty-nine.

JOSEPH C. GREW [SEAL]
ZEKÂI [SEAL]
M. NUMAN [SEAL]

UNDERSTANDINGS [4]

[TRANSLATION]

1. With regard to Article I, the President of the Turkish Delegation, His Excellency Zekai Bey, declares that by the words: "other duties and charges affecting commerce", contained in the first paragraph of the Article, he understands the duties pertaining to importation and exportation, to consumption taxes, etc. and not to internal taxes levied on incomes and to taxes on profits. The President of the American Delegation, Mr. Grew, declares that his Government is entirely in accord with the Turkish Delegation with respect to the interpretation given by the Turkish Delegation to the phrase: "other duties and charges affecting commerce". The American Government is of the opinion, he says, that it is clear from the words as well as from the text that the sense of the phrase in question does not include taxes on incomes and taxes on profits.

2. For the third paragraph of Article II reading as follows: "It is understood that the High Contracting Parties shall have the right to apply these prohibitions or restrictions to products favored by premiums or subsidies, either openly or secretly", the President of the American Delegation declares that his Government desires to suppress this paragraph since it is not the practice of the United States to accord premiums or subsidies and that no provision on this subject has been inserted hitherto in any American treaties.

The President of the Turkish Delegation declares that he will consent to omit this paragraph of the text of the Treaty in view of the declaration of the President of the American Delegation.

3. The President of the American Delegation declares that by Article III, paragraph (*b*), section 1, he understands that in all cases American and Turkish ships shall be permitted to pass from one port of the territories of one of the Parties into one or several ports of the territories of the same Party, either in order to unload there the whole or a part of their cargo or of their passengers coming from abroad, or to make up or complete there their cargo or to take on passengers for a foreign destination.

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[4] Contained in minutes of meeting of Oct. 1, 1929

The President of the Turkish Delegation declares that the Turkish Government gives the same interpretation to this provision.

4. The President of the American Delegation requests His Excellency the President of the Turkish Delegation to be so kind as to inform him whether it is understood that the exceptions enumerated in paragraph (*b*) of Article III will be applied to vessels of the United States in Turkey and to Turkish vessels in the United States without distinction in favor of any third country.

The President of the Turkish Delegation replies in the affirmative saying that such is his understanding. Thereupon the President of the American Delegation declares that they are in accord on this subject.

Joseph C. Grew
Zekâi

ESTABLISHMENT AND SOJOURN

Treaty signed at Ankara October 28, 1931
Senate advice and consent to ratification May 3, 1932
Ratified by the President of the United States May 12, 1932
Ratified by Turkey November 24, 1932
Ratifications exchanged at Washington February 15, 1933
Entered into force February 15, 1933
Proclaimed by the President of the United States February 18, 1933

47 Stat. 2432; Treaty Series 859

The United States of America and the Republic of Turkey, being desirous of prescribing, in accordance with modern international law, the conditions under which the nationals and corporations of each of the High Contracting Parties may settle and carry on business in the territory of the other Party, and with a view to regulating accordingly questions relating to jurisdiction and fiscal charges, have decided to conclude a treaty for that purpose and have appointed their plenipotentiaries:

The President of the United States of America:
Joseph C. Grew, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Turkish Republic;

and

The President of the Turkish Republic:
Zekâi Bey, Minister for National Defence

who, having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following provisions:

Article I

With reference to the conditions of establishment and sojourn which shall be applicable to the nationals and corporations of either country in the territories of the other, as well as to fiscal charges and judicial competence, the United States of America will accord to Turkey and Turkey will accord to the United States of America the same treatment in all cases as that which is accorded or shall be accorded to the most favored third country.

Nothing contained in this treaty shall be construed to affect existing stat-

utes and regulations of either country in relation to the immigration of aliens or the right of either country to enact such statutes.

ARTICLE II

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

It shall take effect at the instant of the exchange of ratifications and shall remain in effect for three years. After this date it shall remain in effect until the expiration of twelve months from the date on which notice of its termination shall have been given by either High Contracting Party to the other.

IN WITNESS WHEREOF the plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

DONE in duplicate in the English and Turkish language at Ankara this 28th day of October nineteen hundred and thirty one.

J. C. G. (Joseph C. Grew) [SEAL]
Z. S. (Zekâi) [SEAL]

CLAIMS

Agreement signed at Ankara October 25, 1934
Entered into force October 25, 1934
Ratified by Turkey December 23, 1934
Supplemented by agreement of May 29 and June 15, 1936 [1]
Modified by agreement of October 1 and November 3, 1937 [2]
Terminated upon fulfillment of its terms

49 Stat. 3670; Executive Agreement Series 73

The Government of the United States of America and the Government of the Republic of Turkey, being desirous of effecting an amiable, expeditious and economical adjustment of the claims embraced by the Agreement concluded by them through an exchange of notes dated December 24, 1923,[3] and confirmed by an Agreement through an exchange of notes dated February 17, 1927,[4] have resolved to conclude the present Agreement for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America,
Fred Kenelm Nielsen,

and

The President of the Republic of Turkey,
Dr. Tevfik Rüstü Bey, Deputy of Izmir, Minister of Foreign Affairs of the Republic of Turkey,

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

Article I

The Government of the Republic of Turkey will pay to the Government of the United States of America the sum of $1,300,000 (one million three hundred thousand dollars) of the United States of America, without interest, in full settlement of claims of American citizens which are embraced by

[1] EAS 113, *post*, p. 1131.
[2] EAS 115, *post*, p. 1134.
[3] *Ante*, p. 1105.
[4] *Ante*, p. 1109.

the Agreement of December 24, 1923. Payment of this sum will be made in thirteen annual installments of $100,000 (one hundred thousand dollars). Payment of the first installment will be made on June 1, 1936, following the ratification of the present Agreement by the Grand National Assembly of Turkey.

ARTICLE II

The two Governments agree that, by the payment of the aforesaid sum, the Government of the Republic of Turkey will be released from liability with respect to all of the above-mentioned claims formulated against it and further agree that every claim embraced by the Agreement of December 24, 1923, shall be considered and treated as finally settled.

ARTICLE III

The present Agreement shall be effective from the date of its signature, subject to the ratification of the Agreement by the Grand National Assembly of Turkey.

Done at Ankara in duplicate in the English and Turkish languages, which have the same value, this twenty-fifth day of October, nineteen hundred and thirty-four.

FRED KENELM NIELSEN [SEAL]
T. RÜSTÜ [SEAL]

CLAIMS

Exchange of notes at Ankara May 29 and June 15, 1936, supplementing agreement of October 25, 1934
Entered into force June 15, 1936
Modified by agreement of October 1 and November 3, 1937 [1]
Terminated upon fulfillment of its terms

51 Stat. 353; Executive Agreement Series 113

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *May 29, 1936*

No. 10–A

MR. MINISTER:

Referring to previous conversations regarding the liquidation of the unpaid balance of the account between Turkey and the United States, in the amount of $23,824.86, covering disbursements by the United States in connection with the representation by it of the interests of Turkey in England, France and certain other foreign countries during the period 1914 to 1917, I have the honor to state that it is my understanding that your Excellency's Government desires to pay this balance in thirteen equal annual installments, in connection with the liquidation of the lump sum of $1,300,000, to be paid by Turkey under the Claims Agreement of October 25, 1934,[2] between the United States and Turkey. It is also my understanding that the payment of these installments will begin on June 1, 1936; and will be effected by adding the sum of $1,832.68 to each of the installments of $100,000 payable under the Agreement of October 25, 1934, this amount of $1,832.68 thus paid to be applied, as and when received, solely to the liquidation of this balance of $23,824.86 due my Government.

I am authorized by my Government to consent to the liquidation of this balance in the manner above set forth and to consummate the arrangement by an exchange of notes with your Excellency's Government in the sense of the foregoing, which shall be considered by the two Governments to be

[1] EAS 115, *post*, p. 1134.
[2] EAS 73, *ante*, p. 1129.

binding upon each of them and as supplementing to that extent the Agreement of October 25, 1934.

I avail myself of this occasion to present you, Mr. Minister, the assurances of my highest consideration.

J. V. A. MacMurray

His Excellency Dr. Tevfik Rüstü Aras
Minister for Foreign Affairs
of the Republic of Turkey
Ankara

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

TURKISH REPUBLIC
MINISTRY FOR FOREIGN AFFAIRS

10961/15 Ankara, *June 15, 1936*

Excellency:

I have had the honor of receiving your note dated May 29, 1936, No. 10–A, in which it is stated that in the name of the Government of the United States you accept in accordance with the negotiations which have previously taken place, the form of payment of the as yet unpaid balance of $23,824.86 of the expenses incurred by the Government of the United States during the years 1914–1917 in connection with the protection of the interests of Turkish citizens in England, France, and in certain other countries.

In accordance with the arrangement reached between us the Turkish Government will pay this debt in equal instalments in thirteen years and the first instalment will be paid on June 1, 1936. These instalments, the amount of each being $1,832.68, will be applied to the liquidation of $23,824.86 of the abovementioned debt. Each instalment will be paid to the Government of the United States in connection with the liquidation of the lump sum of $1,300,000 to be paid by Turkey under the American Claims Agreement concluded between Turkey and the United States of America on October 25, 1934, and in addition to the $100,000 payable every year (under that Agreement).

I confirm in the name of my Government the Agreement reached in this form.

On this occasion, Excellency, please accept the assurance of my highest consideration.

Dr. T. R. Aras

His Excellency
Mr. MacMurray
Ambassador of the United States of America
Ankara

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

TURKISH REPUBLIC
MINISTRY FOR FOREIGN AFFAIRS

10962/15 ANKARA, *June 15, 1936*

MR. AMBASSADOR:

With reference to my letter No. 10961/15, dated today, I have the honor to inform Your Excellency that the legislative formalities required for the ratification of the Agreement relative to the amount of $23,824.86, resulting from the disbursements made by the United States for the protection of Turkish interests in England, France, and certain other foreign countries during the period 1914–1918, having been completed only today, the payment of the first annuity which should have taken place on June 1, 1936, will be effected exceptionally this year, with a delay of a few days.

Please, accept, Mr. Ambassador, the assurances of my very high consideration.

For the Minister
The Secretary General
N. R. MENEMENCIOGLU

His Excellency
Mr. MACMURRAY
Ambassador of the United States of America
Ankara

CLAIMS

Exchange of notes at Ankara October 1 and November 3, 1937, modifying agreement of October 25, 1934, as supplemented
Entered into force November 3, 1937
Terminated upon fulfillment of its terms

51 Stat. 359; Executive Agreement Series 115

The Acting Minister of Foreign Affairs to the American Chargé d'Affaires

[TRANSLATION]

TURKISH REPUBLIC
MINISTRY FOR FOREIGN AFFAIRS

29 ANKARA, *October 1, 1937*

MR. CHARGÉ D'AFFAIRES:

After the recent exchanges of view, during the course of which the honorable Embassy and my Department came to an agreement to seize the opportunity of slightly postponing the due date (the first of June of each year) which had been fixed by the Agreements of October 25, 1934, [1] and June 15, 1936 [2] (claims of American citizens; disbursements made by the Government of the United States for the protection of Turkish interests abroad) but which, because of its coincidence with the beginning of the Turkish fiscal year, has proved to be, in practice, little suited for making payments of an urgent character, I have the honor to submit to the consideration of your Government the adoption of the date of June 20, which has the advantage of being in a period of inactivity of the interested services, consequent upon the laborious activities imposed upon them by the annual closing of the accounts.

I should therefore be grateful to you, Mr. Chargé d'Affaires, if you would please acknowledge receipt of this communication and inform me of the agreement of your Government with regard to the designation of the date that I have just proposed above.

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[1] EAS 73, *ante*, p. 1129.
[2] EAS 113, *ante*, p. 1131.

Please accept, Mr. Chargé d'Affaires, the assurances of my high consideration.

N. MENEMENCIOGLU

Mr. S. WALTER WASHINGTON
Chargé d'Affaires of the
United States of America

The American Chargé d'Affaires to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *November 3, 1937*

No. 104

EXCELLENCY:

I have the honor to acknowledge the receipt of note No. 29 dated October 1, 1937, from the Acting Minister for Foreign Affairs, in which His Excellency referred to the recent exchanges of views between the Ministry for Foreign Affairs and the Embassy with regard to a slight postponement of the due date (June 1st of each year) of the payments provided for in the Agreements of October 25, 1934 and of June 15, 1936, because that date coincided with the beginning of the Turkish fiscal year and was therefore an inconvenient time on which to make payments of an important nature. The Acting Minister for Foreign Affairs proposed that June 20th, a more convenient and suitable date, be adopted as that on which the above payments would in future be made.

I am pleased to inform Your Excellency that in view of the foregoing considerations my Government has authorized me to consent to a change of the due date for the payment of the annual installments under the Agreements of October 25, 1934 and June 15, 1936, from June 1st to June 20th. Consequently my Government considers that the Agreements of October 25, 1934 and June 15, 1936, have been supplemented to that extent.

I avail myself of the opportunity to present to Your Excellency the assurances of my highest consideration.

ROBERT F. KELLEY

His Excellency
Dr. TEVFIK RÜSTÜ ARAS
Minister for Foreign Affairs
of the Republic of Turkey
Ankara

308-582—73——73

RECIPROCAL TRADE

Agreement and supplementary exchange of notes signed at Ankara April 1, 1939 [1]
Proclaimed by the President of the United States April 5, 1939
Ratified by Turkey June 20, 1939
Entered into force provisionally May 5, 1939; definitively November 20, 1939
Amended by agreement of April 14 and 22, 1944 [2]
Terminated August 4, 1952 [3]

54 Stat. 1870; Executive Agreement Series 163

Trade Agreement Between the United States of America and the Turkish Republic

The President of the United States of America and the President of the Turkish Republic, being desirous of strengthening the traditional bonds of friendship and of extending commercial relations between the two countries by granting mutual and reciprocal concessions and advantages for the promotion of trade, have decided to conclude a Trade Agreement and for that purpose have appointed their Plenipotentiaries as follows:

The President of the United States of America:
Mr. John V. A. MacMurray, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Turkish Republic, and
Mr. Robert F. Kelley, First Secretary of Embassy of the United States of America; and

The President of the Turkish Republic:
Mr. Sükrü Saracoglu, Minister of Foreign Affairs of the Turkish Republic, and
Mr. Numan Menemencioglu, Ambassador, Secretary General of the Ministry of Foreign Affairs;

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

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[1] For schedules annexed to agreement, see 54 Stat. 1878 or p. 10 of EAS 163.
[2] EAS 406, *post*, p. 1145.
[3] By exchange of notes at Ankara July 5, 1952 (not printed).

ARTICLE 1

Natural or manufactured products originating in the United States of America, enumerated and described in Schedule I [1] annexed to this Agreement, shall, on their importation into the territory of the Turkish Republic, be accorded the tariff reductions provided for in the said Schedule.

In the event that the Government of the Turkish Republic should increase the duties provided for in the said Schedule, such increased duties shall not be applied to the said products until two months after the date of their promulgation.

If before the expiration of the aforesaid period of two months an agreement between the two Governments has not been reached with respect to such compensatory modifications of this Agreement as may be deemed appropriate, the Government of the United States of America shall be free within fifteen days after the date of the application of such increased duties to terminate this Agreement in its entirety on thirty days' written notice.

ARTICLE 2

Natural or manufactured products originating in the Turkish Republic, enumerated and described in Schedule II annexed to this Agreement, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said products shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

ARTICLE 3

The provisions of Articles 1 and 2 of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any product a charge equivalent to an internal tax imposed in respect of a like domestic product or in respect of a product from which the imported product has been manufactured or produced in whole or in part.

ARTICLE 4

Natural or manufactured products originating in the United States of America or the Turkish Republic shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like products of national or foreign origin.

ARTICLE 5

Natural or manufactured products originating in the United States of America, enumerated and described in Schedule I, and natural or manu-

factured products originating in the Turkish Republic, enumerated and described in Schedule II, shall be permitted to be imported into the other country without any prohibition or restriction whatsoever.

Nevertheless, the two Governments reserve the right to impose quantitative restrictions on the importation of products enumerated and described in the said schedules in conjunction with governmental measures

(a) operating to regulate the production or market supply or to control the prices of like domestic products or

(b) tending to increase the labor costs of production of such products;

Provided, however, that the Government proposing to impose any such quantitative restriction is satisfied, in the case of measures described in subparagraph (a) of this paragraph, that such quantitative restriction is necessary to assure the effective operation of such measures, and, in the case of measures described in subparagraph (b), that such measures are causing the domestic production of the product concerned to be injuriously affected by imports which constitute an abnormal proportion of the total consumption of such product in relation to the proportion supplied in the past by foreign countries.

If the Government of either of the two countries proposes to establish or change such import restrictions, it shall give written notice thereof to the other Government at least two months before they are put into force. If an agreement between the two Governments concerning the proposed measures is not reached before the expiration of the said period of two months, the other Government shall be free, within fifteen days after the application of any such restriction or change, to terminate the present Agreement in its entirety on thirty days' written notice.

Article 6

Unconditional most-favored-nation treatment shall be accorded by the Government of each country to the commerce of the other country with respect to customs duties or charges imposed on or in connection with imports or exports and the method of levying such duties or charges, with respect to all regulations and formalities in connection with importation or exportation, the sale or use of imported products within the country, transit, warehousing, the transshipment of goods, the re-exportation of goods, and with respect to official charges applicable to these various operations.

Unconditional most-favored-nation treatment shall likewise be accorded by the Government of each country to the commerce of the other country with respect to all duties, charges or exactions other than customs duties imposed on or in connection with imports or exports.

In awarding contracts for public works and in purchasing nonmilitary supplies, the Government of neither country shall discriminate against the other country in favor of any third country.

ARTICLE 7

No prohibition, restriction or limitation of any kind shall be imposed by the Government of either country upon the importation of natural or manufactured products originating in the other country or upon the exportation of natural or manufactured products destined for the other country, except as provided below.

Subject to the provisions of Article 5 of this Agreement, either of the two Governments may impose prohibitions or quantitative restrictions upon the importation of products originating in the other country as well as upon the exportation of products destined for the other country, provided that importation of the like products originating in all third countries, or exportation of the same products to all third countries, respectively, is similarly prohibited or restricted. If the Government of either country applies quantitative restrictions to the importation of any products in which the other country has an interest, and these restrictions are implemented by quantitative allocation among the various exporting countries, there shall be allocated to the other country a proportion of the total importations equivalent to the proportion of the imports of such product supplied by the other country during a representative period prior to the establishment of the restrictions in question.

ARTICLE 8

In the event that the Government of either of the two countries shall establish or maintain, either directly or indirectly, any form of control of the means of international payment, it shall, in all aspects of the administration of such control, accord to the other country unconditional most-favored-nation treatment.

It is agreed that this provision does not affect the provisions of Article 9.

ARTICLE 9 [4]

The Government of the Turkish Republic undertakes that, so long as it maintains, directly or indirectly, any form of control of the means of international payment, it will provide, in any calendar year, for the transfer of payments for commercial importations of natural or manufactured products originating in the United States of America, imported into the territory of the Turkish Republic during the calendar year in question, an amount of free foreign exchange which shall not be less, in proportion to the total value of the commercial imports of the Turkish Republic during the said calendar year, than the amount corresponding to the proportion of the total commercial imports supplied by the United States of America in the period from January 1, 1935 to December 31, 1937.

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[4] For an understanding relating to art. 9, see exchange of notes, p. 1142.

ARTICLE 10

The provisions of this Agreement relating to the treatment to be accorded by the United States of America and the Turkish Republic, respectively, to the commerce of the other country shall apply, on the part of the United States of America, to the continental territory of the United States of America and such of its territories and possessions as are included in its customs territory on the day of the signature of this Agreement. The provisions of this Agreement relating to most-favored-nation treatment shall apply, however, to all the territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

ARTICLE 11

The provisions of this Agreement shall not apply to:

(a) advantages now accorded or which may hereafter be accorded by either country to adjacent countries in order to facilitate frontier traffic within a zone not exceeding fifteen kilometers on either side of the frontier;

(b) advantages resulting from a customs union to which either the United States of America or the Turkish Republic may become a party, so long as such advantages are not accorded to any third country;

(c) advantages which the Turkish Republic has accorded or may hereafter accord in the matter of the customs tariff affecting products originating within the territories detached in 1923 from the Ottoman Empire;

(d) advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, or the Panama Canal Zone, to one another or to the Republic of Cuba, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

ARTICLE 12

Nothing in the present Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies. Nothing in the present Agreement shall prevent the adoption or enforcement of measures relating to neutrality.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, the provisions of this Agreement shall not extend to prohibitions or restrictions:

(a) relative to public security;

(b) imposed on moral or humanitarian grounds;

(c) designed to protect public health or the life of animals or plants;
(d) relative to prison-made goods; or
(e) relative to measures taken for the enforcement of police or revenue laws.

ARTICLE 13

In the event that either the Government of the United States of America or the Government of the Turkish Republic adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to impair the effectiveness of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter. If no agreement is reached with respect to such representations or proposals within thirty days after they are received, the Government making them shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on sixty days' written notice.

ARTICLE 14

In the event that the rate of exchange between the currencies of the United States of America and the Turkish Republic varies considerably from the rate obtaining on the day of the signature of this Agreement, the Government of either country, if it considers the change in rate so substantial as to prejudice the industry or commerce of the country, shall be free to propose negotiations for the modification of this Agreement. If such negotiations have not resulted in an agreement within a period of thirty days, the Government which has proposed them shall be free to terminate this Agreement in its entirety on thirty days' written notice.

ARTICLE 15

Nothing in this Agreement shall be deemed to affect the rights and obligations arising out of the Treaty of Commerce and Navigation between the United States of America and the Turkish Repubic, signed at Ankara on October 1, 1929.[5]

ARTICLE 16

The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by the Grand National Assembly of Turkey.

The present Agreement shall come provisionally into force on May 5, 1939. The Agreement shall come definitively into force on the day on which the Government of the United States of America shall have communicated officially to the Government of the Turkish Republic the proclamation of the

[5] TS 813, *ante*, p. 1122.

President of the United States of America and the Government of the Turkish Republic on its part shall have informed the Government of the United States of America of the ratification of the Agreement by the Grand National Assembly of Turkey.

The Agreement shall remain in force, subject to the provisions of Articles 1, 5, 13 and 14, until it is terminated in accordance with the provisions set forth below. The Government of either country may terminate this Agreement on December 31, 1939, December 31, 1940 or December 31, 1941, in each case on two months' written notice. After December 31, 1941, the Agreement, if not previously terminated, shall continue in force subject to the provisions of Articles 1, 5, 13 and 14 until six months from the day on which the Government of either country shall have given notice to the other Government of its intention to terminate the Agreement.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and Turkish languages, both authentic, at the City of Ankara, this 1st day of April, nineteen hundred and thirty-nine.

JOHN V. A. MACMURRAY
ROBERT F. KELLEY
[SEAL]
S. SARACOGLU
N MENEMENCIOGLU
[SEAL]

[For schedules annexed to agreement, see 54 Stat. 1878 or p. 10 of EAS 163.]

EXCHANGE OF NOTES

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

ANKARA, *April 1, 1939*

MR. AMBASSADOR:

I have the honor to refer to the provisions of the Trade Agreement between our two Governments signed this day and to inform Your Excellency that my understanding of the agreement with respect to the application of Article 9, reached during the negotiations, is as follows:

1. The total value of the commercial imports from the United States of America into the territory of the Turkish Republic during the period from January 1, 1935 to December 31, 1937, mentioned in Article 9, is 10.91 percent of the total value of the commercial imports of the Turkish Republic from all sources during the same period. It is agreed that, in determining

the amount of free foreign exchange which shall be made available each year, this percentage shall be applied to the total value of the commercial imports into the territory of the Turkish Republic from all sources during the year in question, after deducting from such total value the amount by which the value of commercial imports resulting, during the same year, from the utilization of the credits provided for in the Agreement with the United Kingdom of Great Britain and North Ireland, signed on May 27, 1938, and the Agreement with Germany, the principles of which were established in October, 1938, at Ankara, exceeds the payments made during that year in accordance with the provisions of the said credit agreements. This deduction has been decided upon for the reason that the total value of commercial imports into the Turkish Republic will be temporarily increased to an abnormal extent by imports under the governmental credits mentioned above.

The amount of available free foreign exchange envisaged in Article 9, shall be applied to payments for commercial imports originating in all the territories under the sovereignty or authority of the United States of America.

2. The amount of free foreign exchange mentioned above which shall be made available each year under Article 9 shall be utilized for the transfer of payments for the said commercial imports in the chronological order in which requests for exchange are made.

3. In view of the fact that the Turkish Republic derives its principal supply of free foreign exchange from the export of products, the sale of which has a seasonal character, it is understood that it may not be possible to avoid temporary delays in making available free foreign exchange for the transfer of payments for commercial imports originating in the United States of America. It is agreed that the provisions of Article 9 do not preclude seasonal delays in making available free foreign exchange for transfer of the said payments within any calendar year.

4. If the Government of the Turkish Republic should not be in a position, through lack of free foreign exchange, as a result of unforeseen developments affecting adversely the commerce of the Turkish Republic, to make available the amount of free foreign exchange agreed upon in Article 9, the Government of the United States of America and the Government of the Turkish Republic shall enter into negotiations for the purpose of reaching an arrangement satisfactory to the two Governments.

5. The present note constitutes an integral part of the Trade Agreement signed this day.

Accept, Mr. Ambassador, the assurances of my highest consideration.

S. SARACOGLU

Mr. JOHN V. A. MACMURRAY
Ambassador Extraordinary and
Plenipotentiary of the United States of America
to the Turkish Republic

308-582—73——74

The American Ambassador to the Minister of Foreign Affairs

ANKARA, *April 1, 1939*

MR. MINISTER:

I have the honor to acknowledge the receipt of your note of today's date containing a statement of your understanding of the agreement reached with respect to the application of Article 9 of the Trade Agreement signed this day, which is as follows:

[For text of understanding, see numbered paragraphs in Turkish note, above.]

I have the honor to confirm Your Excellency's understanding of the agreement thus reached.

Accept, Mr. Minister, the assurances of my highest consideration.

JOHN V. A. MACMURRAY

Mr. SÜKRÜ SARACOGLU
Minister of Foreign Affairs
of the Turkish Republic

RECIPROCAL TRADE

Exchange of notes at Washington April 14 and 22, 1944, amending agreement of April 1, 1939
Entered into force April 22, 1944
Terminated August 4, 1952 [1]

58 Stat. 1294; Executive Agreement Series 406

The Turkish Ambassador to the Secretary of State

TURKISH EMBASSY
WASHINGTON, D.C.

No. 799/82 APRIL 14, 1944

EXCELLENCY:

I have the honor to refer to the trade agreement between the Republic of Turkey and the United States of America signed as Ankara, April 1, 1939,[2] Article I [1] of which reads as follows:

"Natural or manufactured products originating in the United States of America, enumerated and described in Schedule I annexed to this Agreement, shall, on their importation into the territory of the Turkish Republic, be accorded the tariff reductions provided for in the said Schedule.

"In the event that the Government of the Turkish Republic should increase the duties provided for in the said Schedule, such increased duties shall not be applied to the said products until two months after the date of their promulgation.

"If before the expiration of the aforesaid period of two months an agreement between the two Governments has not been reached with respect to such compensatory modifications of this Agreement as may be deemed appropriate, the Government of the United States of America shall be free within fifteen days after the date of the application of such increased duties to terminate this Agreement in its entirety on thirty days' written notice."

The duty on heavy mineral oils, Turkish tariff no. 695 D, and their residues, comprising machine oil, mazout, motorine, and other such combustibles,

[1] By exchange of notes at Ankara July 5, 1952 (not printed).
[2] EAS 163, *ante*, p. 1136.

as provided in Schedule I of the trade agreement, is 0.95 piastre per kilo, while the duty on kerosene, tariff no. 695 C, is 6 piastres per kilo.

During recent years the quality of motorine has been greatly improved so as to make it desirable to apply the same duties to motorine as to kerosene. To raise the duty on motorine to the level existing for kerosene would necessitate raising the price of motorine to such height as would cause harmful repercussions. Therefore, in accordance with the terms of Article I of the trade agreement, the Turkish Government contemplates reducing the duty on tariff no. 695 C to 3.30 piastres per kilo while raising that on tariff no. 695 D to 2.75 piastres per kilo (which with the existing excise tax on motorine of 0.55 piastre per kilo would amount to 3.30 piastres per kilo.)

In view of these circumstances I have the honor to inquire whether the Government of the United States would have any objection to these contemplated changes as described above.

Accept, Excellency, the assurances of my highest consideration.

M. Münir Ertegün

The Honorable
Cordell Hull
Secretary of State of the
United States of America

The Secretary of State to the Turkish Ambassador

Department of State
Washington
April 22, 1944

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of April 14, 1944, referring to Article I of the trade agreement between the United States of America and the Republic of Turkey, and explaining the desire of the Turkish Government to increase the duty on tariff no. 695 D from 0.95 piastres per kilo, as provided in Schedule I of the trade agreement, to 2.75 piastres per kilo and at the same time, in accordance with the provisions of Article I of the trade agreement, to reduce the duty on tariff no. 695 C from 6.00 piastres per kilo to 3.30 piastres per kilo.

In view of the circumstances described in Your Excellency's note I have the honor to reply that the Government of the United States does not object to the above-mentioned duty changes.

Accept, Excellency, the assurances of my highest consideration.

Cordell Hull

His Excellency
Mehmet Munir Ertegun
Ambassador of Turkey

LEND-LEASE [1]

Agreement and exchanges of notes signed at Ankara February 23, 1945
Entered into force February 23, 1945

59 Stat. 1476; Executive Agreement Series 465

Agreement Between the Government of the United States of America and the Government of the Republic of Turkey on the Principles Applying to Aid Under the Act of March 11, 1941

Whereas the Government of the Republic of Turkey is desirous of strengthening its national defenses in order that it may be in a position to protect its territorial integrity and sovereign rights in a world at war;

And whereas the President of the United States of America on November 7, 1941 [2] determined, pursuant to the Act of Congress of March 11, 1941,[3] that the defense of the Republic of Turkey is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the Republic of Turkey aid in the development of its means of defense;

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

And whereas the Government of the United States of America and the Government of the Republic of Turkey are mutually desirous of concluding now a preliminary agreement in regard to the provision of such aid and in regard to certain considerations which shall be taken into account in

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[1] See also lend-lease settlement agreement of May 7, 1946 (TIAS 1541, *post*, p. 1158).
[2] 1941 For. Rel. (III) 922.
[3] 55 Stat. 31.

determining such terms and conditions; and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the Republic of Turkey have been performed, fulfilled or executed as required;

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

ARTICLE I

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

ARTICLE II

The Government of the Republic of Turkey will provide to the United States of America such articles, services, facilities or information as it may be in a position to supply, and may authorize.

ARTICLE III

The Government of the Republic of Turkey will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act of March 11, 1941 of the Congress of the United States of America, or under that Act as amended, or permit the use thereof by anyone not an officer, employee, or agent of the Government of the Republic of Turkey.

ARTICLE IV

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

ARTICLE V

The Government of the Republic of Turkey will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or con-

sumed and as shall be determined by the President of the United States of America to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

ARTICLE VI

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

ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Government of the Republic of Turkey in return for aid furnished under the Act of Congress of March 11, 1941 and under that Act as amended, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the Republic of Turkey, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce; to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941,[4] by the President of the United States of America and the Prime Minister of the United Kingdom.

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

ARTICLE VIII

It is understood that in the implementation of the provisions of the agreement each Government will act in accordance with its own constitutional procedures.

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[4] EAS 236, *ante*, vol. 3, 686.

ARTICLE IX

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

Done in duplicate in the English and Turkish languages, both authentic, at Ankara, this 23 day of February, 1945.

For the Government of the United States of America:
LAURENCE A. STEINHARDT [SEAL]
Ambassador Extraordinary and Plenipotentiary of the United States of America at Ankara

For the Government of the Republic of Turkey:
HASAN SAKA [SEAL]
Minister of Foreign Affairs

EXCHANGES OF NOTES

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *February 23, 1945*

EXCELLENCY:

Confirming the Aide Memoire which I handed to Your Excellency on October 21, 1944, I have the honor to inform Your Excellency as follows:

"1. Since the Government of the United States cannot foresee its own future needs for material which it has transferred to other Governments under the provisions of the Lend-Lease Act, it would not want to bind itself at this time to relinquishing the right to request the return of such materials as it might find desirable to have returned to the United States for the reasons set forth in Article V. However, the Government of the United States would, at a mutually convenient time after the signing of the agreement, provide the Turkish Government every opportunity to discuss with the Government of the United States the retention of such materials as the Turkish Government might desire to purchase.

"2. In Article VII, the signatories agree to collaborate with all other countries of like mind for the economic objectives described in that article. Since it is recognized, for example, that the reduction of trade barriers is a matter for action by each country in accordance with its own constitutional procedures, provision is made for conversations to determine the best means of attaining the stated objectives of each Government by their own 'agreed' action.

"3. With respect to the inquiry of the Turkish Government as to whether the signature of the agreement would be availed of by Washington to terminate Lend-Lease aid to Turkey, the response is made that it is not the intention

of the Government of the United States to use the signing of the agreement as a basis for terminating Lend-Lease aid to Turkey. The amount of aid in the future will naturally depend on the material available and upon the course of the war."

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

LAURENCE A. STEINHARDT

His Excellency
HASAN SAKA
Minister for Foreign Affairs
Ankara

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

ANKARA, *February 23, 1945*

MR. AMBASSADOR:

I have the honor to acknowledge receipt from Your Excellency of the note which you have had the kindness to deliver to me on February 23, 1945 and reading as follows:

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

I have the honor to inform Your Excellency that the Government of the Republic having found in the contents of the said Aide-Memoire the meaning which it intends to give to the agreement concerning aid furnished under the act of March 11, 1941, declares itself ready to proceed to the signature of the said agreement.

Accept, Mr. Ambassador, the assurances of my very high consideration.

HASAN SAKA

His Excellency
Mr. LAURENCE STEINHARDT
Embassy of the United States of America
Ankara

The Turkish Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

ANKARA, *February 23, 1945*

MR. AMBASSADOR:

In connection with the signature today of the agreement between the Government of the Republic of Turkey and the Government of the United

States of America on the principles applying to aid under the Act of March 11, 1941, I consider it helpful to point out to Your Excellency that the extent of the deliveries made by virtue of the Lend-Lease Law of March 11, 1941, before the date of the signature of the said agreement is to be the subject of consideration at the time of the final determination of the aid furnished by virtue of the said Lend-Lease Law.

Accept, Mr. Ambassador, the assurances of my very high consideration.

HASAN SAKA

His Excellency
Mr. A. LAURENCE STEINHARDT
Ambassador of the United States of America
Ankara

The American Ambassador to the Turkish Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *February 23, 1945*

EXCELLENCY,

I have the honor to acknowledge receipt of Your Excellency's letter of February 23, 1945, reading as follows:

[For text of Turkish note, see above.]

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

LAURENCE A. STEINHARDT

His Excellency
HASAN SAKA
Minister for Foreign Affairs
Ankara

AIR TRANSPORT SERVICES

Agreement signed at Ankara February 12, 1946, with annex; exchange of notes at Ankara May 25, 1946
Entered into force May 25, 1946

61 Stat. 2285; Treaties and Other International Acts Series 1538

Air Transport Agreement between the United States of America and Turkey

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

Article 1

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

Article 2

(a) Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under

the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

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

ARTICLE 3

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

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

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

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

ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in interna-

tional air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

Either contracting party may terminate the rights for services granted by it under this agreement and its Annex by giving one year's notice to the other contracting party.

ARTICLE 9

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

ARTICLE 10

The effective date of this agreement shall be established through an exchange of notes, which shall take place at Ankara as soon as possible.[1]

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[1] For text of notes, see p. 1156.

In witness whereof the undersigned representatives, duly authorized by their respective Governments, have signed the present agreement and have affixed thereto their seals.

Done at Ankara in duplicate, in the English and Turkish languages, each of which shall be of equal authenticity, this 12th day of February, 1946.

For the Government of the United States of America:
EDWIN C. WILSON [SEAL]

For the Turkish Government:
FERIDUN CEMAL ERKIN [SEAL]

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

A. Airlines of the United States of America authorized under the present agreement are accorded the rights of transit and non-traffic stop in Turkish territory, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Istanbul and Ankara on the route or routes indicated below:

"From the United States, via intermediate points to the continent of Europe and to Istanbul and Ankara, and thence to points beyond; in both directions".

B. Airlines of Turkey authorized under the present agreement are accorded in the territory of the United States of America corresponding rights of transit and non-traffic stop as well as corresponding rights of international commercial traffic on a specific route or routes to be determined at a later date.

C. It is agreed that either contracting party, before placing an airline in operation, will notify to the other party the proposed directions of entry into and exit from its territory, whereupon the other party will indicate the points of entry and exit and the route to be followed within its territory.

EXCHANGE OF NOTES

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

45610–110 ANKARA, *le 25 Mai 1946*

Mr. Ambassador:

With reference to Article 10 of the Air Transport Agreement between the Government of the Turkish Republic and the Government of the United

States of America, signed at Ankara on February 12, 1946, I have the honor to propose to your Excellency on behalf of my Government that the date of entry into effect of the above mentioned agreement be May 25, 1946.

I request, Mr. Ambassador, that you be good enough to give me confirmation of the agreement of the Government of the United States of America with the foregoing.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

HASAN SAKA

His Excellency
MR. EDWIN C. WILSON
Ambassador of the United States of America
Ankara

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *May 25, 1946*

No. 757

EXCELLENCY:

I have the honor to acknowledge the receipt of your Excellency's note No. 45610–110 dated May 25, 1946 reading as follows:

[For text of Turkish note, see above.]

I take pleasure in informing your Excellency that my Government is in agreement with the foregoing.

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

EDWIN C. WILSON

His Excellency
M. HASAN SAKA
Minister of Foreign Affairs
Ankara

LEND-LEASE SETTLEMENT

Agreement signed at Ankara May 7, 1946; exchange of notes at Ankara May 25, 1946
Entered into force May 25, 1946

60 Stat. 1809; Treaties and Other International Acts Series 1541

Agreement on Lend-Lease and Claims Between the Governments of the United States of America and of the Republic of Turkey

The Government of the United States of America and the Government of the Republic of Turkey,

Animated by the desire to arrive at a final settlement of lend-lease and of financial claims of each government against the other arising out of World War II,

Considering the benefits which they have already received by the defeat of the common enemy, and affirming their intention to seek no further benefits as consideration for lend-lease or for the settlement of claims or other obligations arising out of the war, except as specifically provided in the present Agreement,

Declaring that this settlement is complete and final,

Reaffirming, pursuant to the general obligations assumed by them in Article VII of the Agreement of February 23, 1945 [1] on the "Principles applying to Aid under the Act of March 11, 1941 [2]", their agreement to confer together and with other governments in the near future in the interest of

(a) the expansion, by appropriate international and domestic measures, of production, employment and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples,

(b) the elimination of all forms of discriminatory treatment in international commerce, and

(c) the reduction of tariffs and other trade barriers,

Declaring it to be their policy

[1] EAS 465, *ante*, p. 1147.
[2] 55 Stat. 31.

(a) to avoid the adoption of new measures affecting international trade, payments or investments which would prejudice the objectives of such a conference and,

(b) to afford to each other adequate opportunity for mutual consultation regarding the aforementioned measures,

Declaring that the recent Agreement between the two governments covering civil aviation [3] and the application of the Government of the Republic of Turkey for membership in the International Bank for Reconstruction and Development and the International Monetary Fund are consonant with the spirit of the principles mentioned above,

Are agreed as follows:

ARTICLE I

The term "lend-lease article" as used in this Agreement means any article transferred by the Government of the United States under the Act of March 11, 1941:

(a) to the Government of the Republic of Turkey, or

(b) to any other government and retransferred to the Government of the Republic of Turkey.

ARTICLE II

The Government of the Republic of Turkey will pay to the Government of the United States a net sum of 4,500,000 United States dollars within thirty (30) days after this Agreement has been executed. This amount is in payment for

(a) all lend-lease articles in the categories of machine tools and other productive machinery, locomotives and other railroad rolling stock, and load-carrying trucks of 1½ ton and greater capacity.

(i) for which the Government of the United States has not received any payment; and

(ii) which were in the possession or control of the Government of the Republic of Turkey, its agents or distributees at midnight on September 1, 1945, or thereafter passed into the possession or control of the Government of the Republic of Turkey, its agents or distributees.

(b) All lend-lease articles (other than those covered by requisitions calling for cash payment) transferred to the Government of the Republic of Turkey after March 11, 1941, for which the Government of the United States has not been reimbursed but for which it has been the policy of the Government of the United States to seek cash reimbursement from the Government of the Republic of Turkey.

(c) The net amount of claims due from one Government to the other

[3] Agreement of Feb. 12, 1946 (TIAS 1538, *ante*, p. 1153).

arising out of World War II, excluding amounts still payable for lend-lease articles covered by cash reimbursement lend-lease requisitions heretofore filed by the Government of the Republic of Turkey.

ARTICLE III

The Government of the Republic of Turkey hereby acquires, without qualification as to disposition or use, full title to all articles described in paragraphs (a) and (b) of Article II hereof, and to all lend-lease articles now in the possession or control of the Government of the Republic of Turkey, its agents or distributees, for which the Government of the United States has been fully reimbursed.

ARTICLE IV

(a) Under Article V of the Agreement dated February 23, 1945, on the Principles applying to Mutual Aid Between the Governments of the United States and of the Republic of Turkey, the Government of the United States has the right to recover at the end of the present emergency, as determined by the President of the United States, such defense articles transferred under that Agreement as have not been destroyed, lost or consumed, and as shall be determined by the President to be useful in the defense of the United States or of the Western Hemisphere, or to be otherwise of use to the United States. Although the Government of the United States does not intend to exercise generally this right of recapture, the Government of the United States may exercise this right, under procedures to be mutually agreed, at any time after September 1, 1945, with respect to lend-lease articles, other than those described in paragraphs (a) and (b) of Article II hereof, which, as of the date upon which notice requesting return is communicated to the Government of the Republic of Turkey, are not destroyed, lost or consumed.

(b) The Government of the Republic of Turkey will not transfer or dispose of lend-lease articles, other than those described in paragraphs (a) and (b) of Article II hereof, to any third country.

ARTICLE V

Financial claims between the two governments arising out of existing arrangements (such as the agreements on the disposal of chrome stocks recently concluded and the sale of United States surplus property located both inside and outside of Turkey) where the liability for payment has heretofore been acknowledged and the method of computation mutually agreed are not covered by this settlement as they will be settled in accordance with such arrangements. In consideration of the undertakings in this Agreement, and with the objective of arriving at as comprehensive a settelment as possible and of obviating protracted negotiations between the two governments, all other financial claims whatsoever of one government, its agencies and instrumental-

ities, against the other government, its agencies and instrumentalities, which (a) arose out of lend-lease, or (b) otherwise arose on or after March 11, 1941 and prior to September 2, 1945 out of or incidental to the conduct of World War II, and which are not otherwise dealt with in this Agreement, are hereby waived, and neither government will hereafter raise or pursue any such claims against the other.

ARTICLE VI

The effective date of this Agreement shall be established through an exchange of notes which shall take place at Ankara as soon as possible.

Done at Ankara, in duplicate, in the English and Turkish languages each of which shall be of equal authenticity, this 7th day of May, 1946.

For the Government of the United States of America:
EDWIN C. WILSON [SEAL]

For the Government of the Republic of Turkey
HASAN SAKA [SEAL]

EXCHANGE OF NOTES

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

No. 45554/109

ANKARA, *May 25, 1946*

Mr. Ambassador:

With reference to Article VI of the Agreement relating to Lend-Lease and claims between the Government of the Turkish Republic and the Government of the United States of America signed at Ankara on May 7, 1946, I have the honor to propose to Your Excellency on behalf of my Government that the date of entry into effect of the above-mentioned Agreement be May 25, 1946.

I request, Mr. Ambassador, that you give me confirmation of your Government's agreement with the foregoing.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

HASAN SAKA

His Excellency
Mr. EDWIN C. WILSON
Ambassador of the United States of America
Ankara

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *May 25, 1946*

No. 751

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note No. 45554/109 dated May 25, 1946, reading as follows:

[For text of Turkish note, see p. 1161.]

I take pleasure in informing your Excellency that my Government is in agreement with the foregoing.

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

EDWIN C. WILSON

His Excellency
M. HASAN SAKA
Minister of Foreign Affairs
Ankara

AID TO TURKEY

Agreement signed at Ankara July 12, 1947
Entered into force July 12, 1947

61 Stat. 2953; Treaties and Other International Acts Series 1629

Agreement on Aid to Turkey

The Government of Turkey having requested the Government of the United States for assistance which will enable Turkey to strengthen the security forces which Turkey requires for the protection of her freedom and independence and at the same time to continue to maintain the stability of her economy; and

The Congress of the United States, in the Act approved May 22, 1947,[1] having authorized the President of the United States to furnish such assistance to Turkey, on terms consonant with the sovereign independence and security of the two countries; and

The Government of the United States and the Government of Turkey believing that the furnishing of such assistance will help to achieve the basic objectives of the Charter of the United Nations and by inaugurating an auspicious chapter in their relations will further strengthen the ties of friendship between the American and Turkish peoples;

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

Article I

The Government of the United States will furnish the Government of Turkey such assistance as the President of the United States may authorize to be provided in accordance with the Act of Congress approved May 22, 1947, and any acts amendatory or supplementary thereto. The Government of Turkey will make effective use of any such assistance in accordance with the provisions of this agreement.

Article II

The Chief of Mission to Turkey designated by the President of the United States for the purpose will represent the Government of the United States

[1] 61 Stat. 103.

on matters relating to the assistance furnished under this agreement. The Chief of Mission will determine, in consultation with representatives of the Government of Turkey, the terms and conditions upon which specified assistance shall from time to time be furnished under this agreement, except that the financial terms upon which specified assistance shall be furnished shall be determined from time to time in advance by agreement of the two governments. The Chief of Mission will furnish the Government of Turkey such information and technical assistance as may be appropriate to help in achieving the objectives of the assistance furnished under this agreement.

The Government of Turkey will make use of the assistance furnished for the purposes for which it has been accorded. In order to permit the Chief of Mission to fulfill freely his functions in the exercise of his responsibilities, it will furnish him as well as his representatives every facility and every assistance which he may request in the way of reports, information and observation concerning the utilization and progress of assistance furnished.

Article III

The Government of Turkey and the Government of the United States will cooperate in assuring the peoples of the United States and Turkey full information concerning the assistance furnished pursuant to this agreement. To this end, in so far as may be consistent with the security of the two countries:

(1) Representatives of the Press and Radio of the United States will be permitted to observe freely and to report fully regarding the utilization of such assistance; and

(2) The Government of Turkey will give full and continuous publicity within Turkey as to the purpose, source, character, scope, amounts, and progress of such assistance.

Article IV

Determined and equally interested to assure the security of any article, service, or information received by the Government of Turkey pursuant to this agreement, the Governments of the United States and Turkey will respectively take after consultation, such measures as the other government may judge necessary for this purpose. The Government of Turkey will not transfer, without the consent of the Government of the United States, title to or possession of any such article or information nor permit, without such consent, the use of any such article or the use or disclosure of any such information by or to anyone not an officer, employee, or agent of the Government of Turkey or for any purpose other than that for which the article or information is furnished.

Article V

The Government of Turkey will not use any part of the proceeds of any loan, credit, grant, or other form of aid rendered pursuant to this agreement

for the making of any payment on account of the principal or interest on any loan made to it by any other foreign government.

Article VI

Any or all assistance authorized to be provided pursuant to this agreement will be withdrawn:

(1) If requested by the Government of Turkey;

(2) If the Security Council of the United Nations finds (with respect to which finding the United States waives the exercise of any veto) or the General Assembly of the United Nations finds that action taken or assistance furnished by the United Nations makes the continuance of assistance by the Government of the United States pursuant to this agreement unnecessary or undesirable; and

(3) Under any of the other circumstances specified in section 5 of the aforesaid Act of Congress or if the President of the United States determines that such withdrawal is in the interest of the United States.

Article VII

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

Article VIII

This agreement shall be registered with the United Nations.

Done in duplicate, in the English and Turkish languages, at Ankara, this 12th day of July, 1947.

For the Government of the United States
EDWIN C. WILSON [SEAL]

For the Government of the Republic of Turkey
HASAN SAKA [SEAL]

ECONOMIC COOPERATION

Agreement signed at Ankara July 4, 1948, with annex
Notice of Turkish ratification given July 13, 1948
Entered into force July 13, 1948
Amended by agreements of January 31, 1950; [1] *August 16, 1951;* [2] *and December 30, 1952* [3]

62 Stat. 2566; Treaties and Other International Acts Series 1794

Economic Cooperation Agreement Between the United States of America and the Republic of Turkey

The Government of the United States of America and the Government of the Republic of Turkey:

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

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

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

Considering that in furtherance of these principles the Government of the Republic of Turkey has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948 under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery pro-

[1] 1 UST 188; TIAS 2037.
[2] 3 UST 54; TIAS 2392.
[3] 3 UST 5348; TIAS 2742.

gram, and that the Government of the Republic of Turkey is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948,[4] providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

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

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

Have agreed as follows:

ARTICLE I

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

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

[4] 62 Stat. 137.

of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

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

ARTICLE II

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

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

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

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

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

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to

communicate to that Government detailed proposals for specific projects contemplated by the Government of the Republic of Turkey to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal and food;

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

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

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

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

Article III

1. The Governments of the United States of America and of the Republic of Turkey will, upon the request of either Government, consult respecting projects in the Republic of Turkey proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b) (3) of the Economic Cooperation Act of 1948.

2. The Government of the Republic of Turkey agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any liras, or credits in liras, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

ARTICLE IV

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

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

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

ARTICLE V

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

ARTICLE VI

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

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

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

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

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

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

Article VII

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

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

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

4. The Government of the Republic of Turkey will make public in Turkey in each calendar quarter, full statements of operations under this

Agreement, including information as to the use of funds, commodities and services received.

ARTICLE VIII

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

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

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

ARTICLE IX

1. The Governments of the United States of America and the Republic of Turkey agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court.[5] The provisions of this paragraph shall

[5] TS 993, *ante*, vol. 3, p. 1186.

be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

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

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

ARTICLE X

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

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

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

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

ARTICLE XI

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

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three

months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of the Republic of Turkey are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

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

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

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

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

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

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

Done at Ankara, Turkey, in duplicate, in the English and Turkish languages, both texts authentic, this fourth day of July, 1948.

For the Government of the United States of America:
EDWIN C. WILSON [SEAL]

For the Government of the Republic of Turkey:
N. SADAK [SEAL]

ANNEX

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effec-

tive measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

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

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

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

5. It is understood that the projects referred to in paragraph 1 of Article III are those approved by the two Governments, in accordance with section 111 (b) (3) of the Economic Cooperation Act of 1948.

6. It is understood that the phrase in Article IV "after due regard for the reasonable requirements of the Republic of Turkey for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article IV might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[6] in the event that stockpiles are liquidated.

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[6] Unperfected. Art. 32(3) of the Havana Charter reads as follows:

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

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

8. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 3 of Article VIII would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article VIII would, when necessary, be the subject of intergovernmental discussion.

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

10. It is understood that in the event it is proposed to make assistance available to Turkey on a grant basis the two Governments will consult with a view to amending the Agreement so as to take adequate provision for the deposit of local currency in accordance with the requirements of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto, and appropriation acts thereunder.

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

Exchange of identical notes at Ankara July 4, 1948
Notice of Turkish ratification given July 13, 1948
Entered into force July 13, 1948
Expired in accordance with its terms

62 Stat. 2934; Treaties and Other International Acts Series 1834

The American Ambassador to the Minister of Foreign Affairs [1]

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, TURKEY
July 4, 1948

EXCELLENCY:

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

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Government of the Republic of Turkey will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Turkey, signed April 1, 1939,[2] or, for such time as the Governments of the United States of America and the Republic of Turkey may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947,[3] the provisions of

[1] An identical note was sent on the same day by the Minister of Foreign Affairs to the American Ambassador.
[2] EAS 163, *ante*, p. 1136.
[3] TIAS 1700, *ante*, vol. 4, p. 639.

that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the Republic of Turkey. In this connection, the Government of the United States of America will seek arrangements whereby such areas will accord most-favored-nation treatment (including most-favored-nation treatment in the application of quantitative restrictions in accordance with the principles of the General Agreement on Tariffs and Trade) to the merchandise trade of Turkey.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [4] relating to the reduction of tariffs on a mutually advantageous basis.

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

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Govern-

[4] Unperfected; for excerpts, see *A Decade of American Foreign Policy; Basic Documents, 1941–49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

ment shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

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

EDWIN C. WILSON

His Excellency
NECMEDDIN SADAK
Minister of Foreign Affairs
Ankara

FINANCING OF EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Agreement and exchanges of notes signed at Ankara December 27, 1949
Entered into force March 21, 1950
Amended by agreements of January 8, 1957; [1] *February 1, 1960;* [2] *April 21 and May 30, 1961;* [3] *and April 26 and May 2, 1967* [4]

[For text, see 1 UST 603; TIAS 2111.]

[1] 8 UST 41; TIAS 3737.
[2] 11 UST 399; TIAS 4458.
[3] 12 UST 661; TIAS 4766.
[4] 18 UST 1654; TIAS 6307.

The Two Sicilies

CLAIMS

Convention signed at Naples October 14, 1832
Senate advice and consent to ratification January 19, 1833
Ratified by the President of the United States January 19, 1833
Ratified by the Two Sicilies June 2, 1833
Ratifications exchanged at Naples June 8, 1833
Entered into force June 8, 1833
Proclaimed by the President of the United States August 27, 1833
Terminated in 1843 on fulfillment of its terms [1]

8 Stat. 442; Treaty Series 362 [2]

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES TO TERMINATE THE RECLAMATIONS OF SAID GOVERNMENT, FOR THE DEPREDATIONS INFLICTED UPON AMERICAN COMMERCE, BY MURAT DURING THE YEARS 1809, 1810, 1811, AND 1812

The Government of the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against His said Majesty, in order that the Merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations and destruction of thir Vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and His Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony, not hitherto disturbed; the said Government of the United States and His aforesaid Majesty, the King of the Kingdom of the Two Sicilies have with one accord, resolved to come to an

[1] Awards totaling $1,925,034.68 (including 20 percent for interest) were paid in nine installments on June 8 of each year from 1834 to 1842.

[2] For a detailed study of this convention, see 3 Miller 711.

adjustment; to effectuate which they have respectively named and furnished with the necessary powers, viz, The said Government of the United States, John Nelson Esquire, a citizen of said states, and their Chargé d'Affaires near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty His Excellency D. Antonio Maria Statella, Prince of Cassaro, Marquis of Spaccaforno, Count Statella etc, etc, etc, His said Majesty's Minister Secretary of State for foreign affairs etc, etc, who after the exchange of their respective full powers, found in good and due form, have agreed to the following articles

ARTICLE 1st

His Majesty the King of the Kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations and destruction of the vessels and cargoes of the Merchants of the United States (and for every expense of every Kind whatsoever incident to, or growing out of the same) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of Two Millions, one Hundred and fifteen Thousand Neapolitan Ducats to the Government of the United States; seven Thousand six Hundred and seventy nine ducats part thereof, to be applied to reimburse the said Government for the expense incurred by it, in the transportation of American seamen from the Kingdom of Naples during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States in such manner, and according to such rules, as it may prescribe.

ARTICLE 2d

The sum of two Millions one Hundred and fifteen Thousand Neapolitan Ducats agreed on in article the 1st shall be paid in Naples, in nine equal installments of Two Hundred and Thirty five Thousand Ducats and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this Convention, until the whole sum shall be paid. The first installment shall be payable twelve months after the exchange of the said ratifications, and the remaining installments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorised by the Government of the United States to receive the same.

ARTICLE 3d

The present Convention shall be ratified and the ratifications thereof shall be exchanged in this Capital in the space of eight months from this date or sooner if possible.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals. Done at Naples on the 14th day of October one Thousand eight Hundred and thirty two.

JNO. NELSON [SEAL]
THE PRINCE OF CASSARO [SEAL]

COMMERCE AND NAVIGATION

Treaty signed at Naples December 1, 1845
Entered into force December 1, 1845
Ratified by the Two Sicilies February 28, 1846
Senate advice and consent to ratification April 11, 1846
Ratified by the President of the United States April 14, 1846
Ratifications exchanged at Naples June 1, 1846
Proclaimed by the President of the United States July 24, 1846
Superseded November 7, 1856, by treaty of October 1, 1855 [1]

9 Stat. 833; Treaty Series 363 [2]

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire of maintaining, the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them have agreed to enter in negotiations for the conclusion of a Treaty of commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America

William H. Polk, Chargé d'Affaires of the same United States of America to the Court of His Majesty the King of the Kingdom of the Two Sicilies

And His Majesty the King of the Kingdom of the Two Sicilies

D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of S^{t} George, and of Francis the 1st, Minister Secretari of State of His said Majesty.

D. Michael Gravina and Requesenz, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis the 1st, Gentleman of the chamber in waiting, and Minister Secretary of State of His said Majesty.

And D. Antonio Spinelli, of Scalea, Commander of the R^{l} Order of Francis the 1st, Gentleman of the chamber of His said Majesty, Member of the General Consulta and Surintendant General of the Archives of the Kingdom.

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[1] TS 365, *post*, p. 1193.
[2] For a detailed study of this treaty, see 4 Miller 791.

Who after having each others exchanged their full powers, found in good and due form, have concluded and signed the following Articles:

ARTICLE 1

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Kingdom of the Two Sicilies.

No duty of customs or other impost shall be charged upon any goods, the produce or manufacture of one Country, upon importation by sea or by land from such Country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country: and the United States of America and His Majesty the King of the Kindom of the Two Sicilies, do hereby engage, that the subjects or citizens of any other State, shall not enjoy any favour privilege or immunity whatever in matters of commerce and navigation which shall not, also, and at the same time be extended to the subjects or citizens of the other High contracting Party, gratuitously, if the concession in favour of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concessions shall have been conditional.

ARTICLE 2

All articles of the produce or manufacture of either country, and of their respective States, which can legally be imported into either country from the other in ships of that other country and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges whether imported in ships of the one country, or in ships of the other; and in like manner, all goods which can legally be exported or reexported from either country to the other, in ships of that other country, shall, when so exported or reexported be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties and allowances, whether exported in ships of the one country, or in ships of the other.

ARTICLE 3

No duties of tonnage, harbour, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE 4

It is hereby declared that the stipulations of the present Treaty, are not to be understood as applying to the navigation and carrying trade between one port and another situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to load or unload the whole or part of their cargoes at one or more ports in the States of either of the High contracting parties, and then to proceed to complete the said loading or unloading to any other port or ports in the same States.

ARTICLE 5

Neither of the Two Governments nor any corporation or agent acting in behalf, or under the authority of either Government, shall, in the purchase of any article, which being the growth, produce or manufacture of the one country, shall be imported into the other, give directly or indirectly any priority or preference on account of or in reference to, the national character of the vessel in which such article shall have been imported; it being the true intent and meaning of the High contracting parties, that no distinction or difference whatever shall be made in this respect.

ARTICLE 6

The High contracting Parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the Dominions of His Majesty the King of the Kingdom of the Two Sicilies, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the Two High contracting Parties, subject to the same precautions of Police, which are practiced towards the subjects or citizens of the most favoured Nations.

They shall be entitled to occupy dwellings, and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs, or representatives, being subjects or citizens of the other High contracting Party, shall succeed to their personal goods whether by Testament or *ab intestato;* and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the Heir and representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country in like case, until the lawful owner, may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided, finally, by the laws and judges of the land wherein the said goods are.

They shall not be obliged to pay under any pretence whatever, any taxes or impositions, other or greater than those which are paid, or may hereafter be paid by the subjects or citizens of the most favoured Nations in the respective States, of the High contracting parties.

They shall be exempt from all military service whether by land or by sea, from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses and all premises appartaining thereto, destined for purposes of commerce or residence shall be respected. No arbitrary search of, or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers or accounts of their trade shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal, and each of the Two High contracting Parties engages, that the citizens or subjects of the other residing in their respective States, shall enjoy their property and personal security, in as full and ample manner, as their own citizens or subjects, or the subjects or citizens of the most favourcd Nations.

Article 7

The citizens and the subjects of each of the Two High contracting Parties, shall be free in the States of the other, to manage their own affairs themselves, or to commit those affairs, to the management of any persons whom they may appoint as their broker, factor or agent, nor shall the citizens and subjects of the Two High contracting Parties, be restrained in their choice of persons, to act in such capacities, nor shall they be called upon to pay any salary, or remuneration to any person, whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods, or merchandize imported into, or to be exported from the States and Dominions of the Two High contracting Parties; save and except generally such cases wherein the Laws and usages of the country, may require the intervention of any special agents, in the Statcs and Dominions, of the High contracting Parties.

Article 8

Each of the Two High contracting Parties, may have in the ports of the other, Consuls, Vice Consuls and Commercial Agents, of their own appointment, who shall enjoy the same privileges, and powers of those of the most favored Nations, but if any such Consuls shall exercise commerce, they shall be submitted to the samc Laws and usages, to which the private individuals of their nation arc submitted in the same place.

Thc said Consuls, Vice Consuls and Commercial Agents arc authorized to require thc assistance of thc local Authorities for thc search, arrest, detention and imprisonnemcnt of the deserters from the ships of war, and merchant vessels of their country. For this purpose they shall apply to the compctent

Tribunals, judges and officers, and shall in writing demand the said deserters, proving by the exhibition of the registres of the vessel, the rolls of the crews, or by other official documents that such individuals formed part of the crews, and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice Consuls or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel, whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed, by the party causing such arrest and imprisonment they shall be set at liberty, and shall not be again arrested for the same cause.

However if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the Tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article 9

If any ships of war or merchant vessels be wrecked on the coasts of the States of either of the High contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize which shall be saved therefrom, or the produce thereof, if sold shall be faithfully restored, with the least possible delay, to the proprietors upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandize, or the proceeds thereof as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul or Vice Consul, in whose district the wreck may have taken place; and such Consul, Vice Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandize saved from the wreck, shall not be subject to duties, unless cleared for consumption; it being understood, that in case of any legal claim upon such wreck, goods or merchandize, the same shall be referred for decision to the competent tribunals of the Country.

Article 10

The merchant vessels of each of the Two High contracting Parties, which may be forced by stress of weather or other cause into one of the Ports of the other, shall be exempt from all duty of port or navigation

paid for the benefit of the State, if the motives which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandises; well understood however that the loading or unloading, which may regard the subsistance of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payment of duties, and that the said vessels do not stay in Port beyond the time necessary, keeping in view the cause which led [to] taking refuge.

Article 11

To carry always more fully into effect the intentions of the Two High contracting parties, they agree, that every difference of duty, whether of the ten per cent or other, established in the respective States, to the prejudice of the navigation and commerce of those Nations which have not treaties of Commerce and Navigation with them, shall cease and remain abolished in conformity to the principle established in the 1st Article of the present Treaty, as well on the productions of the soil and industry of the Kingdom of the Two Sicilies, which therefrom shall be imported in the United States of America, whether in vessels of the one, or of the other country, as on those, which in like manner, shall be imported in the Kingdom of the Two Sicilies in vessels of both countries.

They declare besides, that as the productions of the soil and industry of the Two countries, on their introduction in the ports of the other, shall not be subject to greater duties than those which shall be imposed on the like productions of the most favoured Nations, so the red and white wines of the Kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay higher or greater duties than those of the red and white wines of the most favoured Nations. And in like manner, the Cottons of the United States of America, which may be imported directly in the Kingdom of the Two Sicilies, whether in vessels of the one or other Nation, shall not pay higher or greater duties, than the Cottons of Egypt, Bengal, or those of the most favoured Nations.

Article 12

The present Treaty shall be in force from this day, and for the term of ten years, and further, until the end of twelve months after either of the High contracting Parties shall have given notice to the other, of its intention to terminate the same; each of the said High contracting Parties, reserving to itself the right of giving such notice, at the end of the said term of ten years, or at any subsequent term.

ARTICLE 13

The present Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Kingdom of the Two Sicilies, and the ratifications shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner, if possible

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Naples the first of December in the year one thousand eight hundred and forty five.

WILLIAM H. POLK	[SEAL]
GIUSTINO FORTUNATO	[SEAL]
IL PRINCIPE DI COMITINI	[SEAL]
ANTONIO SPINELLI	[SEAL]

RIGHTS OF NEUTRALS AT SEA

Convention signed at Naples January 13, 1855
Senate advice and consent to ratification March 3, 1855
Ratified by the President of the United States March 20, 1855
Ratified by the Two Sicilies April 4, 1855
Ratifications exchanged at Washington July 14, 1855
Entered into force July 14, 1855
Proclaimed by the President of the United States July 16, 1855
Made obsolete in 1860 upon consolidation of the Two Sicilies with Italy [1]

11 Stat. 607; Treaty Series 364

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES SIGNED AT NAPLES 13TH JANUARY 1855

The United States of America and his Majesty the King of the Kingdom of the two Sicilies, equally animated with a desire to maintain and to preserve from all harm, the relations of good understanding which have, at all times, so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognise as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on Robert Dale-Owen, Minister Resident at Naples of the United States of America; and his Majesty the King of the Kingdom of the two Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the Dukes of Traetto, Weekly Majordomo of his Majesty, Commendator of his Royal Order of the Civil Merit of Francis the first, Grand Cross of the distinguished R[1] Spanish Order of Charles the third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brasilian Order of the Rose, provisionally charged with the Portfolio of Foreign Affairs: and said plenipotentiaries after having

[1] For a detailed study of this convention, including a discussion of its duration, see 6 Miller 859.

exchanged their full powers, found in good and due form, have concluded and signed the following articles.

ART. 1

The two high contracting parties recognise as permanent and immutable the following principles, to wit:

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

ART. 2

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st. article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule whenever it shall become a question, to judge of the rights of neutrality.

ART. 3

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ART. 4

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by his Majesty the King of the Kingdom of the two Sicilies, and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present Convention, in duplicate, and thereto affix the seal of their arms.

Done at Naples, thirteenth of January eighteen-hundred & fifty five.

ROBERT DALE OWEN [SEAL]
LUIGI CARAFA [SEAL]

AMITY, COMMERCE, AND NAVIGATION; EXTRADITION

Treaty and declaration signed at Naples October 1, 1855
Senate advice and consent to ratification, with amendments, August 13, 1856 [1]
Ratified by the President of the United States, with amendments, August 20, 1856 [1]
Ratified by the Two Sicilies October 10, 1856
Ratifications exchanged at Naples November 7, 1856
Entered into force November 7, 1856
Proclaimed by the President of the United States December 10, 1856
Made obsolete in 1860 upon consolidation of the Two Sicilies with Italy [2]

11 Stat. 639; Treaty Series 365

Treaty

The United States of America, and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire to strengthen and perpetuate the relations of amity and good understanding, which have, at all times, subsisted between the two countries; desiring, also, to extend and consolidate the commercial intercourse between them, and convinced, that nothing will more contribute to the attainment of this desirable object, than an entire freedom of navigation, the abolition of all differential duties of navi-

[1] The United States amendments read as follows:

"Article XXII

"In lines 10 and 11 strike out the words 'or emission of forged papers', and insert the word 'forgery'.

"Same Article

"In lines 13 and 14 strike out the words 'fraudulent bankruptcy'.

"Same Article

"In lines 17, 18, 19, strike out the words 'or by persons hired or salaried, to the detriment of their employers'."

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

[2] For a detailed study of this treaty, including a discussion of its duration, see 7 Miller 223.

gation and of commerce, and a perfect reciprocity, based on principles of equity, equally beneficial to both countries, and applicable alike in peace and in war; have resolved to conclude a general Convention of amity, commerce, navigation and for the surrender of fugitive criminals.

For this purpose, they have respectively appointed Plenipotentiaries, to wit,

The President of the United States has appointed:

Robert Dale Owen, Minister Resident of the United States near His Majesty the King of the Kingdom of the Two Sicilies.

And His Majesty the King of the Kingdom of the Two Sicilies has appointed:

Don Lewis Carafa della Spina, of the Dukes of Traetto, weekly Majordomo of His Majesty, Commander of His Royal Order of Civil Merit of Francis the First; Grand Cross of the distinguished Royal Spanish Order of Charles the Third; Grand Officer of the Order of the Legion of Honor, Grand Cross of the Order of St. Michael of Bavaria; Grand Cross of the Florentine Order of Merit under the title of St. Joseph, Grand Cross of the Order of Merit of Parma under the title of St. Ludovico, Grand Cross of the Brazilian Order of the Rose, charged provisionally with the Portfolio of Foreign Affairs; and,

Don Michael Gravina e Requesenz, Prince of Comitini, his Gentleman of the Bedchamber in exercise, Chevalier Grand Cross of his Royal Order of Francis the First, invested with the Grand Cordon of the Order of the Legion of Honor, and the Grand Cross of the following Orders, namely of Leopold of Austria, of the Red Eagle of Prussia, of the White Eagle of Russia, of St. Maurice and Lazarus of Sardinia, of Dannebrog of Denmark, of Leopold of Belgium, and of the Crown of oak of the Low Countries, late his Minister Secretary of State; and,

Don Joseph Marius Arpino, Advocate General of the Grand Court of Accounts.

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

ARTICLE 1

It is the intention of the Two High contracting Parties, that there shall be, and continue through all time, a firm, inviolable and universal peace, and a true and sincere friendship between them, and between their respective territories, cities towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months from and after the declaration thereof shall be allowed to the merchants, and other inhabitants,

respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. During such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging; and to withdraw and export the proceeds, without molestation, and without paying, to the profit of the respective Governments, any taxes or dues other or greater, than those which the inhabitants of the country wherein said real estate is situated, shall, in similar cases, be subject to pay. And passports valid for a sufficient term for their return, shall be granted, as a safe conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults, and prizes which may be attempted against their persons and effects, as well by vessels of war of the Contracting Parties, as by their privateers.

ARTICLE 2

Considering the remoteness of the respective countries of the two contracting Parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed, that a merchant vessel belonging to either of them, which may be bound to a port, supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned, for having attempted, a first time, to enter said port, unless it can be proved, that said vessel could, and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels, which, after having been warned off once, shall, during the same voyage, attempt, a second time, to enter the same blockaded port, during the continuance of the same blockade, shall thereby subject themselves to be detained and condemned.

By blockaded port is understood one into which, by the disposition of the Power which attacks it, with a proportionate number of ships sufficiently near, there is evident danger in entering.

ARTICLE 3

The High contracting Parties, in order to prevent, and avoid all dispute, by determining, with certainty, what shall be considered by them contraband in time of war, and as such cannot be conveyed to the countries, cities, places, or seaports of their enemies, have declared and agreed, that, under the name of contraband of war shall be comprised only cannons, mortars, petards, granades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches; troops, whether infantry or cavalry, together with all that appertains to them; as also every other munition of war, and, generally, every species

of arms, and instruments in iron, steel, brass, copper or any other material whatever, manufactured, prepared and made expressly for purposes of war whether by land or sea.

And it is expressly declared and understood, that the merchandise above set forth as contraband of war, shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandise forming the rest of the cargo of said vessel, whether the said merchandise belong to the same or to a different owner.

ARTICLE 4

The citizens and subjects of each of the High contracting parties shall have free and undoubted right to travel and reside in the States of the other, remaining subject only to the precautions of police, which are practised towards the citizens or subjects of the most favored nations.

ARTICLE 5

The citizens or subjects of one of the High contracting Parties, travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billetting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other, or greater, than those which are, or may hereafter be, paid, by the subjects or citizens of the most favored nations, in the respective States of the High contracting Parties. Their dwellings, warehouses and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to, their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers or accounts of trade shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the High contracting Parties expressly engages, that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security, in as full and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nations.

ARTICLE 6

The citizens and subjects of each of the contracting Parties residing in the States of the other, shall be entitled to carry on commerce, arts or trade, and to occupy dwellings, shops and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hinderance or obstacle. And they shall be free to manage their own affairs themselves, or to commit those affairs to persons, whom they may appoint as broker, factor or agent; nor shall they be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any

salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall, also, be given, in all cases, to the buyer and seller to bargain together, and also to fix the price of any goods or merchandise, imported into, or to be exported from, the States of either of the contracting Parties, save and except cases where the laws of the said States may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a Government monopoly, as, at present in the Kingdom of the Two Sicilies, the Royal monopolies of tobacco, salt, playing cards, gunpowder and saltpetre.

It being expressly understood, however, that none of the provisions of the present Treaty shall be so construed as to take away the right of either of the High contracting Parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this Treaty shall not extend to premiums which either of the High contracting Parties may grant to their own citizens or subjects, for the encouragement of the building of ships, to sail under their own flag.

Article 7

As to any citizen or subject of either of the High contracting Parties dying within the jurisdiction of the other, his heirs, being citizens or subjects of the other, shall succeed to his personal property and either to his real estate or to the proceeds thereof, whether by testament or *ab intestato;* and may take possession thereof, either by themselves or by others acting for them; and may dispose of the same, at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay, in like cases. And in case of the absence of the heir, or of his representatives, the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself; the respective consular agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals and to the making out of an inventory, in all cases where such proceedings are required by law; so that the said Consular agent may assist thereat.

The respective Consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges of the land wherein the said property is. And the citizens and subjects of either of the contracting Parties in the States of the other, shall have free access to the Tribunals of justice of said States, on the same terms which are granted by the laws and usages of the country to native citizens or subjects; and they

may employ, in defence of their interests and rights, such advocates, attornies, and other agents, being citizens or subjects of the other, as they may choose to select.

Article 8

There shall be, between the territories of the High contracting Parties, reciprocal liberty of commerce and navigation: and, to that effect, the vessels of their respective States shall mutually have liberty to enter the ports, places and rivers of the territories of each party, wherever national vessels, arriving from abroad, are permitted to enter. And all vessels of either of the two contracting Parties arriving in the ports of the other, shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, lighthouses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit, of the Government, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive, or depart in ballast, or whether they import or export merchandise.

Article 9

The national character of the vessels of the respective countries, shall be recognized and admitted by each of the Parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting Parties shall be entitled to profit by the immunities and advantages granted in the present Treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

Article 10

The vessels of each of the High contracting Parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares and merchandise, from whatever place the same may come, the importation and exportation of which are legally permitted in the respective States, without being held to pay other or heavier customhouse duties or imposts of whatever kind or name, other or of higher rate than those which would be paid for similar goods or products, if the same were imported, or exported in national vessels; and the same privileges, drawbacks, bounties and allowances, which may be allowed by either of the contracting Parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other Party.

ARTICLE 11

No priority or preference shall be given, directly or indirectly, by either of the contracting Parties, nor by any company, corporation or agent, in their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, in which such article was imported: it being the true intent and meaning of the contracting Parties, that no distinction or difference shall be made, in this respect.

ARTICLE 12

The principles contained in the foregoing articles shall be applicable, in all their extent, to vessels of each of the High contracting Parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting Parties, or from those of any other foreign country; so that, as far as regards dues of navigation or of customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting Parties.

ARTICLE 13

The above stipulations shall not, however, extend to fisheries, nor to the coasting trade, from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers; such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting Parties may load or unload, in part, at one or more ports of the territories of the other, and then proceed to any other port or ports in said territories to complete their loading, or unloading, in the same manner as a national vessel might do.

ARTICLE 14

No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of any article, the growth, produce or manufacture of the Kingdom of the Two Sicilies or of her fisheries; and no higher or other duty shall be imposed on the importation, by sea or by land into the Kingdom of the Two Sicilies, of any article the growth, produce or manufacture of the United States, or their fisheries; than are, or shall be payable on the like articles the growth, produce or manufacture of any other foreign country.

No other or higher duties and charges shall be imposed, in the United States, on the exportation of any article to the Kingdom of the Two Sicilies, or in the Kingdom of the Two Sicilies on the exportation of any article to the United States, than such as are, or shall be, payable, on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or exportation of any article the growth, produce

or manufacture of the United States, or their fisheries, or of the Kingdom of the Two Sicilies and her fisheries from or to the ports of the United States or of the Kingdom of the Two Sicilies which shall not equally extend to every other foreign country.

ARTICLE 15

If either of the High contracting Parties, shall hereafter, grant to any other nation, any particular favor, privilege or immunity, in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

ARTICLE 16

The vessels of either of the High contracting Parties that may be constrained, by stress of weather, or other accident, to seek refuge in any port within the territories of the other, shall be treated there, in every respect, as a national vessel would be, in the same strait; provided, however, that the causes which gave rise to this forced landing are real and evident, that the vessel does not engage in any commercial operation, as loading or unloading merchandise, and that its stay in the said port is not prolonged beyond the time rendered necessary by the causes which constrained it to land: it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel, or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

ARTICLE 17

In case any ship of war, or merchant vessel, shall be wrecked on the coasts or within the maritime jurisdiction of either of the High contracting Parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise, which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul or Vice Consul, in whose district the wreck may have taken place, and such Consul, Vice Consul, proprietors or factors shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood, that in case of

any legal claim upon such wreck, goods or merchandise, the same shall be referred for decision, to the competent tribunals of the country.

ARTICLE 18

Each of the High contracting Parties grants to the other, subject to the usual *Exequatur,* the liberty of having, in the ports of the other where foreign commerce is usually permitted, Consuls, Vice Consuls, and commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such Consul, Vice Consul or commercial Agent shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting Parties shall select for a consular Agent a citizen or subject of this last, such consular Agent shall continue to be regarded, notwithstanding his quality of foreign Consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however shall not be so construed, so as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

ARTICLE 19

The said Consuls, Vice Consuls and commercial Agents shall have the right, as such, to judge in quality of arbitrators, such differences, as may arise between the masters and crews of the vessels belonging to the nation, whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew, or of the Captain, should disturb the public peace or order of the country, or such Consul, Vice Consul or commercial Agent should require their assistance, to cause his decisions to be carried into effect, or supported. Nevertheless, it is understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

ARTICLE 20

The said Consuls, Vice Consuls and commercial Agents, may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons, who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose, they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation, thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be

given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the Consuls, until the said Consuls shall have found an opportunity to send them away. It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause. Nevertheless, if the deserter shall be found to have committed any other crime or offense on shore, his surrender may be delayed by the local authorities, until the tribunal before which his case shall be pending, shall have pronounced its sentence, and until such sentence shall have been carried into effect.

ARTICLE 21

It is agreed that every person, who, being charged with, or condemned for, any of the crimes enumerated in the following article committed within the States of one of the High contracting Parties, shall seek asylum in the States, or on board the vessels of war, of the other party, shall be arrested, and consigned to justice, on demand made, through the proper diplomatic channel, by the Government within whose territory the offense shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the High contracting Parties, until the other shall have presented a copy of the judicial declaration or sentence establishing the culpability of the fugitive, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding Government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offense had been committed in the country, where he shall have taken refuge.

ARTICLE 22

Persons shall be delivered up, according to the provisions of this Treaty, who shall be charged with any of the following crimes, to wit:

Murder (including assassination, parricide, infanticide and poisoning); attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank bills and bills of exchange; robbery with violence, intimidation or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the Code of the Kingdom of the Two Sicilies to the punishment *della reclusione,* or other severer punishment, and by the laws of the United States to infamous punishment.

ARTICLE 23

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the executive thereof. And all expenses whatever of detention and delivery effected in virtue of the preceding articles shall be at the cost of the Party making the demand.

ARTICLE 24

The citizens and subjects of each of the High contracting Parties, shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals, nor shall they apply to offenses committed before the date of the present Treaty, nor to offenses of a political character, unless the political offender shall also have been guilty of some one of the crimes enumerated in Article 22.

ARTICLE 25

The present Treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years and further, until the end of twelve months after either of the High contracting Parties shall have given notice to the other of its intention to terminate the same; each of the said contracting Parties reserving to itself the right to give such notice, at the end of said term of ten years, or at any subsequent time.

ARTICLE 26

The present Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications shall be exchanged at Naples, within twelve months from the date of its signature, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the foregoing Articles in the English and Italian languages, and have hereunto affixed the seals of their arms.

Done in duplicate at the City of Naples, this first day of October, in the year of our Lord one thousand eight hundred fifty five.

ROBERT DALE OWEN	[SEAL]
LUIGI CARAFA	[SEAL]
PRINCIPE DI COMITINI	[SEAL]
GIUSEPPE MARIO ARPINO	[SEAL]

DECLARATION

It having been stipulated in Article XI[11] of the Treaty of the first December 1845,[3] that the red and white wines, of every kind, of the Kingdom of the

[3] TS 363, *ante*, p. 1189.

Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other Country, shall not pay other or higher duties, than the red and white wines of the most favored nations; and in like manner, that the cottons of the United States of America which may be imported directly into the Kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal or the most favored nations:

And it being agreed in the new Treaty concluded between the United States of America and the Kingdom of the Two Sicilies, and today signed by the Undersigned, not only that no duties of Customs shall be paid on merchandise the produce of one of the two Countries imported into the other Country, other or higher than shall be paid on merchandise of the same kind, the produce of any other country, but also, that, as to all duties of navigation, or of Customs, there shall not be made, as to the vessels of the two Countries, any distinction whatever between direct and indirect navigation:

The Undersigned declare, as to the construction of the new Treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States which shall be imported into the Kingdom of the Two Sicilies, shall not pay other or higher duties, than the cottons of Egypt, Bengal or the most favored nations.

The present Declaration shall be considered as an integral part of the said new Treaty, and shall be ratified, and the ratifications thereof exchanged, at the same time as those of the Treaty itself.

In faith whereof the Undersigned have hereunto set their hands, and affixed the seal of their arms.

Done in duplicate, in the City of Naples this first day of October, in the year of our Lord one thousand eight hundred and fifty five.

Robert Dale Owen	[seal]
Luigi Carafa	[seal]
Principe di Comitini	[seal]
Giuseppe Mario Arpino	[seal]

Union of Soviet Socialist Republics

NAVIGATION AND FISHERIES ON NORTHWEST COAST

Convention signed at St. Petersburg April 17, 1824
Ratified by Russia May 10, 1824
Senate advice and consent to ratification January 5, 1825
Ratified by the President of the United States January 7, 1825
Ratifications exchanged at Washington January 11, 1825
Entered into force January 11, 1825
Proclaimed by the President of the United States January 12, 1825
Fourth article expired April 17, 1834
Third article made obsolete by convention of March 30, 1867 [1]

8 Stat. 302; Treaty Series 298 [2]

[TRANSLATION]

In the Name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit: The President of the United States of America, Henry Middleton a Citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty: and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, member of the Council of State, Secretary of State directing the administration of foreign Affairs, actual Chamberlain, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Wladimir of the first Class, Knight of that of the white Eagle

[1] TS 301, *post*, p. 1216.
[2] For a detailed study of this convention, see 3 Miller 151.

of Poland, Grand Cross of the order of St. Stephen of Hungary, Knight of the orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and Pierre de Poletica, actual Counsellor of State, Knight of the order of St. Anne of the first Class, and Grand Cross of the order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations.

Article First

It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South-Sea, the respective Citizens or Subjects of the high contracting Powers shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the Natives, saving always the restrictions and conditions determined by the following articles.

Article Second

With a view of preventing the rights of navigation and of fishing, exercised upon the Great Ocean by the Citizens and Subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed, that the Citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that, reciprocally, the Subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North West Coast.

Article Third [3]

It is moreover agreed, that hereafter there shall not be formed by the Citizens of the United-States, or under the authority of the said States, any establishment upon the North West Coast of America, nor in any of the Islands adjacent, *to the north* of fifty four degrees and forty minutes of north latitude; and that in the same manner there shall be none formed by Russian Subjects or under the authority of Russia *south* of the same parallel.

Article Fourth [4]

It is nevertheless understood that during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which

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[3] Made obsolete by convention of Mar. 30, 1867 (TS 301, *post*, p. 1216).
[4] Expired Apr. 17, 1834.

belong to their Citizens or Subjects respectively, may reciprocally frequent without any hindrance whatever, the interior seas, gulfs, harbours and creeks upon the Coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

Article Fifth

All spirituous liquors, fire-arms, other arms, powder and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding Article, and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold to the Natives by their respective Citizens and Subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandize, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce: the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment, in case of the contravention of this Article by their respective Citizens or Subjects.

Article Sixth

When this Convention shall have been duly ratified by the President of the United-States, with the advice and consent of the Senate on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the Seals of their Arms.

Done at St. Petersburg the $\frac{17}{5}$ April, of the year of Grace one thousand eight hundred and twenty four.

Henry Middleton [SEAL]
Le Comte Charles de Nesselrode [SEAL]
Pierre De Poletica [SEAL]

COMMERCE AND NAVIGATION

Treaty and separate article signed at St. Petersburg December 18, 1832
Ratified by Russia January 8, 1833
Senate advice and consent to ratification February 27, 1833
Ratified by the President of the United States April 8, 1833
Ratifications exchanged at Washington May 11, 1833
Entered into force May 11, 1833
Proclaimed by the President of the United States May 11, 1833
Supplemented by additional article signed at Washington January 27, 1868,[1] *and declaration of March 28, 1874* [2]
Terminated January 1, 1913 [3]

8 Stat. 444; Treaty Series 299 [4]

Treaty

In the name of the most Holy and indivisible Trinity

The United States of America, and His Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a Treaty of navigation and commerce: For which purpose the President of the United States has conferred full powers on James Buchanan their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, His Vice-Chancellor, Knight of the orders of Russia, and of many others &c: and the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following Articles:

Article I

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their

[1] TS 302, *post*, p. 1220.
[2] TS 303, *post*, p. 1222.
[3] Pursuant to notice of termination given by the United States Dec. 17, 1911.
[4] For a detailed study of this treaty, see 3 Miller 723.

respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Article II

Russian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other, upon the footing of the most favored nations, with whom they have not Treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

Article III

All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia, in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may also, be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

Article IV

It is understood that the stipulations contained in the two preceding Articles, are, to their full extent, applicable to Russian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to

vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V

All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels may, also, be exported therefrom in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

ARTICLE VI

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Empire of Russia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Russia, to, or from the ports of the United States, or to, or from the ports of the Russian Empire, which shall not equally extend to all other nations.

ARTICLE VII

It is expressly understood that the preceding Articles II, III, IV, V, and VI shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ARTICLE VIII

The two contracting parties shall have the liberty of having, in their respective ports, Consuls, Vice-Consuls, Agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations; but if any such Consul shall exercise commerce,

they shall be submitted to the same laws and usages to which the private individuals of their Nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the Captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order of the tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their Country.

Article IX

The said Consuls, Vice-Consuls, and Commercial Agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article X

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato,* and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will,

paying to the profit of the respective Governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country, in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants, as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country, actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments, any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this Article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published by His Majesty the Emperor of all the Russias to prevent the emigration of his subjects.

Article XI

If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Article XII

The present treaty, of which the effect shall extend, in like manner, to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand Eight hundred and Thirty nine, and if, one year before that day, one of the high contracting parties, shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

Article XIII

The present Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias; and

the ratifications shall be exchanged in the City of Washington within the space of one year, or sooner if possible.

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

Done at S^{t} Petersburg the $\frac{6}{18}$ December, in the year of Grace, One thousand Eight hundred and thirty two.

JAMES BUCHANAN [SEAL]
CHARLES COMTE DE NESSELRODE [SEAL]

SEPARATE ARTICLE

Certain relations of proximity and anterior engagements, having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia and the Kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are, in no manner connected with the existing regulations for foreign commerce in general; the two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed, that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the Kingdom of Poland, and by the other to that of the Grand Dutchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation, sanctioned between the two high contracting parties by the present Treaty.

The present Separate Article shall have the same force and value as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present Separate Article, and affixed thereto the seals of our arms.

Done at S^{t} Petersburg the $\frac{6}{18}$ December, in the year of Grace, One Thousand Eight hundred & thirty two.

JAMES BUCHANAN [SEAL]
CHARLES COMTE DE NESSELRODE [SEAL]

RIGHTS OF NEUTRALS AT SEA

Convention signed at Washington July 22, 1854
Senate advice and consent to ratification July 25, 1854
Ratified by the President of the United States August 12, 1854
Ratified by Russia September 15, 1854
Ratifications exchanged at Washington October 31, 1854
Entered into force October 31, 1854
Proclaimed by the President of the United States November 1, 1854
Declaration of accession signed by Hawaii March 26, 1855,[1] *and by Nicaragua June 9, 1855* [2]

10 Stat. 1105; Treaty Series 300 [3]

The United States of America and His Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily existed between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose, the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and His Majesty the Emperor of all the Russias has conferred like powers on Mr. Edward de Stoeckl, Counsellor of State, Knight of the Orders of Ste. Anne, of the 2d. Class, of St. Stanislas, of the fourth Class, and of the Iron Crown of Austria, of the 3d. Class, His Majesty's Chargé d'Affaires near the Government of the United States of America: and said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I

The two High Contracting Parties recognize as permanent and immutable the following principles, to wit:

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[1] For text, see *ante,* vol. 8, p. 872.
[2] For text, see *ante,* vol. 10, p. 335.
[3] For a detailed study of this convention, see 6 Miller 791.

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them on their part as permanent and immutable.

Article II

The two High Contracting Parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st Article. But they declare from this time that they will take the stipulations contained in said Article I, as a rule, whenever it shall become a question, to judge of the rights of neutrality.

Article III

It is agreed by the High Contracting Parties that all Nations which shall or may consent to accede to the rules of the first Article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

Article IV

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington within the period of ten months, counting from this day, or sooner, if possible.

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

Done at Washington the twenty-second day of July, the year of grace 1854.

W. L. Marcy [seal]
Edouard Stoeckl [seal]

CESSION OF ALASKA

Convention signed at Washington March 30, 1867
Senate advice and consent to ratification April 9, 1867
Ratified by Russia May 3, 1867
Ratified by the President of the United States May 28, 1867
Ratifications exchanged at Washington June 20, 1867
Entered into force June 20, 1867
Proclaimed by the President of the United States June 20, 1867

15 Stat. 539; Treaty Series 301

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825,[1] and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude,

[1] For text, see *British and Foreign State Papers,* vol. 12, p. 38.

(meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

Article II

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed,

that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects, as they may apply for.

Article III

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

Article IV

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

Article V

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

Article VI

In consideration of the cession aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of ter-

ritory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII

When this Convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

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

Done at Washington, the thirtieth day of March in the year of our Lord one thousand eight hundred and sixty-seven.

WILLIAM H. SEWARD [SEAL]
EDOUARD DE STOECKL [SEAL]

TRADEMARKS

Article signed at Washington January 27, 1868, additional to treaty of December 18, 1832
Senate advice and consent to ratification July 25, 1868
Ratified by the President of the United States August 14, 1868
Ratifications exchanged at St. Petersburg September 21, 1868
Entered into force September 21, 1868
Proclaimed by the President of the United States October 15, 1868
Supplemented by declaration of March 28, 1874 [1]
Terminated January 1, 1913 [2]

16 Stat. 725; Treaty Series 302

The United States of America and his Majesty the Emperor of all the Russias, deeming it advisable that there should be an additional Article to the Treaty of Commerce between them, of the $\frac{6}{18}$ December 1832,[3] have for this purpose named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State, and His Majesty the Emperor of all the Russias, the Privy Councillor, Edward de Stoeckl, accredited as His Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following:

Additional Article

The High Contracting Parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade marks affixed in the other on merchandize to show its origin and quality, shall be strictly prohibited and repressed, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

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[1] TS 303, *post*, p. 1222.
[2] Pursuant to notice of termination given by the United States Dec. 17, 1911.
[3] TS 299, *ante*, p. 1208.

The trade marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be lodged exclusively, to wit, the marks of citizens of the United States, in the Department of Manufactures and Inland Commerce, at St. Petersburg, and the marks of Russian subjects, at the Patent Office in Washington.

This additional Article shall be terminable by either party, pursuant to the twelfth Article of the Treaty to which it is an addition. It shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty, the Emperor of all of the Russias; and the respective ratifications of the same shall be exchanged at St. Petersburg; within nine months from the date hereof, or sooner if possible.

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

Done at Washington, the twenty seventh day of January, in the year of Grace, one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD [SEAL]
EDOUARD DE STOECKL [SEAL]

TRADEMARKS

Declaration signed at St. Petersburg March 28, 1874, supplementing additional article of January 27, 1868
Entered into force March 28, 1874
Terminated January 1, 1913 [1]

18 Stat. 829; Treaty Series 303

Declaration

The Government of the United States of America and the Government of His Majesty the Emperor of all the Russias having recognized the necessity of defining and rendering more efficacious the stipulations contained in the additional Article of the $\frac{15th}{27th}$ January 1868,[2] to the Treaty of Commerce and Navigation, concluded between the United States of America and Russia, on the $\frac{6th}{18th}$ December 1832,[3] the undersigned, duly authorized to that effect, have agreed upon the following arrangements.

Article 1

With regard to marks of goods or of their packages and also with regard to marks of manufacture and trade, the Citizens of the United States of America shall enjoy in Russia and Russian subjects shall enjoy in the United States, the same protection as native citizens.

Article 2

The preceding article, which shall come immediately into operation, shall be considered as forming an integral part of the Treaty of the $\frac{6th}{18th}$ December 1832, and shall have the same force and duration as the said Treaty.

In faith whereof the undersigned have drawn up and signed the present declaration and affixed thereto their seals.

Done in duplicate in the English and Russian languages at St. Petersburg this $\frac{16th}{28th}$ day of March, 1874.

Marshall Jewell [seal]
Gortchacow [seal]

[1] Pursuant to notice of termination given by the United States Dec. 17, 1911.
[2] TS 302, *ante*, p. 1220.
[3] TS 299, *ante*, p. 1208.

MEASUREMENT CERTIFICATES FOR VESSELS

Declaration signed at Washington June 6, 1884
Entered into force August 1, 1884

23 Stat. 789; Treaty Series 304

Declaration

The English method for the admeasurement of vessels (the Moorsom system) being now in force not only in the United States of America, but also in the Empire of Russia and the Grand Duchy of Finland, the undersigned, having been duly authorized by their Governments, hereby declare:

Article I

That American vessels admeasured according to the aforesaid method, shall be admitted into the ports of Russia and Finland, and likewise that Russian and Finnish vessels admeasured according to the same system, shall be admitted into the ports of the United States, without being subjected, for the payment of navigation dues, to any new admeasurement whatever.

These navigation dues shall be computed according to the net tonnage.

A. Russian certificates of admeasurement issued since $\frac{\text{December 20}}{\text{January}}$ $\frac{1879}{1880}$, and Finnish certificates of admeasurement issued since May 31, 1877, shall be recognized in the United States of America without any formality as regards the net tonnage of *sailing* or *steam* vessels.

B. In like manner American certificates of admeasurement sha be recognized in Russia and Finland without any formality as regards the tonnage of American *sailing* vessels. American certificates of admeasurement, issued since $\frac{\text{July 24,}}{\text{August 5,}}$ 1882, shall be recognized in Russia and Finland without any formality as regards the net tonnage of American *steam* vessels. As the American admeasurement regulations which were in force previously to that date make no deduction for the space occupied by the machinery and its appurtenances, certificates of admeasurement of American vessels issued before the act of $\frac{\text{July 4,}}{\text{August 5,}}$ 1882,[1] took effect, shall be recognized in Russian and Finnish ports without such vessels' being subjected to readmeasurment, but on condition

[1] 22 Stat. 300.

that the navigation dues shall be computed according to the gross tonnage stated in the certificate of admeasurement. The owners or captains of such vessels shall, nevertheless, if they desire it, have a right to demand a partial readmeasurement according to Russian or Finnish rules, in order thereby to secure a reduction of such dues.

C. Inasmuch as the Russian and Finnish regulations are not entirely in conformity with those of the United States of America in respect to the admeasurement of steam vessels, commanders of Russian or Finnish vessels in American ports, and *vice versa,* shall have the right to demand the partial readmeasurement of the space occupied by the machinery, boilers, etc., according to the system in force in the port in which they are. The other figures of the certificate of admeasurement shall be taken as the basis of such readmeasurement.

D. This readmeasurement, executed in accordance with paragraphs B and C of this article, shall be performed at a rate to be established for this purpose by the local authorities.

Article II

The above provisions shall likewise be applicable to vessels propelled by any other mechanical motor.

This declaration shall take effect on the $\frac{\text{20th day of July,}}{\text{1st day of August,}}$ 1884, and shall remain in force until one of the contracting parties shall have made known to the other, six months in advance, its intention to cause its effects to cease.

In testimony whereof the undersigned have affixed their signatures to this declaration, together with the seals of their arms.

Done in duplicate at Washington, this $\frac{\text{25th day of May}}{\text{6th day of June,}}$ 1884.

Fred'k T. Frelinghuysen [SEAL]
C. Struve [SEAL]

EXTRADITION

Convention signed at Washington March 28, 1887
Senate advice and consent to ratification, with amendments, February 6, 1893 [1]
Ratified by the President of the United States, with amendments, February 14, 1893 [1]
Ratified by Russia April 16, 1893
Ratifications exchanged at St. Petersburg April 21, 1893
Proclaimed by the President of the United States June 5, 1893
Entered into force for the United States June 25, 1893
Obsolete

28 Stat. 1071; Treaty Series 305

The United States of America and His Majesty the Emperor of all the Russias having thought proper, with a view to the better administration of justice, and for the prevention of crime in their respective territories and jurisdictions, that persons convicted of, or charged with, any of the crimes hereinafter

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[1] The Senate resolution of advice and consent called for the following amendments:

1. At the end of art. I, after the word "other" insert "Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed."

2. In the first sentence of art. II, after the word "same" insert "as an accessory before the fact, provided such attempt or participation is punishable by the laws of both Countries,".

3. In art. II, numbered para. 1, after the word "manslaughter" strike out "Comprising the wilful or negligent killing of a human being" and insert "when voluntary."

4. Art. II, clause 5, strike out "The crime of forgery, by which is understood the utterance of forged papers, and also the Counterfeiting of" and insert "Forgery; and the utterance of forged papers, including".

5. Art. II, strike out all of clause 10, and insert in lieu thereof "Wilful or unlawful destruction or obstruction of railroads which endangers human life."

6. Strike out all of the second paragraph of art. III and insert in lieu thereof "An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessionship thereto, shall not be considered a political offense or an act connected with such an offense."

7. At the end of art. IX, after the word "time" insert "Provided the Government from which extradition is sought is not bound by treaty to give preference otherwise."

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

enumerated, and having escaped from justice, should, in certain cases, be reciprocally delivered up, have resolved to conclude a Convention to this end, and have named as their Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States; and His Majesty the Emperor of all the Russias, Charles Struve, His Master of the Court, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, and Baron Romain Rosen, His Gentleman in Waiting, Councillor of State, and Consul-General at New York; who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

Article I

The High Contracting Parties reciprocally agree to surrender to each other, upon mutual requisitions and according to their respective regulations and procedure, persons who, being charged with, or convicted of, the commission, in the territory of one of the contracting parties, of any of the crimes and offenses specified in the following article, shall seek an asylum or be found within the territory of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II

Persons convicted of, or charged with, any of the following crimes, as well as attempts to commit, or participation in, the same, as an accessory before the fact, provided such attempt or participation is punishable by the laws of both countries, shall be delivered up in virtue of the provisions of this Convention:

1. Murder and manslaughter, when voluntary.
2. Rape, abortion.
3. Arson.
4. Burglary, defined to be the act of breaking, and entering by night, into the dwelling-house of another, with intent to commit felony; robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; larceny, when the value of the property stolen shall exceed two hundred dollars, or three hundred roubles.
5. Forgery; and the utterance of forged papers, including public, sovereign, or governmental acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank

notes, obligations, or, in general, of any counterfeit title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of state and public administrations, and the utterance thereof.

7. The embezzlement of public moneys by public officers or depositaries.

8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the value of the property so taken shall exceed two hundred dollars, or three hundred roubles.

9. Piracy, or mutiny on shipboard, whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.

10. Wilful or unlawful destruction or obstruction of railroads which endangers human life.

Article III

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, nor for any offense other than that for which the extradition was granted; nor shall the surrender of any person be demanded for an offense committed prior to the date at which this Convention shall take effect.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessorship thereto, shall not be considered a political offense or an act connected with such an offense.

Article IV

The contracting parties shall not be required to deliver up their own citizens or subjects, in virtue of the stipulations of the present Convention.

Article V

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: *Provided,* That, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

Article VI

Requisitions for the surrender of fugitives from justice, accused or convicted of any of the crimes or offenses hereinbefore mentioned, shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agent either from the country or from the seat of Government, such requisitions may be made by the superior consular officer.

When the person whose surrender is requested shall already have been

convicted of the crime or offense for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court that pronounced the sentence, bearing the seal of said court. The signature of the judge thereof shall be authenticated by the proper executive officer of the demanding Government, whose official character shall, in turn, be attested by the diplomatic agent or superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked shall be merely charged with the commission of an extraditable crime or offense, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest or of some other equivalent judicial document issued by a judge or a magistrate duly authorized to do so; and likewise by authenticated copies of the depositions or declarations made before such judge or magistrate and setting forth the acts with which the fugitive is charged.

Article VII

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State, stating that request has been made by the Imperial Government of Russia for the provisional arrest of a person convicted or accused of the commission therein of a crime or offense extraditable under this Convention, and upon complaint, duly made, that such crime or offense has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Imperial Russian Government will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure the provisional arrest of persons convicted or accused of the commission therein of crimes or offenses extraditable under this convention. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer within forty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

Article VIII

Articles in the possession of the fugitive that have aided the commission of the crime or offense, and any article or property which was obtained through the commission of the crime or offense charged, and, also, any other article that may serve to convict, shall, if the demand for extradition be

granted, be delivered to the authorities of the demanding Government, even where, owing to the death or escape of the fugitive, extradition can not take place. Such delivery shall also include articles of the character above-mentioned which the fugitive may have concealed or deposited in the country of refuge, and which may subsequently be found there. The rights of third parties to the above-mentioned articles shall, nevertheless, be duly respected, and they shall be returned to the owners free of expense after the conclusion of the case.

The right of the Government on which the demand for extradition is made to temporarily retain such articles, when they may be necessary for the institution of criminal proceedings occasioned by the same act that has given rise to the demand for extradition, or by any other act, is admitted.

Article IX

In case the person whose extradition is demanded under the present Convention is also claimed by another Government, preference shall be given to the Government whose demand shall be earliest in point of time: *Provided* the Government from which extradition is sought is not bound by treaty to give preference otherwise.

Article X

The expense occasioned by the arrest, detention, and transportation of persons whose extradition is requested shall be borne by the Government making the application.

Article XI

The present Convention shall be ratified and the ratifications shall be exchanged at St. Petersburg as soon as possible.

It shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws in force in the territories of the contracting parties. It shall remain in force for six months after notice of its termination shall have been given by either of the contracting parties.

In witness whereof, the respective Plenipotentiaries have signed the present Convention and have thereunto affixed the seals of their arms.

Done in duplicate, at the city of Washington, on the twenty-eighth day of March, one thousand eight hundred and eighty-seven.

T. F. Bayard [SEAL]
C. Struve [SEAL]
Rosen [SEAL]

FUR SEAL FISHERIES

Agreement signed at Washington May 4, 1894
Entered into force May 4, 1894
Senate advice and consent to ratification May 9, 1894
Proclaimed by the President of the United States May 12, 1894
Superseded by convention signed for Japan, Russia, the United Kingdom, and the United States July 7, 1911 [1]

28 Stat. 1202; Treaty Series 307

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE IMPERIAL GOVERNMENT OF RUSSIA FOR A MODUS VIVENDI IN RELATION TO THE FUR SEAL FISHERIES IN BEHRING SEA AND THE NORTH PACIFIC OCEAN

For the purpose of avoiding difficulties and disputes in regard to the taking of fur-seal in the waters of Behring Sea and the North Pacific Ocean, and to aid in the preservation of seal life, the Government of the United States and the Imperial Government of Russia have entered into the following temporary agreement, with the understanding that it is not to create a precedent for the future, and that the contracting parties mutually reserve entire liberty to make choice hereafter of such measures as may be deemed best adapted for the protection of the fur-seal species, whether by means of prohibitive zones, or by the complete prohibition of pelagic sealing, or by appropriate regulation of seal-hunting in the high seas.

1. The Government of the United States will prohibit citizens of the United States from hunting fur-seal within a zone of ten nautical miles along the Russian coasts of Behring Sea, and of the North Pacific Ocean, as well as within a zone of thirty nautical miles around the Komandorsky (Commander) Islands and Tulienew (Robben) Island, and will promptly use its best efforts to ensure the observance of this prohibition by citizens and vessels of the United States.

2. Vessels of the United States engaged in hunting fur-seal in the above-mentioned zones outside of the territorial waters of Russia may be seized and detained by the naval or other duly commissioned officers of Russia; but they shall be handed over as soon as practicable to the naval or other

[1] TS 564, *ante*, vol. 1, p. 804.

commissioned officers of the United States or to the nearest authorities thereof. In case of impediment or difficulty in so doing, the commander of the Russian cruiser may confine his action to seizing the ship's papers of the offending vessels in order to deliver them to a naval or other commissioned officer of the United States, or to communicate them to the nearest authorities of the United States as soon as possible.

3. The Government of the United States agrees to cause to be tried by the ordinary courts, with all due guarantees of defense, such vessels of the United States as may be seized, or the ship's papers of which may be taken, as herein prescribed, by reason of their engaging in the hunting of fur-seal within the prohibited zones outside of the territorial waters of Russia aforesaid.

4. The Imperial Russian Government will limit to 30,000 head the number of fur-seal to be taken during the year 1894, on the coasts of the Komandorsky (Commander) and Tulienew (Robben) Islands.

5. The present agreement shall have no retroactive force as regards the seizure of any seal-hunting vessel of the United States by the naval or other commissioned officers of Russia prior to the conclusion hereof.

6. The present agreement being intended to serve the purpose of a mere provisional expedient to meet existing circumstances, may be terminated at will by either party upon giving notice to the other.

In witness whereof, we, Walter Q. Gresham, Secretary of State of the United States, and Prince Gregoire Cantacuzene, Envoy Extaordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, have, on behalf of our respective Governments, signed and sealed this Agreement in duplicate, and in the English and French languages, in the City of Washington, this $\frac{4 \text{ May}}{22 \text{ April}}$ 1894.

WALTER Q. GRESHAM [SEAL]
PRINCE CANTACUZENE [SEAL]

CLAIMS: ARREST AND SEIZURE OF VESSELS

Protocol signed at St. Petersburg September 8, 1900
Entered into force September 8, 1900
Terminated on fulfillment of its terms [1]

1900 For. Rel. 885

To the Honorable Arbitrator, Mr. T. M. C. Asser,

Counselor of the Ministry for Foreign Affairs of the Kingdom of the Netherlands, etc., in the arbitration agreed in the notes exchanged between the representatives of the two high contracting powers, duly authorized to that effect, dated September 8, 1900, to adjust the differences betwen the Government of the United States of America, party claimant, and the Imperial Government of Russia, party defendant, relative to the arrest and seizure of the American vessels the "Cape Horn Pigeon," the "James Hamilton Lewis," the "C. H. White," and the "Kate and Anna."

PROTOCOL

The Government of the United States of America and the Imperial Government of Russia, having agreed to invite Mr. Asser, Member of the Council of State of the Netherlands to act as Arbitrator in connection with the claim of the schooners "James Hamilton Lewis," "C. H. White," "Kate and Anna," their charterers, owners, officers and crews, arising out of their detention or seizure by Russian cruisers on the charge of having been illegally engaged in fur-seal fishing and the claim of the whaling bark "Cape Horn Pigeon," her charterers, owners, officers and crew arising out of her detention or seizure by a Russian vessel, the undersigned Chargé d'Affaires of the United States of America, having been duly authorized thereto, has the honor to make hereby the following declaration, in exchange with a similar declaration upon the part of the Imperial Government of Russia.

The arbitrator shall take cognizance of the claims for indemnity which have been presented to the Imperial Government of Russia by the Government of the United States on behalf of the parties in interest.

It is understood and agreed that this provision is to be construed as per-

[1] The arbitrator returned awards in favor of the claimants on Nov. 29, 1902 (TS 416; not printed here).

mitting the introduction, on both sides, into the testimony submitted to the arbitrator, of any and all evidence which may have already been presented or appeared in the correspondence between the official Representatives of the two high contracting Powers, as well as all evidence relating to the questions in litigation.

The Party claimant shall present to the abritrator, within three months from the date of exchange of the present note with an identical one of the Imperial Government of Russia, a memorandum in support of its claim, and shall hand immediately a copy thereof to the Party Defendant.

Within three months from the date of the receipt of the said copy, the Party defendant shall present to the arbitrator a contra-memorandum, of which it shall hand immediately a copy to the Party claimant.

Within three months after the receipt of such contra-memorandum, the Party claimant may, if it sees fit to do so, present to the arbitrator a new memorandum, of which it shall hand immediately a copy to the Party defendant, and the latter may also, within three months from the receipt thereof, present to the arbitrator a new contra-memorandum, of which it shall hand immediately a copy to the Party claimant.

The arbitrator shall be authorized, at the request of either of the Parties, to extend for a period of not longer than thirty days any of the intervals of time hereinabove provided for.

After the exchange of memoranda as hereinabove said no communication, either written or verbal, shall be addressed to the arbitrator, unless he shall request from the Parties, or either of them, supplementary information to be given in writing.

The Party so giving information to the arbitrator shall hand immediately a copy of its communication to the opponent, who may if he thinks fit to do so present in writing to the arbitrator, within one month from the date of his receipt thereof, comments relating to the subject matter of the said communication, and a copy of such comments shall be sent immediately to the Party opponent.

The arbitrator shall have authority to decide all questions that may arise in regard to procedure in the course of the arbitration.

The arbitrator shall render his decisions in all the cases within six months from the date of the delivery to him of the last memorandum or contra-memorandum provided for in this agreement.

In his decision, which shall be communicated by him to each of the two Governments interested, the arbitrator following the general principles of international law and the spirit of international agreements applicable to the subject, shall determine as to each claim brought against the Imperial Government of Russia, whether such claim is well founded; and, if he decides affirmatively, whether the facts upon which each of the said claims is based have been proven.

It is understood and agreed that this stipulation shall have no retroactive force, and that the arbitrator shall apply to the cases now in litigation the principles of international law and of international agreements which were in force and binding upon the Parties to this litigation at the moment when the seizures aforementioned took place.

The arbitrator shall fix the amount of any indemnity to be paid by the Russian Government in respect to the claims presented by the parties in interest.

If he wishes to do so, without, however, lessening the obligation incumbent upon the Party claimant to prove the damage suffered, the arbitrator may invite each Government to appoint a Commercial expert to aid him, in this capacity, in fixing the amount of the indemnity.

The Government of the United States declares itself ready, in exchange with a similar agreement upon the part of the Imperial Government of Russia, to assume all expenses which may or shall be incurred in the presentation of its side of the case in this matter and to pay one-half of the compensation of the arbitrator for his services, also to accept as a final judgment the decision pronounced by the arbitrator within the limits of the present agreement, and to submit thereto without any reservation whatsoever.

Any amount awarded by the arbitrator in favor of the claimants, or either of them, shall be paid by the Imperial Government of Russia to the Government of the United States within one year from the date of the award.

French being recognized as the official language of the arbitration the decision of the arbitrator should be rendered in that language.

Done at St. Petersburg in four copies the 26th day of August (8 September), 1900.

HERBERT H. D. PEIRCE
LAMSDORFF

CORPORATIONS AND OTHER COMMERCIAL ASSOCIATIONS

Agreement signed at St. Petersburg June 25, 1904, with an understanding
Entered into force June 25, 1904
Senate advice and consent to ratification May 6, 1909,[1] *with understanding*
Ratified by the President of the United States, with an understanding, June 7, 1909 [1]
Proclaimed by the President of the United States June 15, 1909

36 Stat. 2163; Treaty Series 526

Agreement

[translation]

The Government of the United States and the Imperial Russian Government having judged that it would be mutually useful to regulate the position of Corporations or Stock Companies and other Commercial Associations, industrial or financial, the undersigned, by virtue of the authority which has been vested in them, have agreed as follows:

1. Corporations or Stock Companies, and other industrial or financial commercial organizations, domiciled in one of the two countries, and on the condition that they have been regularly organized in conformity to the laws in force in that country, shall be recognized as having a legal existence in the other country, and shall have therein especially the right to appear before the courts, whether for the purpose of bringing an action or of defending themselves against one.

2. In all cases the said Corporations and Companies shall enjoy in the other country the same rights which are or may be granted to similar companies of other countries.

3. It is understood that the foregoing stipulation or agreement has no bearing upon the question whether a Society or Corporation organized in one of the two countries will or will not be permitted to transact its business

[1] The U.S. understanding stated that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under authority of the several states of the Union.

or industry in the other, this permission remaining always subject to the regulations in this respect existing in the latter country.

This Agreement shall go into force on the 25/12 of June 1904, and shall only be discontinued one year after its denunciation shall have been made by one of the parties to the agreement.

Made in duplicate at St. Petersburg, the 25/12 day of June 1904.

COUNT LAMSDORFF [SEAL]
ROBERT S. MCCORMICK [SEAL]

PROTECTION OF TRADEMARKS IN CHINA

Exchange of notes at Peking June 28, 1906
Entered into force June 28, 1906
Obsolete [1]

Treaty Series 484

The American Minister to the Russian Minister

PEKING, *June 28, 1906*

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the Government of Russia for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade-marks duly registered in the United States and Russia, I am authorized by the Secretary of State of the United States to inform you that the American consular courts in China afford protection against infringement in China by American citizens of trade-marks the property of Russian subjects which have been duly registered in the United States.

I beg that you will kindly inform me whether like protection will be given to American citizens in the consular courts of Russia in China against the infringement by Russian subjects of their trade-marks duly registered in Russia.

I have the honor to be, my dear colleague, your obedient servant,

W. W. ROCKHILL

HIS EXCELLENCY D. POKOTILOW
Envoy Extraordinary and
Minister Plenipotentiary, etc.
Russian Legation, Peking

The Russian Minister to the American Minister

[TRANSLATION]

PEKING, *June 28, 1906*

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your note of to-day's date by which you kindly inform me

[1] The United States relinquished extraterritorial rights in China by treaty of Jan. 11, 1943 (TS 984, *ante*, vol. 6, p. 739, CHINA).

that the Government of the United States being desirous of reaching an understanding with the Imperial Government of Russia concerning the protection in China of trade-marks duly registered in Russia and the United States, you have been authorized to declare that the American consular courts in China have jurisdiction in all matters concerning the infringement by persons subject to the jurisdiction of the United States of trade-marks the property of Russian subjects which have been duly registered in the United States.

Being duly authorized by my Government, I have the honor to inform you that the Imperial Government is equally ready to insure in China through the Russian consular courts protection for trade-marks the property of persons subject to the jurisdiction of the United States and duly registered in Russia which may be infringed by Russian subjects. I deem it necessary, however, to observe that infringements of trade-marks not being considered by the American statutes a criminal offense persons subject to the jurisdiction of the United States having suffered injury can, through reasons of reciprocity, only claim before the Russian courts indemnification for the damages sustained by them.

Please accept, Mr. Minister and dear Colleague, the assurance of my highest consideration.

D. Pokotilow

His Excellency W. W. Rockhill
Envoy Extraordinary and
Minister Plenipotentiary, etc.
American Legation, Peking

ADVANCEMENT OF PEACE

Treaty signed at Washington October 1, 1914
Senate advice and consent to ratification October 13, 1914
Ratified by Russia December 23, 1914
Ratified by the President of the United States January 23, 1915
Ratifications exchanged at Washington March 22, 1915
Entered into force March 22, 1915
Proclaimed by the President of the United States March 25, 1915

39 Stat. 1622; Treaty Series 616

Treaty for the Settlement of Disputes

The President of the United States of America and His Majesty the Emperor of all the Russias, desiring to strengthen the friendly relations which unite their countries and to serve the cause of general peace, have decided to conclude a Treaty for these purposes and have consequently appointed their Plenipotentiaries designated hereinafter, to wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

His Majesty the Emperor of all the Russias, His Excellency G. Bakhméteff, Master of His Court and His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after exhibiting to each other their Full Powers found to be in due and proper form, have agreed upon the following articles:

Article I

Any differences arising between the Government of the United States of America and the Imperial Government of Russia, of whatever nature they may be, shall, when diplomatic proceedings have failed, be submitted for examination and report to a Permanent International Commission constituted in the manner prescribed in the following article; likewise the High Contracting Parties agree not to resort, with respect to each other, to any acts of force during the examination to be made by the Commission and before its report is handed in.

308-582—73——80

Article II

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

The two Governments shall bear by halves the expenses of the Commission.

The Commission shall be organized within six months from the exchange of ratifications of the present Convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise shall be filled in the manner followed for the original appointment.

Article III

In case a difference should arise between the High Contracting Parties which is not settled by diplomatic methods, each Party shall have a right to ask that the examination thereof be intrusted to the International Commission charged with making a report. Notice shall be given to the President of the International Commission, who shall at once communicate with his colleagues.

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention I of The Hague of 1907.[1]

The High Contracting Parties agree to afford the Commission, as fully as they may think possible, all means and all necessary facilities for its examination and its report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

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[1] TS 536, *ante*, vol. 1, p. 587.

Article IV

The present Treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of all the Russias.

It shall go into force immediately after the exchange of ratifications and shall last five years.

If it has not been denounced at least six months before the expiration of this period it shall be tacitly renewed for a period of twelve months after either party shall have notified the other of its intention to terminate it.

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

Done at Washington this $\frac{1 \text{ October}}{18 \text{ September,}}$ 1914.

William Jennings Bryan [seal]
G. Bakhméteff [seal]

EXPORTATION OF EMBARGOED GOODS

Protocol of agreement signed at Washington September 23, 1915
Entered into force September 23, 1915
Terminated by agreement of August 10 and 31, 1917 [1]

39 Stat. 1638; Treaty Series 618

In order to facilitate the commercial relations between the United States of America and Russia, in view of the embargo which has been placed by the Government of Russia upon the exportation of certain articles from Russia, the undersigned Robert Lansing, Secretary of State of the United States, and His Excellency George Bakhméteff, Ambassador Extraordinary and Plenipotentiary of Russia to the United States, duly authorized thereto by their respective Governments, have agreed upon the following conditions under which American citizens or firms may secure release of shipments under special permission from the Imperial Russian Government, to-wit:

1

Whenever an American merchant or firm desires to make importations from Russia he or they shall first file an application for such importation with the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce of the United States, which application shall set forth in detail information regarding the proposed importations, the commodities, the character of the goods, their quantities and values, the methods of payment, and the name of the Russian export firm, as well as any other details which may be required.

2

The American importer shall further state in the application his preparedness to file with the proper Russian official in the United States a bond to the Imperial Russian Government, to the amount of the value of the goods at the port of importation as of day prior to the date of the execution of the bond. This bond shall run for a period of at least three years or until the conclusion of the war; and the said bond shall guarantee that the commodities, raw materials, or products manufactured therefrom, which it is desired to

[1] *Post*, p. 1245.

import, shall not be exported from the United States to any country unless special permission therefor be granted by the Imperial Russian Government or its representative.

3

Upon the American importer complying with the requirements of conditions numbered one and two, the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce of the United States shall then make inquiries as to the standing and responsibility of the American importer, and as to such other details with respect to him as may be deemed to be required; and should he find that such importer is satisfactory in all respects, he shall approve the application and forward it to the Imperial Russian Embassy at Washington or to its representative.

4

Upon the said application receiving the approval of the Imperial Russian Embassy or its representative, the Imperial Russian Embassy or it representative will at once seek by cable the permission of the Imperial Russian Minister of Finance for the exportation of the goods in question, it being understood that the American importer will deposit with the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce a sum sufficient to cover all costs of cabling and incidental expenses. If permission for exportation be granted by the Imperial Russian Government, the American importer shall then submit his order to the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce for approval and the order shall be made out in such a way that the goods to be imported shall be consigned to the order of the Secretary of Commerce of the United States.

5

When permission for the exportation of the goods shall have been procured from the Imperial Russian Minister of Finance, the American importer shall execute his bond and file it with the proper Russian official in the United States for approval. Upon the receipt of this approval by the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce the consignment may be released to the American importer.

6

Should it be found that the terms of the bond have been violated and that the goods in question have been exported from the United States either in their original form or in manufactured form, except with the specific ap-

proval of the Imperial Russian Government or its representative, the bond shall be forfeited to the Imperial Russian Government.

7

The Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce shall transmit to the Imperial Russian Commercial Attaché a statement setting forth the applications which have been made for importations of Russian goods into the United States and a statement of the actual arrivals of such goods, and these statements shall be made in triplicate on the first and fifteenth of each month.

8

It is understood that in case the Imperial Russian Government does not approve an application it is not bound in any way to give an explanation of the reasons of its refusal as these might be justified by considerations of State policy.

9

It is understood that this agreement shall go into operation on September 23rd, 1915, and shall remain in force during the continuance of the embargo. If, however, American importers desire to import goods which have been purchased prior to the date above mentioned, such arrangements may be made under the usual procedure but will be subject to the special approval of the Imperial Russian Minister of Finance.

In witness whereof the undersigned have hereunto signed their names and affixed their seals.

Done at Washington this 23rd day of September, 1915.

Robert Lansing [seal]
G. Bakhméteff [seal]

EXPORTATION OF EMBARGOED GOODS

Exchange of notes at Washington August 10 and 31, 1917
Entered into force August 31, 1917

Department of State files

The Russian Ambassador to the Secretary of State

RUSSIAN EMBASSY
WASHINGTON
August 10, 1917

SIR:

I have the honor to submit the following for your consideration:

It would seem desirable to the Provisional Russian Government that certain of the arrangements which are in force between the Government of the United States and my Government should be modified and revised, as a consequence of the Government of the United States having joined the Allies in the war; particularly the Procotol of Agreement between the United States and Russia concerning the exportation of embargoed goods now in Russia to the United States, executed at Washington, September 23, 1915,[1] should be cancelled in view of the fact that the Government of the United States has taken under its control all exportations to Neutral Countries, thereby preventing the importation of these goods by the enemies of the Allied Governments.

Expressing by the present the desire of the Russian Government to cancel this agreement, I have the honor to inform you that the following rules and regulations of my Government, concerning the same matter, are supposed to be maintained in force.

1) The Russian Government requires a deposit in dollars to be made at the National City Bank of New York, for the value of the commodity to be exported from Russia. Consequently, regulations contained in the circular (copy of which I attach)[2] issued by the Bureau of Foreign & Domestic Commerce under date of August 23, 1916, should remain in effect.

[1] TS 618, *ante*, p. 1242.
[2] Not printed here.

2) It would also seem advisable to retain the applications which are made by the American importers to the Bureau of Foreign & Domestic Commerce, and which are the basis of requests for permission to export the goods from Russia. These applications would be entirely for the convenience of the American importer who could not easily communicate directly with my Government concerning the release of the desired goods. Therefore, I would suggest that a short application (according to the attached form)[2] should be made by the American importer to the Commercial Agent in charge of the Bureau of Foreign & Domestic Commerce, New York City.

It is understood that if a Russian exporter should give in Russia directly to my Government the obligation of delivery of the exchange or its difference, the necessity of filing applications with the Commercial Agent in charge at New York City, would be obviated.

Should your Excellency agree to the cancellation of the said Agreement of September 23, 1915, no bonds will be required from the American importers from the date of the cancellation of the Agreement, and all bonds which are in the possession of our Commercial Attaché will be returned to the American importers; it is understood that importers have to submit to the Bureau of Foreign & Domestic Commerce satisfactory written evidence that the goods imported under said bonds have not been exported from the United States. A Committee composed of one representative of the Department of Commerce and two representatives of the Russian Government, shall decide whether the evidence submitted by the American importer is satisfactory, and shall determine whether the bond is to be returned for cancellation or to be forfeited.

An answer of your Excellency stating the acquiescence of the Government of the United States to the terms of the present communication will be deemed as the cancellation of the agreement in question.

Accept, Sir, the assurances of my highest consideration,

G. Bakhméteff

The Honorable
The Secretary of State
Washington, D.C.

The Secretary of State to the Russian Ambassador

August 31, 1917

Excellency:

I have the honor to acknowledge the receipt of your note of August 10, 1917, indicating the desirability of the cancellation of the Protocol of Agreement between the United States and Russia concerning the exportation

of embargoed goods in Russia to the United States, executed at Washington, September 23, 1915, in view of the control now exercised by the Government of the United States over exportations to neutral countries and indicating the procedure to be followed with reference to future applications for permission to export embargoed goods from Russia and for the cancellation of outstanding bonds given by American importers upon proof that the goods imported under said bonds have not been exported from the United States.

The Government of the United States hereby acquiesces in the cancellation of the Protocol of Agreement of September 23, 1915, and the procedure with reference to future applications as indicated in your note, it being understood that bonds will not be required of American importers of Russian embargoed goods from this date, and that the procedure referred to in your Excellency's note will be instituted for the cancellation of outstanding bonds and that this note taken together with your Excellency's note under acknowledgement will be deemed a cancellation of the Protocol of Agreement in question.

It is suggested that the agent of the Department of Commerce in charge of the New York branch of the Bureau of Foreign and Domestic Commerce be the representative of the Department of Commerce upon the committee to deal with the cancellation of outstanding bonds and copies of Your Excellency's note of August 10 and this note are being forwarded to the Secretary of Commerce for the information of that Department.

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

ROBERT LANSING

His Excellency
Mr. BORIS BAKHMETEFF
Ambassador of Russia

GENERAL RELATIONS

Exchanges of notes at Washington November 16, 1933, between the President of the United States and the People's Commissar for Foreign Affairs
Entered into force November 16, 1933

1933 For. Rel. (II) 805; Department of State publication 528

THE WHITE HOUSE
WASHINGTON, *November 16, 1933*

MY DEAR MR. LITVINOV:

I am very happy to inform you that as a result of our conversations the Government of the United States has decided to establish normal diplomatic relations with the Government of the Union of Soviet Socialist Republics and to exchange ambassadors.

I trust that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT

Mr. MAXIM M. LITVINOV
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

WASHINGTON, *November 16, 1933*

MY DEAR MR. PRESIDENT:

I am very happy to inform you that the Government of the Union of Soviet Socialist Republics is glad to establish normal diplomatic relations with the Government of the United States and to exchange ambassadors.

I, too, share the hope that the relations now established between our peoples may forever remain normal and friendly, and that our nations hence-

forth may cooperate for their mutual benefit and for the preservation of the peace of the world.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

MR. FRANKLIN D. ROOSEVELT
President of the United States of America
The White House

WASHINGTON, *November 16, 1933*

MY DEAR MR. PRESIDENT:

I have the honor to inform you that coincident with the establishment of diplomatic relations between our two Governments it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

2. To refrain, and to restrain all persons in government service and all organizations of the Government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquility, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which makes claim to be the Government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any orga-

nization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

Mr. FRANKLIN D. ROOSEVELT
President of the United States of America
The White House

THE WHITE HOUSE
Washington, November 16, 1933

MY DEAR MR. LITVINOV:

I am glad to have received the assurance expressed in your note to me of this date that it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

[For terms of policy, see numbered paragraphs in Soviet note, above.]

It will be the fixed policy of the Executive of the United States within the limits of the powers conferred by the Constitution and the laws of the United States to adhere reciprocally to the engagements above expressed.

I am, my dear Mr. Litvinov,
Very sincerely yours,

FRANKLIN D. ROOSEVELT

Mr. MAXIM M. LITVINOV
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

THE WHITE HOUSE
WASHINGTON, *November 16, 1933*

MY DEAR MR. LITVINOV:

As I have told you in our recent conversations, it is my expectation that after the establishment of normal relations between our two countries many Americans will wish to reside temporarily or permanently within the territory of the Union of Soviet Socialist Republics, and I am deeply concerned that they should enjoy in all respects the same freedom of conscience and religious liberty which they enjoy at home.

As you well know, the Government of the United States, since the foundation of the Republic, has always striven to protect its nationals, at home and abroad, in the free exercise of liberty of conscience and religious worship, and from all disability or persecution on account of their religious faith or worship. And I need scarcely point out that the rights enumerated below are those enjoyed in the United States by all citizens and foreign nationals and by American nationals in all the major countries of the world.

The Government of the United States, therefore, will expect that nationals of the United States of America within the territory of the Union of Soviet Socialist Republics will be allowed to conduct without annoyance or molestation of any kind religious services and rites of a ceremonial nature, including baptismal, confirmation, communion, marriage and burial rites, in the English language, or in any other language which is customarily used in the practice of the religious faith to which they belong, in churches, houses, or other buildings appropriate for such service, which they will be given the right and opportunity to lease, erect or maintain in convenient situations.

We will expect that nationals of the United States will have the right to collect from their co-religionists and to receive from abroad voluntary offerings for religious purposes; that they will be entitled without restriction to impart religious instruction to their children, either singly or in groups, or to have such instruction imparted by persons whom they may employ for such purpose; that they will be given and protected in the right to bury their dead according to their religious customs in suitable and convenient places established for that purpose, and given the right and opportunity to lease, lay out, occupy and maintain such burial grounds subject to reasonable sanitary laws and regulations.

We will expect that religious groups or congregations composed of nationals of the United States of America in the territory of the Union of Soviet Socialist Republics will be given the right to have their spiritual needs ministered to by clergymen, priests, rabbis or other ecclesiastical functionaries who are nationals of the United States of America, and that such clergymen, priests, rabbis or other ecclesiastical functionaries will be protected from all disability or persecution and will not be denied entry into the territory of the Soviet Union because of their ecclesiastical status.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT

Mr. MAXIM M. LITVINOV
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

WASHINGTON, *November 16, 1933*

MY DEAR MR. PRESIDENT:

In reply to your letter of November 16, 1933, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics as a fixed policy accords the nationals of the United States within the territory of the Union of Soviet Socialist Republics the following rights referred to by you:

1. The right to "free exercise of liberty of conscience and religious worship" and protection "from all disability or persecution on account of their religious faith or worship".

This right is supported by the following laws and regulations existing in the various republics of the Union:

> Every person may profess any religion or none. All restrictions of rights connected with the profession of any belief whatsoever, or with the non-profession of any belief, are annulled. (Decree of Jan. 23, 1918, art. 3.)
>
> Within the confines of the Soviet Union it is prohibited to issue any local laws or regulations restricting or limiting freedom of conscience, or establishing privileges or preferential rights of any kind based upon the religious profession of any person. (Decree of Jan. 23, 1918, art. 2.)

2. The right to "conduct without annoyance or molestation of any kind religious services and rites of a ceremonial nature".

This right is supported by the following laws:

> A free performance of religious rites is guaranteed as long as it does not interfere with public order and is not accompanied by interference with the rights of citizens of the Soviet Union. Local authorities possess the right in such cases to adopt all necessary measures to preserve public order and safety. (Decree of Jan. 23, 1918, art. 5.)
>
> Interference with the performance of religious rites, in so far as they do not endanger public order and are not accompanied by infringements on the rights of others is punishable by compulsory labour for a period up to six months. (Criminal Code, art. 127.)

3. "The right and opportunity to lease, erect or maintain in convenient situations" churches, houses or other buildings appropriate for religious purposes.

This right is supported by the following laws and regulations:

> Believers belonging to a religious society with the object of making provision for their requirements in the matter of religion may lease under contract, free of charge, from the Sub-District or District Executive Committee or from the Town Soviet, special buildings for the purpose of worship and objects intended exclusively for the purposes of their cult. (Decree of April 8, 1929, art. 10.)
>
> Furthermore, believers who have formed a religious society or a group of believers may use for religious meetings other buildings which have

been placed at their disposal on lease by private persons or by local Soviets and Executive Committees. All rules established for houses of worship are applicable to these buildings. Contracts for the use of such buildings shall be concluded by individual believers who will be held responsible for their execution. In addition, these buildings must comply with the sanitary and technical building regulations. (Decree of April 8, 1929, art. 10.)

The place of worship and religious property shall be handed over for the use of believers forming a religious society under a contract concluded in the name of the competent District Executive Committee or Town Soviet by the competent administrative department or branch, or directly by the Sub-District Executive Committee. (Decree of April 8, 1929, art. 15.)

The construction of new places of worship may take place at the desire of religious societies provided that the usual technical building regulations and the special regulations laid down by the People's Commissariat for Internal Affairs are observed. (Decree of April 8, 1929, art. 45.)

4. "The right to collect from their co-religionists . . . voluntary offerings for religious purposes."

This right is supported by the following law:

Members of groups of believers and religious societies may raise subscriptions among themselves and collect voluntary offerings, both in the place of worship itself and outside it, but only amongst the members of the religious association concerned and only for purposes connected with the upkeep of the place of worship and the religious property, for the engagement of ministers of religion and for the expenses of their executive body. Any form of forced contribution in aid of religious associations is punishable under the Criminal Code. (Decree of April 8, 1929, art. 54.)

5. Right to "impart religious instruction to their children either singly or in groups or to have such instruction imparted by persons whom they may employ for such purpose."

This right is supported by the following law:

The school is separated from the Church. Instruction in religious doctrines is not permitted in any governmental and common schools, nor in private teaching institutions where general subjects are taught. Persons may give or receive religious instruction in a private manner. (Decree of Jan. 23, 1918, art. 9.)

Furthermore, the Soviet Government is prepared to include in a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to freedom of conscience and the free exercise of religion which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. In this connection, I have the honor to call to your

attention Article 9 of the Treaty between Germany and the Union of Soviet Socialist Republics, signed at Moscow October 12, 1925,[1] which reads as follows:

> Nationals of each of the Contracting Parties . . . shall be entitled to hold religious services in churches, houses or other buildings, rented, according to the laws of the country, in their national language or in any other language which is customary in their religion. They shall be entitled to bury their dead in accordance with their religious practice in burial-grounds established and maintained by them with the approval of the competent authorities, so long as they comply with the police regulations of the other Party in respect of buildings and public health.

Furthermore, I desire to state that the rights specified in the above paragraphs will be granted to American nationals immediately upon the establishment of relations between our two countries.

Finally, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of refusing visas to Americans desiring to enter the Union of Soviet Socialist Republics on personal grounds, does not intend to base such refusals on the fact of such persons having an ecclesiastical status.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

Mr. FRANKLIN D. ROOSEVELT
President of the United States of America
The White House

WASHINGTON, *November 16, 1933*

MY DEAR MR. PRESIDENT:

Following our conversations I have the honor to inform you that the Soviet Government is prepared to include in a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to legal protection which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. Furthermore, I desire to state that such rights will be granted to American nationals immediately upon the establishment of relations between our two countries.

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[1] 53 *League of Nations Treaty Series* 7.

In this connection I have the honor to call to your attention Article 11 and the Protocol to Article 11, of the Agreement Concerning Conditions of Residence and Business and Legal Protection in General concluded between Germany and the Union of Soviet Socialist Republics on October 12, 1925.

ARTICLE 11

Each of the Contracting Parties undertakes to adopt the necessary measures to inform the consul of the other Party as soon as possible whenever a national of the country which he represents is arrested in his district.

The same procedure shall apply if a prisoner is transferred from one place of detention to another.

FINAL PROTOCOL

Ad Article 11

1. The Consul shall be notified either by a communication from the person arrested or by the authorities themselves direct. Such communications shall be made within a period not exceeding seven times twenty-four hours, and in large towns, including capitals of districts, within a period not exceeding three times twenty-four hours.

2. In places of detention of all kinds, requests made by consular representatives to visit nationals of their country under arrest, or to have them visited by their representatives, shall be granted without delay. The consular representative shall not be entitled to require officials of the courts or prisons to withdraw during his interview with the person under arrest.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

Mr. FRANKLIN D. ROOSEVELT
President of the United States of America
The White House

THE WHITE HOUSE
WASHINGTON, *November 16, 1933*

MY DEAR MR. LITVINOV:

I thank you for your letter of November 16, 1933, informing me that the Soviet Government is prepared to grant to nationals of the United States rights with reference to legal protection not less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. I have noted the provisions of the treaty and protocol concluded between Germany and the Union of Soviet Socialist Republics on October 12, 1925.

I am glad that nationals of the United States will enjoy the protection afforded by these instruments immediately upon the establishment of relations between our countries and I am fully prepared to negotiate a consular convention covering these subjects as soon as practicable. Let me add that

American diplomatic and consular officers in the Soviet Union will be zealous in guarding the rights of American nationals, particularly the right to a fair, public and speedy trial and the right to be represented by counsel of their choice. We shall expect that the nearest American diplomatic or consular officer shall be notified immediately of any arrest or detention of an American national, and that he shall promptly be afforded the opportunity to communicate and converse with such national.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT

Mr. MAXIM M. LITVINOV
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

In reply to a question of the President in regard to prosecutions for economic espionage, Mr. Litvinov gave the following explanation:

"The widespread opinion that the dissemination of economic information from the Union of Soviet Socialist Republics is allowed only in so far as this information has been published in newspapers or magazines, is erroneous. The right to obtain economic information is limited in the Union of Soviet Socialist Republics, as in other countries, only in the case of business and production secrets and in the case of the employment of forbidden methods (bribery, theft, fraud, etc.) to obtain such information. The category of business and production secrets naturally includes the official economic plans, in so far as they have not been made public, but not individual reports concerning the production conditions and the general conditions of individual enterprises.

"The Union of Soviet Socialist Republics has also no reason to complicate or hinder the critical examination of its economic organization. It naturally follows from this that every one has the right to talk about economic matters or to receive information about such matters in the Union, in so far as the information for which he has asked or which has been imparted to him is not such as may not, on the basis of special regulations issued by responsible officials or by the appropriate state enterprises, be made known to outsiders. (This principle applies primarily to information concerning economic trends and tendencies.)"

WASHINGTON, *November 16, 1933*

MY DEAR MR. PRESIDENT:

Following our conversations I have the honor to inform you that the Government of the Union of Soviet Socialist Republics agrees, that, preparatory

to a final settlement of the claims and counter claims between the Governments of the Union of Soviet Socialist Republics and the United States of America and the claims of their nationals, the Government of the Union of Soviet Socialist Republics will not take any steps to enforce any decisions of courts or initiate any new litigations for the amounts admitted to be due or that may be found to be due it, as the successor of prior Governments of Russia, or otherwise, from American nationals, including corporations, companies, partnerships, or associations, and also the claim against the United States of the Russian Volunteer Fleet, now in litigation in the United States Court of Claims, and will not object to such amounts being assigned and does hereby release and assign all such amounts to the Government of the United States, the Government of the Union of Soviet Socialist Republics to be duly notified in each case of any amount realized by the Government of the United States from such release and assignment.

The Government of the Union of Soviet Socialist Republics further agrees, preparatory to the settlement referred to above not to make any claim with respect to:

(a) judgments rendered or that may be rendered by American courts in so far as they relate to property, or rights, or interests therein, in which the Union of Soviet Socialist Republics or its nationals may have had or may claim to have an interest; or,

(b) acts done or settlements made by or with the Government of the United States, or public officials in the United States, or its nationals, relating to property, credits, or obligations of any Government of Russia or nationals thereof.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

Mr. FRANKLIN D. ROOSEVELT
President of the United States of America
The White House

THE WHITE HOUSE
WASHINGTON, *November 16, 1933*

MY DEAR MR. LITVINOFF:

I am happy to acknowledge the receipt of your letter of November 16, 1933, in which you state that:

[For text of Soviet note, see above.]

I am glad to have these undertakings by your Government and I shall be pleased to notify your Government in each case of any amount realized by the Government of the United States from the release and assignment to it of the amounts admitted to be due, or that may be found to be due, the Government of the Union of Soviet Socialist Republics, and of the amount that may be found to be due on the claim of the Russian Volunteer Fleet.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT

Mr. MAXIM M. LITVINOV
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

WASHINGTON, *November 16, 1933*

MY DEAR MR. PRESIDENT:

I have the honor to inform you that, following our conversations and following my examination of certain documents of the years 1918 to 1921 relating to the attitude of the American Government toward the expedition into Siberia, the operations there of foreign military forces and the inviolability of the territory of the Union of Soviet Socialist Republics, the Government of the Union of Soviet Socialist Republics agrees that it will waive any and all claims of whatsoever character arising out of activities of military forces of the United States in Siberia, or assistance to military forces in Siberia subsequent to January 1, 1918, and that such claims shall be regarded as finally settled and disposed of by this agreement.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Union of Soviet Socialist Republics

Mr. FRANKLIN D. ROOSEVELT
President of the United States of America
The White House

COMMERCIAL RELATIONS

Exchange of notes at Moscow July 13, 1935, with related notes of July 11 and 15, 1935
Entered into force July 13, 1935
Extended by agreement of July 11, 1936 [1]
Expired July 13, 1937

49 Stat. 3805; Executive Agreement Series 81

The American Ambassador to the People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MOSCOW, *July 13, 1935*

EXCELLENCY:

I have the honor to refer to recent conversations in regard to commerce between the United States of America and the Union of Soviet Socialist Republics and to the trade agreements program of the United States of America, and to confirm and to make of record by this note the following agreement which has been reached between the Governments of our respective countries:

1. The duties proclaimed by the President of the United States of America pursuant to trade agreements entered into with foreign governments or instrumentalities thereof under the authority of the Act entitled, "An Act to Amend the Tariff Act of 1930", approved June 12, 1934,[2] shall be applied to articles the growth, produce, or manufacture of the Union of Soviet Socialist Republics as long as this Agreement remains in force. It is understood that nothing in this Agreement shall be construed to require the application to articles the growth, produce, or manufacture of the Union of Soviet Socialist Republics of duties or exemptions from duties proclaimed pursuant to any trade agreement between the United States of America and the Republic of Cuba, which has been or may hereafter be concluded.

2. On its part, the Government of the Union of Soviet Socialist Republics will take steps to increase substantially the amount of purchases in the United

[1] EAS 96, *post*, p. 1268.
[2] 48 Stat. 943.

States of America for export to the Union of Soviet Socialist Republics of articles the growth, produce, or manufacture of the United States of America.

3. This Agreement shall come into force on the date of signature thereof. It shall continue in effect for 12 months. Both parties agree that not less than 30 days prior to the expiration of the aforesaid period of 12 months, they shall start negotiations regarding the extension of the period during which the present Agreement shall continue in force.

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

WILLIAM C. BULLITT

His Excellency
MAXIM M. LITVINOV
People's Commissar for Foreign Affairs
Moscow

The People's Commissar for Foreign Affairs to the American Ambassador

MOSCOW, *July "13", 1935*

MR. AMBASSADOR,

I have the honour to refer to recent conversations in regard to commerce between the Union of Soviet Socialist Republics and the United States of America and to the trade agreements program of the United States of America, and to confirm and to make of record by this note the following agreement which has been reached between the Governments of our respective countries:

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

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

MAXIM LITVINOFF

Mr. WILLIAM C. BULLITT
Ambassador of the United States of America
Moscow

The American Ambassador to the People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MOSCOW, *July 11, 1935*

EXCELLENCY:

I have the honor to refer to our recent conversations in regard to commerce between the United States of America and the Union of Soviet Socialist Republics and to ask you to let me know the value of articles the growth,

produce, or manufacture of the United States of America which the Government of the Union of Soviet Socialist Republics intends to purchase in the United States of America during the next twelve months for export to the Union of Soviet Socialist Republics.

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

WILLIAM C. BULLITT

His Excellency
MAXIM M. LITINOV
People's Commissar for Foreign Affairs
Moscow

The People's Commissar for Foreign Affairs to the American Ambassador

MOSCOW, *July "15", 1935*

MR. AMBASSADOR,

In reply to your inquiry regarding the intended purchases by the Union of Soviet Socialist Republics in the United States of America within the next twelve months, I have the honour to bring to your knowledge that according to information received from the People's Commissariat for Foreign Trade it is intended to purchase in the United States of America during the above mentioned period American goods to the value of thirty million dollars.

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

MAXIM LITVINOFF

Mr. WILLIAM C. BULLITT
Ambassador of the United States of America
Moscow

EXECUTION OF LETTERS ROGATORY

Exchange of notes at Moscow November 22, 1935; related note of January 19, 1937

Entered into force November 22, 1935

49 Stat. 3840; Executive Agreement Series 83

EXCHANGE OF NOTES

The American Ambassador to the People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MOSCOW, *November 22, 1935*

EXCELLENCY:

Confirming conversations between the American Embassy in Moscow and the People's Commissariat for Foreign Affairs with regard to the desirability of setting forth the procedure followed in our respective countries in the matter of the execution of letters rogatory issuing out of courts in the other, I have the honor to inform you of the conditions under which and the manner in which courts in the United States may execute letters rogatory issuing out of courts in the Union of Soviet Socialist Republics.

(1) Letters rogatory issuing out of courts in foreign countries are executed in the United States in accordance with the pertinent provisions of the laws of the United States, or of the State or Territory thereof in which resides the person whose testimony is desired, and in compliance with the rules of the executing court. The Government of the United States is, accordingly, not in a position to set forth with precision what may be the requirements of a particular court in the United States at a given time in respect of the execution of letters rogatory issuing out of a court in a foreign country. There are appended, however, copies of the texts of federal statutory provisions now in force which relate to the taking of testimony under commissions or letters rogatory addressed by foreign courts to federal courts of the United States.

It is understood that it is the practice of American courts of appropriate jurisdiction to execute letters rogatory issuing out of foreign courts, if properly prepared and presented, and that no difficulty is likely to be encountered by Soviet courts in obtaining the execution of letters rogatory by American

courts. However, should a Soviet court encounter such difficulty, my Government would, it is understood, upon its attention being drawn thereto through the diplomatic channel, consider what steps it might appropriately take with a view to eliminating the difficulty.

(2) With respect to the question of the manner of transmittal of letters rogatory issuing out of courts in the Union of Soviet Socialist Republics and addressed to courts in the United States, I have the honor to say that neither the Department of State nor any other part of the Executive Branch of the Government of the United States makes a practice of acting as a channel for the transmittal of letters rogatory issuing out of courts in foreign countries and addressed to courts in the United States. In some States of the United States, laws have been enacted requiring letters rogatory to be presented to the State court by the appropriate consular officer of the country in which the testimony is to be used. As my Government is of the opinion that this practice should be generally followed with respect to both Federal and State courts, letters rogatory issuing out of a court in the Soviet Union for execution in the United States should be presented to the court to which they are addressed by the consular officer of the Union of Soviet Socialist Republics in the United States within whose consular district the court in question is located.

(3) While my Government is not, as has been stated above, in a position to set forth with precision what the requirements of a particular court in the United States may be at a given time in respect of the execution of letters rogatory issuing out of a court in a foreign country, my Government desires me to suggest the following points which courts in the Union of Soviet Socialist Republics may find it advantageous to observe in preparing letters rogatory for execution in the United States:

(a) The letters rogatory should be addressed by name to the court in the United States which is to execute them, if that is known; or they may be addressed "To any court of competent jurisdiction in the United States".

(b) Requests for the execution of letters rogatory should specify the name of the court out of which they issue, as well as the names of the parties to the action in which the testimony called for by the letters rogatory is desired.

(c) Requests for the execution of letters rogatory should be accompanied by English translations thereof and of accompanying documents such as exhibits and any instructions to the executing court.

With respect to the service of documents on Soviet nationals in the United States in connection with cases pending in courts in the Soviet Union, my Government has informed me that, while it cannot undertake to obligate courts or officials in the United States, no restrictions are known to exist upon

the service of such documents without the application of coercion by Soviet diplomatic and consular officers in the United States.

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

William C. Bullitt

His Excellency
Maxim M. Litvinov
People's Commissar for Foreign Affairs
Moscow

[ENCLOSURE]

Excerpts from Title 28, United States Code

"653. * * * When letters rogatory are addressed from any court of a foreign country to any district court of the United States, a commissioner of such district court designated by said court to make the examination of the witnesses mentioned in said letters, shall have power to compel the witnesses to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts. (R. S. § 875; Feb. 27, 1887, C. 69, § 1, 19 Stat. 241)".

Testimony for use in foreign countries

"701. *Taking.* The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters. When counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one

hundred miles of the place where the witness resides or shall be served with such summons. (R. S. § 4071.)

"702. *Privilege of witness.* No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign State. (R. S. § 4072.)

"703. *Punishment of witness for contempt.* If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section 701 of this title, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States. (R. S. § 4073.)

"704. *Fees and mileage of witnesses.* Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States. (R. S. § 4074.)"

The People's Commissar for Foreign Affairs to the American Ambassador

Moscow, *November "22" 1935*

Mr. Ambassador:

Confirming conversations between the People's Commissariat for Foreign Affairs and the American Embassy in Moscow with regard to the desirability of setting forth the procedure followed in our respective countries in the matter of the execution of letters rogatory issuing out of the courts in the other, I have the honor to inform you of the procedure according to which the courts of the Union of Soviet Socialist Republics will accept for execution letters rogatory of courts in the United States of America.

1. Letters rogatory issuing out of courts in the United States for execution in the Union of Soviet Socialist Republics should be delivered through the diplomatic channel, i.e., through the American Embassy in Moscow and the People's Commissariat for Foreign Affairs, to the appropriate court in the Union of Soviet Socialist Republics and, when executed, they will be returned through the same channel.

2. Letters rogatory issued out of a court in the United States forwarded for execution in the Union of Soviet Socialist Republics should be addressed to the Supreme Court of that constituent republic which is competent to execute such letters rogatory. In case the exact title of the Soviet court is unknown to the court which issues the letters rogatory, the letters rogatory may

be addressed "to the competent court of the Union of Soviet Socialist Republics".

3. Requests of courts in the United States for the execution of letters rogatory addressed to courts in the Union of Soviet Socialist Republics should specify the name of the court out of which they issue, as well as the names of the parties to the action in which the testimony called for by the letters rogatory is desired.

4. Requests for the execution of letters rogatory should be accompanied by Russian translations of all the basic documents, such as the interrogatories themselves and any accompanying instructions to the executing court. It will be sufficient in the case of documents of secondary importance to forward short summaries of their contents in the Russian language.

5. Depending upon the nature of the letters rogatory, a fee varying from five to ten dollars ($5 to $10) will be charged for the execution of letters rogatory issued out of courts in the United States. In addition to this fee, remuneration for the services of experts as well as for the travelling expenses and expenditure of time by witnesses may be requested in individual cases, such remuneration to be based on rates current at the time as fixed by law or regulation then existing. Payment of fees and other possible expenses of the nature referred to above will be effected in dollars by the American Embassy at Moscow upon receipt from the People's Commissariat for Foreign Affairs of the executed letters rogatory and an appropriate statement setting forth the amount due, and the fees and services covered thereby.

6. The court in the Union of Soviet Socialist Republics by which the letters rogatory are executed shall give effect to them in accordance with the procedural rules obtaining in the Union of Soviet Socialist Republics.

7. The court issuing the letters rogatory shall, if it so desires, be informed of the date and place where the proceedings will take place, in order that the interested parties or their legal representatives may, if they desire, be present.

8. The execution of letters rogatory issuing out of a court in the United States may be refused in whole or in part, if the appropriate authorities in the Union of Soviet Socialist Republics consider that the execution thereof would affect its sovereignty or safety. In returning letters rogatory unexecuted in whole or in part, the authorities refusing such execution shall affix under seal to the letters rogatory a written statement of the reasons for such refusal.

9. Any difficulties which may arise in connection with a request by a court in the United States for the execution of letters rogatory in the Union of Soviet Socialist Republics shall be settled through the diplomatic channel.

While letters rogatory must be transmitted through the diplomatic channel, American diplomatic and consular institutions may, in connection with cases pending in the United States courts, serve juridical documents on American

nationals within the Union of Soviet Socialist Republics, without the application of coercion.

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

M. LITVINOFF

Mr. WILLIAM C. BULLITT
Ambassador of the
United States of America
Moscow

RELATED NOTE

The Vice Director of the Legal Division of the People's Commissariat for Foreign Affairs to the American Chargé d'Affaires ad interim

COMMISSARIAT DU PEUPLE
POUR LES AFFAIRES ETRANGERES

Moscow, *January 19, 1937*

DEAR MR. HENDERSON,

Confirming our recent conversation I have the honor to inform you that in view of legislation now in force in the Union of Soviet Socialist Republics the payment of fees and other possible expenses to be charged for the execution of letters rogatory in accordance with the note of the Soviet Government of November 22, 1935, should be effected in Soviet currency, the amounts to be paid in rubles to form the equivalent of the fees expressed in dollars in the above-mentioned note.

Sincerely yours,

M. PLOTKIN

Mr. LOY W. HENDERSON
Chargé d'Affaires ad interim
of the United States of America
Moscow, U.S.S.R.

COMMERCIAL RELATIONS

Exchange of notes at Moscow July 11, 1936, with related notes of July 9 and 13, 1936, extending agreement of July 13, 1935
Entered into force July 11, 1936
Expired July 13, 1937

50 Stat. 1433; Executive Agreement Series 96

The American Chargé d'Affaires ad interim to the Assistant People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MOSCOW, *July 11, 1936*

EXCELLENCY:

In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the United States of America and the Union of Soviet Socialist Republics recorded in the exchange of notes between the American Ambassador and the People's Commissar for Foreign Affairs on July 13, 1935,[1] shall continue in force for another year, that is, until July 13, 1937.

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

LOY W. HENDERSON
Chargé d'Affaires ad interim
of the United States of America

His Excellency
N. N. KRESTINSKI
Assistant People's Commissar for Foreign Affairs
Moscow

[1] EAS 81, *ante*, p. 1259.

The Assistant People's Commissar for Foreign Affairs to the American Chargé d'Affaires ad interim

Moscow, *July 11, 1936*

MR. CHARGÉ D'AFFAIRES:

In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the Union of Soviet Socialist Republics and the United States of America recorded in the exchange of notes between the People's Commissar for Foreign Affairs and the American Ambassador on July 13, 1935, shall continue in force for another year, that is, until July 13, 1937.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

N. KRESTINSKI
Assistant People's Commissar for Foreign Affairs

MR. LOY W. HENDERSON
Chargé d'Affaires ad interim of the United States of America
Moscow

The American Chargé d'Affaires ad interim to the Assistant People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Moscow, *July 9, 1936*

EXCELLENCY:

I have the honor to refer to our recent conversations in regard to the prolongation of the agreement of July 13, 1935, concerning commercial relations between the United States of America and the Union of Soviet Socialist Republics and to ask you to let me know the value of articles the growth, produce, or manufacture of the United States of America which the Government of the Union of Soviet Socialist Republics intends to purchase in the United States of America during the next twelve months for export to the Union of Soviet Socialist Republics.

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

Loy W. Henderson
Chargé d'Affaires ad interim
of the United States of America

His Excellency
N. N. Krestinski
Assistant People's Commissar for Foreign Affairs
Moscow

The Assistant People's Commissar for Foreign Affairs to the American Chargé d'Affaires ad interim

Moscow, *July 13, 1936*

Mr. Chargé d'Affaires:

In reply to your inquiry regarding the intended purchases by the Union of Soviet Socialist Republics in the United States of America in the course of the next twelve months, I have the honor to inform you that, according to information received by me from the People's Commissariat for Foreign Trade, the economic organizations of the Union of Soviet Socialist Republics intend to buy in the United States of America in the course of the next twelve months American goods in the amount of at least thirty million dollars.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

N. Krestinski
Assistant People's Commissar
for Foreign Affairs

Mr. Loy W. Henderson
Chargé d'Affaires ad interim
of the United States of America
Moscow

COMMERCIAL RELATIONS

Exchange of notes at Moscow August 4, 1937; related exchanges of notes

Proclaimed by the President of the United States August 6, 1937

Approved by the Union of Soviet Socialist Republics August 6, 1937

Entered into force August 6, 1937

Extended by agreement of August 5, 1938; [1] *August 2, 1939;* [3] *August 6, 1940;* [3] *August 2, 1941;* [4] *and July 31, 1942* [5]

Expired August 6, 1943

50 Stat. 1619; Executive Agreement Series 105

Exchange of Notes

The American Ambassador to the People's Commissar for Foreign Affairs

Moscow, *August 4, 1937*

Excellency:

With reference to recent conversations which have taken place in regard to commerce between the United States of America and the Union of Soviet Socialist Republics, I have the honor to confirm and to make of record by this note the following agreement which has been reached between the Governments of our respective countries:

One. The United States of America will grant to the Union of Soviet Socialist Republics unconditional and unrestricted most-favored-nation treatment in all matters concerning customs duties and charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

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[1] EAS 132; not printed here.
[3] EAS 151; not printed here.
[3] EAS 179; not printed here.
[4] EAS 215; not printed here.
[5] EAS 265; not printed here.

308-582—73——82

Accordingly, natural or manufactured products having their origin in the Union of Soviet Socialist Republics shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of the United States of America and consigned to the territory of the Union of Soviet Socialist Republics shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes, or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of the Union of Soviet Socialist Republics.

It is understood that so long as and in so far as existing law of the United States of America may otherwise require, the foregoing provisions, in so far as they would otherwise relate to duties, taxes or charges on coal, coke manufactured therefrom, or coal or coke briquettes, shall not apply to such products imported into the United States of America. If the law of the United States of America shall not permit the complete operation of the foregoing provisions with respect to the above-mentioned products, the Union of Soviet Socialist Republics reserves the right within fifteen days after January 1, 1938, to terminate this agreement in its entirety on thirty days' written notice.

It is understood, furthermore, that the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this agreement.

Nothing in this agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as the Government of the United States of America may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional cases, all other military supplies. It is understood that any action which may be taken by the President of the United States of America under the authority of Section 2 (b) of the Neutrality Act of 1937 [6] in regard to the

[6] 50 Stat. 122.

passage of title to goods shall not be considered as contravening any of the provisions of this agreement relating to the exportation of natural or manufactured products from the territory of the United States of America.

Subject to the requirement that no arbitrary discrimination shall be effected by the United States of America against importations from the Union of Soviet Socialist Republics and in favor of those from any third country, the foregoing provisions shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds, (2) designed to protect human, animal, or plant life, (3) relating to prison-made goods, or (4) relating to the enforcement of police or revenue laws.

Two. On its part the Government of the Union of Soviet Socialist Republics will take steps to increase substantially the amount of purchases in the United States of America for export to the Union of Soviet Socialist Republics of articles the growth, produce, or manufacture of the United States of America.

Three. This agreement shall come into force on the day of proclamation thereof by the President of the United States of America and of approval thereof by the Soviet of People's Commissars of the Union of Soviet Socialist Republics, which proclamation and approval shall take place on the same day. It shall continue in effect for twelve months. Both parties agree that not less than thirty days prior to the expiration of the aforesaid period of twelve months they shall start negotiations regarding the extension of the period during which the present agreement shall continue in force.

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

JOSEPH E. DAVIES
Ambassador Extraordinary and Plenipotentiary
of the United States of America

His Excellency
MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Moscow

The People's Commissar for Foreign Affairs to the American Ambassador

Moscow, *August 4, 1937*

MR. AMBASSADOR:

With reference to recent conversations which have taken place in regard to commerce between the Union of Soviet Socialist Republics and the United States of America, I have the honor to confirm and to make of record by this note the following agreement which has been reached between the Governments of our respective countries:

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

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

M. LITVINOFF

Mr. JOSEPH E. DAVIES
Ambassador of the United States of America
Moscow

RELATED EXCHANGES OF NOTES [7]

The American Ambassador to the People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERCA
MOSCOW, *August 2, 1937*

EXCELLENCY:

I have the honor to refer to our recent conversations in regard to the commerce between the United States of America and the Union of Soviet Socialist Republics and to ask you to let me know the value of articles, the growth, produce, or manufacture of the United States of America which the Government of the Union of Soviet Socialist Republics intends to purchase in the United States of America during the next twelve months for export to the Union of Soviet Socialist Republics.

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

JOSEPH E. DAVIES
Ambassador of the United States of America

His Excellency
MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Moscow

The People's Commissar for Foreign Affairs to the American Ambassador

MOSCOW, *August "5", 1937*

MR. AMBASSADOR:

In reply to your inquiry regarding the intended purchases by the Union of Soviet Socialist Republics in the United States of America in the course of the next twelve months, I have the honour to inform you that, according to information received by me from the People's Commissariat for Foreign

[7] Similar notes were exchanged at the time of the extensions of Aug. 5, 1938 (EAS 132), Aug. 2, 1939 (EAS 151), and Aug. 6, 1940 (EAS 179). In each case the Soviet Union expressed an intention to buy at least $40,000,000 worth of American goods in the next 12 months and not to export to the United States more than 400,000 tons of Soviet coal.

Trade, the economic organizations of the Union of Soviet Socialist Republics intend to buy in the United States of America in the course of the next twelve months American goods to the amount of at least forty million dollars.

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

M. LITVINOFF

Mr. JOSEPH E. DAVIES
Ambassador of the United States of America
Moscow

The American Ambassador to the People's Commissar for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MOSCOW, *August 4, 1937*

EXCELLENCY:

With reference to the agreement concerning commerce between the United States of America and the Union of Soviet Socialist Republics which has been signed today, I have the honor to state that the Embassy has been informed that in view of the wording of Section 1 of the agreement, the authorities of the Treasury Department of the United States will hold that coal of all sizes, grades, and classifications (except culm and duff), coke manufactured therefrom, and coal or coke briquettes, imported from the Union of Soviet Socialist Republics will be exempt from the excise tax provided in Section 601 (c) (5) of the Revenue Act of 1932, as amended,[8] subject, however, to possible adverse action by the courts.

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

JOSEPH E. DAVIES
Ambassador of the United States of America

His Excellency
MAXIM LITVINOFF
People's Commissar for Foreign Affairs
Moscow

The People's Commissar for Foreign Affairs to the American Ambassador

MOSCOW, *August 4, 1937*

DEAR MR. AMBASSADOR:

In reply to your inquiry regarding the intended exports of Soviet coal to the United States during the ensuing twelve months, I may state that, accord-

[8] 47 Stat. 260, 50 Stat. 358.

ing to information received by me from the People's Commissariat for Foreign Trade, the economic organizations of the Union of Soviet Socialist Republics will not in any case export to the United States during the year beginning August 6, 1937, more than 400,000 tons of Soviet coal.

Sincerely yours,

M. LITVINOFF

Mr. JOSEPH S. DAVIES
Ambassador of the United States of America
Moscow

VISITS TO SIBERIA BY AMERICAN ESKIMOS

Soviet memorandum dated at Washington February 7, 1938; exchange of notes at Washington March 26 and April 18, 1938
Entered into force April 18, 1938
Terminated May 29, 1948 [1]

Department of State files

The Soviet Embassy to the Department of State

MEMORANDUM

According to information at the disposal of this Embassy every year during the summer months various settlements of the Chukotsk National Region of the U.S.S.R. (Wellen, Dezhnev, Chaplino, Naukan and others) are visited by American Eskimos in groups of 25 to 35 men who come by motorboat from St. Lawrence Island and Little Diomede Island, territories of the United States, with the purpose of meeting their relatives, citizens of the U.S.S.R.

In addition to gifts for their relatives the visitors bring for sale seal and walrus skins, sable furs, raw hides and other products of their craft. They exchange these products in Soviet trading posts for different consumer goods (flour, sugar, tobacco, underclothing, etc.). For instance, American Eskimos who came from Little Diomede Island to Cape Dezhnev in the summer of 1937 sold their furs and raw skins for the sum of 2300 rubles and acquired consumer goods to approximately the same amount.

In view of the foregoing and taking into consideration the fact that until the present time the arrivals of American Eskimos on Soviet territory have not been legalized by due procedure, the Government of the U.S.S.R. intends to introduce the following simplified procedure for temporary stay on Soviet territory of American Eskimos residing on the above-mentioned islands of the Bering Straits, territory of the United States of America, provided that these Eskimos carry certificates issued by local United States authorities which certify their nationality, occupation and place of permanent residence:

1. The entrance of American Eskimos into the territory of the U.S.S.R. shall be permitted under condition of possession of group lists or individual certificates issued by local United States authorities. These certificates (or

[1] Pursuant to notice of termination given by the U.S.S.R. May 29, 1948.

lists) shall be presented for registration at the frontier guard station nearest to the point of entrance. At places without frontier guards the registration of Eskimos arriving from the United States shall be performed by the local Soviets.

2. The registration of the certificates (or lists) shall give the American Eskimos the right of stay on Soviet territory within a definite limit not to exceed three months, as well as the right of exit after the expiration of the permit and of free movement along the coast of the Chukotsk Peninsula and on the adjacent Soviet islands.

3. The number of American Eskimos arriving at different points in the Chukotsk National Region shall tentatively not exceed 100 persons during one year.

4. American Eskimos arriving on Soviet territory to visit their relatives shall be permitted to bring them as personal gifts walrus, seal and other skins and other products of their craft. These gifts shall enter in non-commercial quantities, the limits of such quantities to be fixed at the discretion of the local authorities.

Skins, furs and raw hides entering in commercial quantities shall be brought to the nearest Soviet trading station to be exchanged for different consumer goods which in these cases the trading station shall sell to the native Soviet citizens for exchange with skins and furs. The prices for this exchange of goods shall be fixed by mutual agreement of those trading.

5. The following goods shall not be permitted to be imported into the territory of the U.S.S.R.:

a) firearms of all kinds including hunting rifles in personal possession
b) narcotics
c) Soviet currency
d) printed matter
e) liquor and wines
f) objects of religious worship (with the exception of those in the personal use of the visitors)

6. The following goods shall not be permitted to be exported from the territory of the U.S.S.R.:

a) firearms including hunting rifles
b) Soviet and foreign currency (with the exception of those amounts of foreign currency which are brought by the American Eskimos and registered by them with the local authorities of the nearest settlement)
c) valuable furs (with the exception of a reasonable quantity found to be in the personal use of the visitors and received by them as gifts from their relatives, Soviet citizens. These quantities are to be established by the local authorities).

February 7, 1938

Exchange of Notes

The Secretary of State to the Soviet Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to refer to the memorandum dated February 7, left at the Department by the Ambassador, with respect to the desire of the Soviet Government to establish a certain procedure governing the visits to the Siberian mainland of American Eskimos residing on St. Lawrence Island and Little Diomede Island.

The contents of this memorandum have been brought to the attention of the competent authorities of this Government, who have expressed themselves as being in accord with the desire of the Soviet Government to regularize the temporary visits of American Eskimos to Siberia and with the procedure which has been suggested by the Ambassador with a view to achieving this end.

The Eskimos residing on St. Lawrence and Little Diomede Islands in Bering Strait are quite isolated from contact with Eskimos and whites residing on the mainland of Alaska. The only representatives of the United States Government on these two islands are teachers and a nurse employed by the Office of Indian Affairs of the Department of the Interior.

The teachers in charge of the American Indian Service schools on St. Lawrence Island and on Little Diomede Island will be instructed to prepare and to issue to such Eskimos under their jurisdiction as may wish to make temporary visits to Siberia during the summer months, group lists or individual certificates setting forth their names, occupations, and places of permanent residence. They also will be instructed to advise the Eskimos to take these documents with them when they visit Siberia and to present them to the Soviet authorities upon demand.

Department of State
Washington
March 26, 1938

The Soviet Ambassador to the Secretary of State

The Ambassador of the Union of Soviet Socialist Republics presents his compliments to the Secretary of State and has the honor to acknowledge receipt of his note dated March 26th stating that the contents of the memorandum of February 7 left at the Department by the Ambassador, with respect to the desire of the Soviet Government to establish a certain procedure governing the visits to the Siberian mainland of American Eskimos residing on St. Lawrence Island and Little Diomede Island, have been brought to the attention of the competent authorities of the United States Government.

It has been noted by the Ambassador that the United States authorities have expressed themselves as being in accord with the desire of the Soviet Government to regularize the temporary visits of the American Eskimos to Siberia and with the procedure which has been suggested by the Ambassador with a view to achieving this end.

THE AMBASSADOR OF THE
UNION OF SOVIET SOCIALIST REPUBLICS
Washington, D.C.

April 18, 1938

LEND LEASE [1]

Agreement and exchange of notes signed at Washington June 11, 1942
Entered into force June 11, 1942

56 Stat. 1500; Executive Agreement Series 253

AGREEMENT

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

And whereas the Governments of the United States of America and the Union of Soviet Socialist Republics, as signatories of the Declaration by United Nations of January 1, 1942,[2] have subscribed to a common program of purposes and principles embodied in the Joint Declaration, known as the Atlantic Charter, made on August 14, 1941 [3] by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the basic principles of which were adhered to by the Government of the Union of Soviet Socialist Republics on September 24, 1941; [4]

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941,[5] that the defense of the Union of Soviet Socialist Republics against aggression is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the Union of Soviet Socialist Republics aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of the Union of Soviet Socialist Re-

[1] See also lend-lease settlements in agreements of Oct. 15, 1945 (7 UST 2819; TIAS 3662); Sept. 27, 1949 (TIAS 2060, *post*, p. 1295); Mar. 26, 1954 (5 UST 1067; TIAS 2990); Dec. 22, 1954 (6 UST 51; TIAS 3168); May 26, 1955 (6 UST 3825; TIAS 3384); and Oct. 18, 1972 (TIAS 7478).

[2] EAS 236, *ante*, vol. 3, p. 697.

[3] EAS 236, *ante*, vol. 3, p. 686.

[4] For background, see *Department of State Bulletin*, Sept. 27, 1941, p. 233.

[5] 55 Stat. 31.

publics receives such aid and of the benefits to be received by the United States of America in return therefor should be deferred until the extent of the defense aid is known and until the progress of events makes clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and the Union of Soviet Socialist Republics and will promote the establishment and maintenance of world peace;

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

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

Article I

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

Article II

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

Article III

The Government of the Union of Soviet Socialist Republics will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act of March 11, 1941, of the Congress of the United States of America or permit the use thereof by anyone not an officer, employee, or agent of the Government of the Union of Soviet Socialist Republics.

Article IV

If, as a result of the transfer to the Government of the Union of Soviet Socialist Republics of any defense article or defense information, it becomes necessary for that Government to take any action or make any payment in order fully to protect any of the rights of a citizen of the United States of America who has patent rights in and to any such defense article or informa-

tion, the Government of the Union of Soviet Socialist Republics will take such action or make such payment when requested to do so by the President of the United States of America.

ARTICLE V

The Government of the Union of Soviet Socialist Republics will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or consumed and as shall be determined by the President to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

ARTICLE VI

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

ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Government of the Union of Soviet Socialist Republics in return for aid furnished under the Act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the Union of Soviet Socialist Republics, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom, the basic principles of which were adhered to by the Government of the Union of Soviet Socialist Republics on September 24, 1941.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic

conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded Governments.

ARTICLE VIII

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

Signed and sealed at Washington in duplicate this eleventh day of June, 1942.

For the Government of the United States of America:
CORDELL HULL [SEAL]
Secretary of State
of the United States of America

For the Government of the Union of Soviet Socialist Republics:
MAXIM LITVINOFF [SEAL]
Ambassador of the Union of Soviet
Socialist Republics at Washington

EXCHANGE OF NOTES

The Secretary of State to the Soviet Ambassador

DEPARTMENT OF STATE
WASHINGTON
June 11, 1942

EXCELLENCY:

In connection with the signature on this date of the Agreement between our two Governments on the Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression, I have the honor to confirm our understanding that this Agreement replaces and renders inoperative the two prior arrangements on the same subject between our two Governments, the most recent of which was expressed in the exchange of communications between the President and Mr. Stalin dated respectively February 13, February 20, and February 23, 1942.[6]

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

CORDELL HULL
Secretary of State
of the United States of America

His Excellency
MAXIM LITVINOFF
Ambassador of the Union
of Soviet Socialist Republics

[6] 1942 For. Rel., vol. III, p. 690.

The Soviet Ambassador to the Secretary of State

EMBASSY OF THE
UNION OF SOVIET SOCIALIST REPUBLICS
WASHINGTON, D.C.

JUNE 11, 1942

EXCELLENCY:

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

MAXIM LITVINOFF
Ambassador of the Union of Soviet Socialist Republics in Washington

His Excellency
CORDELL HULL
Secretary of State of the United States of America
Washington, D.C.

CARE AND REPATRIATION OF LIBERATED PRISONERS OF WAR AND CIVILIANS

Agreement signed at Yalta February 11, 1945
Entered into force February 11, 1945

59 Stat. 1874; Executive Agreement Series 505

AGREEMENT RELATING TO PRISONERS OF WAR AND CIVILIANS LIBERATED BY FORCES OPERATING UNDER SOVIET COMMAND AND FORCES OPERATING UNDER UNITED STATES OF AMERICA COMMAND

The Government of the United States of America on the one hand and the Government of the Union of Soviet Socialist Republics on the other hand, wishing to make arrangements for the care and repatriation of United States citizens freed by forces operating under Soviet command and for Soviet citizens freed by forces operating under United States command, have agreed as follows:—

Article 1

All Soviet citizens liberated by the forces operating under United States command and all United States citizens liberated by the forces operating under Soviet command will, without delay after their liberation, be separated from enemy prisoners of war and will be maintained separately from them in camps or points of concentration until they have been handed over to the Soviet or United States authorities, as the case may be, at places agreed upon between those authorities.

United States and Soviet military authorities will respectively take the necessary measures for protection of camps, and points of concentration from enemy bombing, artillery fire, etc.

Article 2

The contracting parties shall ensure that their military authorities shall without delay inform the competent authorities of the other party regarding citizens of the other contracting party found by them, and will at the same time take the necessary steps to implement the provisions of this agreement. Soviet and United States repatriation representatives will have the right of immediate access into the camps and points of concentration where their

citizens are located and they will have the right to appoint the internal administration and set up the internal discipline and management in accordance with the military procedure and laws of their country.

Facilities will be given for the despatch or transfer of officers of their own nationality to camps or points of concentration where liberated members of the respective forces are located and there are insufficient officers. The outside protection of and access to and from the camps or points of concentration will be established in accordance with the instructions of the military commander in whose zone they are located, and the military commander shall also appoint a commandant, who shall have the final responsibility for the overall administration and discipline of the camp or point concerned.

The removal of camps as well as the transfer from one camp to another of liberated citizens will be effected by agreement with the competent Soviet or United States authorities. The removal of camps and transfer of liberated citizens may, in exceptional circumstances, also be effected without preliminary agreement provided the competent authorities are immediately notified of such removal or transfer with a statement of the reasons. Hostile propaganda directed against the contracting parties or against any of the United Nations will not be permitted.

Article 3

The competent United States and Soviet authorities will supply liberated citizens with adequate food, clothing, housing and medical attention both in camps or at points of concentration and en route, and with transport until they are handed over to the Soviet or United States authorities at places agreed upon between those authorities. The standards of such food, clothing, housing and medical attention shall, subject to the provisions of Article 8, be fixed on a basis for privates, non-commissioned officers and officers. The basis fixed for civilians shall as far as possible be the same as that fixed for privates.

The contracting parties will not demand compensation for these or other similar services which their authorities may supply respectively to liberated citizens of the other contracting party.

Article 4

Each of the contracting parties shall be at liberty to use in agreement with the other party such of its own means of transport as may be available for the repatriation of its citizens held by the other contracting party. Similarly each of the contracting parties shall be at liberty to use in agreement with the other party its own facilities for the delivery of supplies to its citizens held by the other contracting party.

Article 5

Soviet and United States military authorities shall make such advances on behalf of their respective governments to liberated citizens of the other contracting party as the competent Soviet and United States authorities shall agree upon beforehand.

Advances made in currency of any enemy territory or in currency of their occupation authorities shall not be liable to compensation.

In the case of advances made in currency of liberated non-enemy territory, the Soviet and United States Governments will effect, each for advances made to their citizens necessary settlements with the Governments of the territory concerned, who will be informed of the amount of their currency paid out for this purpose.

Article 6

Ex-prisoners of war and civilians of each of the contracting parties may, until their repatriation, be employed in the management, maintenance and administration of the camps or billets in which they are situated. They may also be employed on a voluntary basis on other work in the vicinity of their camps in furtherance of the common war effort in accordance with agreements to be reached between the competent Soviet and United States authorities. The question of payment and conditions of labour shall be determined by agreement between these authorities. It is understood that liberated members of the respective forces will be employed in accordance with military standards and procedure and under the supervision of their own officers.

Article 7

The contracting parties shall, wherever necessary, use all practicable means to ensure the evacuation to the rear of these liberated citizens. They also undertake to use all practicable means to transport liberated citizens to places to be agreed upon where they can be handed over to the Soviet or United States authorities respectively. The handing over of these liberated citizens shall in no way be delayed or impeded by the requirements of their temporary employment.

Article 8

The contracting parties will give the fullest possible effect to the foregoing provisions of this Agreement, subject only to the limitations in detail and from time to time of operational, supply and transport conditions in the several theatres.

Article 9

This Agreement shall come into force on signature.

Done at the Crimea in duplicate and in the English and Russian languages, both being equally authentic, this eleventh day of February, 1945.

For the Government of the United States of America:

JOHN R. DEANE
Major General, U.S.A.

For the Government of the Union of Soviet Socialist Republics:

LIEUTENANT GENERAL GRYZLOV

BOUNDARY CHANGES BETWEEN UNITED STATES AND SOVIET ZONES OF OCCUPATION IN GERMANY

Agreement signed at Wanfried, Saxony, September 17, 1945
Entered into force September 17, 1945

[For text, see 5 UST 2177; TIAS 3081.]

DISPOSITION OF LEND-LEASE SUPPLIES IN INVENTORY

Agreement signed at Washington October 15, 1945
Entered into force October 15, 1945

[For text, see 7 UST 2819; TIAS 3662.]

RADIO-TELETYPE COMMUNICATION CHANNELS

Agreement signed at Moscow May 24, 1946
Entered into force May 24, 1946

60 Stat. 1696; Treaties and Other International Acts Series 1527

AGREEMENT ON THE ORGANIZATION OF COMMERCIAL RADIO TELETYPE COMMUNICATION CHANNELS BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics wishing to establish special channels of commercial radio teletypewriter communication between both countries prior to the curtailment of the present military radio teletypewriter channels have decided to conclude the following agreement and have appointed for that purpose their respective authorized representatives as follows:

For the Government of the United States of America,
Walter Bedell Smith
Ambassador Extraordinary and Plenipotentiary

For the Government of the Union of Soviet Socialist Republics,
Alexander Dmitrievich Fortushenko
Deputy Minister for Postal and Electrical Communications

The representatives, having exchanged their credentials, which were found to be in good order, have agreed as follows on behalf of their respective governments:

ARTICLE I

Commercial radio multichannel or multiplex teletypewriter communication systems between the Union of Soviet Socialist Republics and the United States of America will be established and placed into operation on a commercial basis as soon as possible in lieu of the existing military radio teletypewriter channels.

The terminals of the commercial radio teletypewriter channels in the Union of Soviet Socialist Republics will be in Moscow; the terminals of the channels in the United States of America will be in New York.

The contracting parties will provide for such leased tributary lines to such Soviet offices in the United States of America as may be desired by the Government of the Union of Soviet Socialist Republics and for such leased tributary lines to such United States Government offices in the Union of Soviet Socialist Republics as may be desired by the Government of the United States of America.

The channels will be through a radio relay station at Tangier.

With the aim of not interrupting the present radio teletypewriter circuits between the Union of Soviet Socialist Republics and the United States of America, it is agreed that transmission of traffic over these channels will continue on a military basis pending completion of the Tangier radio relay station.

These communications will be used for the transmission of Public Correspondence between the United States of America and the Union of Soviet Socialist Republics with priority of service reserved for the transmission of Governmental telegrams of the Union of Soviet Socialist Republics and of the United States of America.

Governmental telegrams of the Union of Soviet Socialist Republics and of the United States of America will normally be handled on a tape-relay basis. This communication service will further provide for the establishment of radio teletypewriter conference service between the Governmental agencies of the Government of Soviet Socialist Republics when desired. This communication service will also provide this conference service between the Governmental agencies of the Government of the United States of America when desired.

No restrictions or limitations will be imposed by either Government as to language or codes and ciphers to be used by either Government in the official transaction of their respective business, i.e. radio teletypewriter service operating on an automatic or tape-relay basis permits the use of the Russian alphabet and the use of non-uniform codes and ciphers (mixed letters and figures plus other teletypewriter characters and functions).

The operation of the circuits between Tangier and Moscow, U.S.S.R. will be operated at Tangier by the United States commercial communication companies, at Moscow by the Ministry of Postal and Electrical Communications.

The operation of the circuits between the United States and the relay station or stations in Tangier will be by the interested United States commercial communication companies—RCA, Mackay Radio and Press Wireless, Incorporated organizations.

ARTICLE II

The Government of the United States of America agrees:

A. To assist the Government of the Union of Soviet Socialist Republics in purchasing through the United States Foreign Liquidation Commission sufficient equipment to operate initially two each full-duplex single-channel radio teletypewriter channels between Moscow and each participating United States commercial company in Tangier.

B. That the newly organized commercial service will utilize in Moscow the equipment of the existing military radio teletypewriter channels which will be expanded to fulfill the terms of Article II (A) as soon as possible.

C. That by mutual agreement between the Ministry of Postal and Electrical Communications and each of the participating companies, these full-duplex single-channel installations will be replaced or augmented by multichannel or multiplex equipment.

D. That assistance will further be given to obtain such additional equipment as may be required for the Moscow terminal of these channels upon presentation of evidence of the necessity therefor to the Government of the United States through the American Embassy in Moscow.

E. After the initial establishment of the commercial radio teletypewriter channels, to assist the Government of the Union of Soviet Socialist Republics in increasing the circuit capacity to meet the load requirements of the circuit by increased speeds of operation and such other technical developments as may become commercially available.

F. To authorize the participating companies immediately to initiate such commercial agreements regarding tariffs, et cetera, as may be required.

ARTICLE III

The Government of the Union of Soviet Socialist Republics agrees:

A. To purchase through the United States Foreign Liquidation Commission such additional single-channel radio teletypewriter equipment as may be necessary to fulfill the terms of Article II.

B. To purchase through the commercial companies which manufacture multichannel or multiplex equipment such multichannel or multiplex equipment as may be required to fulfill the terms of Article II.

C. To authorize the Ministry of Postal and Electrical Communications immediately to complete such necessary negotiations with the participating United States commercial companies regarding the tariffs and operating procedures as may be required.

ARTICLE IV

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics agree:

A. That upon the completion of the first three single-channel relay installations at Tangier, to inaugurate immediately radio teletypewriter service on a commercial basis through the radio relay station or stations at Tangier, utilizing for this purpose in Moscow the equipment of the existing military radio teletypewriter channels, the transfer to commercial service to be made without loss of circuit time.

B. That the commercial and technical regulations for the operation of this communication system will be determined prior to the initial operation of the system, by mutual agreement of the United States commercial communication companies participating and the Ministry of Postal and Electrical Communications subject to such approval as may be required by the laws of the Union of Soviet Socialist Republics and the United States of America.

ARTICLE V

This Agreement will become effective immediately upon the signing thereof on behalf of the contracting parties and will remain in force until its cancellation by one of the contracting parties which must give written notice to the other party six months in advance of the date of its intention to terminate this Agreement.

This Agreement is drawn in two copies, each one in the English and Russian languages, both texts having equal force.

In witness whereof the undersigned duly authorized by their respective Governments have signed the two copies of this Agreement and affixed thereto their seals.

Done in Moscow, this 24 day of May, 1946.

For the Government of the United States of America:

WALTER BEDELL SMITH [SEAL]

For the Government of the Union of Soviet Socialist Republics:

A. FORTUSHENKO [SEAL]

LEND-LEASE SETTLEMENT: RETURN OF VESSELS

Agreement signed at Washington September 27, 1949
Entered into force September 27, 1949
Expired in December 1951 upon fulfillment of its terms

63 Stat. 2810; Treaties and Other International Acts Series 2060

AGREEMENT ON DATES AND PROCEDURES FOR RETURN OF THREE ICEBREAKERS AND TWENTY-SEVEN FRIGATES OF THE UNITED STATES NAVY RECEIVED BY THE UNION OF SOVIET SOCIALIST REPUBLICS UNDER THE LEND-LEASE ACT [1]

1. The return to United States representatives of the vessels will be accomplished by the Soviet Government using its own crews not later than December 1, 1949.

2. The vessels will be returned and transferred to United States representatives, the frigates at the port of Yokosuka, Japan and the icebreakers at the port of Bremerhaven, Germany as follows:

The Frigates in three groups of nine vessels each by November 15, 1949.

The Icebreaker *North Wind* in October; the Icebreakers *South Wind* and *West Wind* in November.

3. The vessels will be returned with their equipment, spare parts and ammunition, with the exception of that which has been consumed, destroyed or lost during the period of the war.

4. The actual transfer of the vessels will be effected by exchange of a deed of delivery and receipt for each vessel, (exhibit A attached hereto) executed in duplicate both in the English and Russian languages by the Soviet Officer delivering the vessel and by the receiving United States Officer, one copy of the deed in each language to be retained by each country.

5. Should the Soviet Government so desire, the Government of the United States will arrange for or provide the Soviet crews with hotel or barrack accommodations and victuals, consistent with their rank or rate for the period

[1] 55 Stat. 31.

308-582—73——S3

between disembarking the vessel and departing the port of delivery. Arrangements for the foregoing, including visits ashore, and for other facilities desired for sojourn of the Soviet crews will be coordinated by the Senior United States Naval Commander at the appropriate port (or his representative) upon receipt of written request from the Senior Soviet Officer present. Payment for such accommodations and victuals will be made by the Soviet Government prior to the departure of the crews.

6. The Soviet Government will make the necessary arrangements for and bear the expense of the return of its crews to the Soviet Union.

7. The Senior Officer of a group of vessels returning in company or the Commanding Officer of a vessel returning singly will make application on international frequencies to the Senior United States Naval Commander at the appropriate port, not less than twenty-four hours prior to the estimated time of arrival, for definite instructions as to pilotage, anchorage, ec.

8. The following normal procedure will constitute delivery of the ships:

(a) Vessels will proceed to designated berths, secure all but auxiliary machinery (machinery required for normal operation of the vessel while in port), and maintain watch on such machinery until relieved by United States personnel.

(b) The Soviet crew will remove personal effects and Soviet property. Boating assistance will be provided by the United States if required.

(c) United States crews will begin the reception of each vessel upon its arrival at berth, it being understood that the transfer of each vessel will be completed within three days after the arrival of the vessel at the port of transfer.

(d) The Soviet crew will parade and haul down the Soviet flag with appropriate ceremony.

(e) The deed of delivery and receipt of the vessel, equipment and stores including a statement of abandonment by the Soviet Government of any Soviet property left on board will be executed by the receiving United States Officer and the Soviet Officer delivering the vessel.

(f) The Soviet crew will depart the ship and the remainder of the United States custodial crew will come aboard.

(g) The United States flag will be hoisted.

9. No gun salutes will be fired or returned.

10. The transfers will be made in the simplest and most expeditious manner and with a minimum of ceremony.

11. A representative of the Senior United States Naval Commander at the appropriate port will call upon the Senior Soviet Officer upon arrival; otherwise all official calls will be considered as having been made and returned.

The present agreement is executed in the Russian and English languages and both texts are equally authentic.

For the Government of the United States of America:
WILLARD L. THORP

For the Government of the Union of Soviet Socialist Republics:
A. PANYUSHKIN

WASHINGTON
September 27, 1949

EXHIBIT A

DEED
OF DELIVERY AND RECEIPT

We, the undersigned authorized representatives of the Ministry of the Armed Forces of the Union of Soviet Socialist Republics, party of the first part, and of the Navy Department of the United States of America, party of the second part, respectively, hereby execute this deed to evidence the fact that the party of the first part has returned and the party of the second part has received and accepted on behalf of the Government of the United States of America the United States

_____

_____

complete with all machinery, equipment, and stores then on board, all right, title and interest in such machinery, equipment and stores being hereby expressly abandoned by the Government of the Union of Soviet Socialist Republics.

This transfer has been accomplished this _____ day of _____ _____ 1949 at _____.

The present deed is executed in the Russian and English languages and both texts are authentic.

_____
Authorized Representative of the Ministry of the Armed Forces of the Union of Soviet Socialist Republics.

_____
Authorized Representative of the Navy Department of the United States of America.

United Arab Republic[1]

COMMERCIAL AND CUSTOMS RELATIONS

Agreement signed at Cairo November 16, 1884, with text of convention between Greece and Egypt concluded March 3, 1884, and Egyptian customs regulations
Senate advice and consent to ratification March 18, 1885
Entered into force March 18, 1885
Ratified by the President of the United States May 7, 1885
Proclaimed by the President of the United States May 7, 1885
Terminated February 16, 1930[2]

24 Stat. 1004; Treaty Series 81

Agreement Between United States and Egypt

The Undersigned, N. D. Comanos, Vice-Consul-General of the United States of America in Egypt, and His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs and of Justice of the Government of His Highness the Khedive of Egypt, duly authorized by their respective Governments, have held a conference this day on the subject of a Commercial Convention to be concluded between the Egyptian Government and the Foreign Powers, and have agreed to the following:

The Government of the United States of America consents that the Regulations of the Egyptian customs applicable, in virtue of a Commercial and Customs Convention concluded on the 3rd of March, 1884, between the Hellenic Government and the Egyptian Government to the Hellenic subjects, vessels, commerce and navigation, may also be applied to the citizens of the United States, vessels, commerce and navigation.

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[1] On Sept. 2, 1971, the name of the United Arab Republic was officially changed to the Arab Republic of Egypt. See also agreements between the United States and the Ottoman Empire, *ante,* vol. 10, p. 619, OTTOMAN EMPIRE.

[2] Pursuant to notice of termination given by Egypt Feb. 14, 1929.

Every right, privilege or immunity that the Egyptian Government now grants, or that it may grant in future, to the subjects or citizens, vessels, commerce and navigation of whatsoever other foreign power, shall be granted to citizens of the United States, vessels, commerce and navigation, who shall have the right to enjoy the same.

The present agreement shall become operative immediately upon the consent of the Senate of the United States being given to the same.

In testimony whereof, the undersigned have signed the present act and have affixed their seals.

Done in Cairo, the sixteenth day of November Eighteen hundred and eighty-four.

N. D. COMANOS [SEAL]
N. NUBAR [SEAL]

CONVENTION BETWEEN GREECE AND EGYPT

[TRANSLATION]

A CONVENTION RELATIVE TO COMMERCE AND CUSTOMS

His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs of His Highness the Khedive, and Mr. Anasthasius Byzantios, Diplomatic Agent and Consul-General of Greece, having been duly authorized by their respective Governments, have agreed upon the following:

ARTICLE I

Greek commerce in Egypt and Egyptian commerce in Greece shall be treated, as regards customs duties, both when goods are imported and exported, as the commerce of the most favored nation.

ARTICLE II

No prohibitory measure shall be adopted in respect to the reciprocal import or export trade of the two countries, without being likewise extended to all other nations. It is nevertheless understood that this restriction shall not apply to such special measures as may be adopted by either country for the purpose of protecting itself against epizooty, phylloxera or any other scourge.

ARTICLE III

The Egyptian Government pledges itself, with the exceptions mentioned in article VI., hereinafter, not to prohibit the importation into Egypt of any article, the product of the soil and industry of Greece, from whatever place such article may come.

Article IV

The duties to be levied in Egypt on the productions of the soil and industry of Greece, from whatever place they may come, shall be regulated by a tariff which shall be prepared by commissioners appointed for this purpose by the two Governments.

A fixed duty of 8 per cent. ad valorem shall be taken as the basis of this tariff, the said duty to be computed on the price of the goods in the port of discharge; the Egyptian Government, however, reserves the privilege of raising the duties on distilled beverages, wines and fancy articles; but these duties shall, in no case, exceed the rate of 16 per cent. ad valorem.

The Egyptian Government likewise reserves the right to reduce the duties on articles of prime necessity that are imported into Egypt, to 5 per cent., and even to abolish them entirely.

Customs duties shall be collected without prejudice to the penalties provided, in cases of fraud and smuggling, by the regulations.

Article V

Tobacco, in all its forms, and tombac, together with salt, natron, hashish and saltpeter are excluded from the stipulations of this convention.

The Egyptian Government retains an absolute right in respect to these articles, the régime of which shall be applicable to Greek subjects on the same terms as to its own subjects.

The Egyptian Government may institute, in warehouses or dwellings, any immediate search that it may deem necessary. A duplicate of the order of search shall be sent to the Greek consular officer, who may repair to the spot at once, if he think proper, although that formality shall not delay the search.

Article VI

By way of exception to the stipulations of article III., the importation into Egypt of arms used in war (including fire-arms and side-arms) and munitions of war shall not be permitted.

The above restriction does not apply to weapons used in hunting or for ornament or amusement, nor does it apply to gunpowder used in hunting; the importation of these articles shall form the subject of special regulations to be adopted by the Egyptian Government.

Article VII

Goods imported into Egypt and re-exported within a period not exceeding six months, shall be considered as goods in transit, and shall pay, as such, only a transit duty of one per cent., computed on their value in the port of discharge. After such period of six months, they shall be subject to the full import duty.

If the re-exportation takes place from the port of discharge, after a simple transshipment, or after the goods have been discharged and kept on land, under surveillance, as provided by the customs regulations, for a period not exceeding one month, such goods shall be liable to no duty; but the transit duty shall be payable, if, after having been discharged and temporarily deposited, either in the warehouses of the custom-house, or in private warehouses, whether floating or not, the goods are re-exported, after having been the object of a commercial operation.

Article VIII

If goods, after the import duty has been levied upon them in Egypt, are sent to other countries before the expiration of the term of six months from the day of their discharge, they shall be treated as goods in transit, and the Egyptian custom-house shall return to the exporter the difference between the duty paid and the transit duty mentioned in article VII.

In order to obtain the drawback, the exporter must furnish proof that the import duty has been paid on the re-exported goods.

Article IX

The productions of the soil and industry of Egypt when sent to Greece, shall pay an export duty of one per cent. ad valorem, computed on the value of the goods in the port of exportation.

For greater facility, these productions shall, as far as possible, be periodically tariffed, by mutual agreement, by the representatives of the merchants engaged in the export trade and the Egyptian customs authorities.

Article X

Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business, not performing other duties, not engaged in commercial or manufacturing business, and not owning or controlling real estate in Egypt, shall be exempt from any examination, both when imported and exported, and likewise from the payment of duties.

Article XI

Within thirty-six hours at most after the arrival of a vessel in an Egyptian roadstead or port, the captain or the agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. In like manner, captains shall, before their departure from an Egyptian port, present at the custom-house a copy of the manifest of the goods on board of their vessels. The original manifest, either on arrival or departure, shall be presented at the same time with the copies, in order to be compared with them.

If a vessel stops in an Egyptian port for a reason that appears suspicious to the custom-house, the latter may require the presentation of the manifest, and may immediately make any search that it may deem necessary; the order of search shall, in that case, be addressed to the Greek consular officer, as provided in article V.

Any surplus or deficit that may be shown by the comparison of the manifest with the cargo shall furnish ground for the imposition of the fines provided for by the customs regulations which shall be issued by the Egyptian Government.

Article XII

Any custom-house operation in Egypt, either on arrival or departure, must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house may, moreover, in case of dispute, require the presentation of all the documents that are to accompany any shipment of goods, such as invoices, letters, etc.

Any refusal to make the declaration on arrival or departure, any delay in making the said declaration, or any excess or deficiency found to exist between the goods and the declaration shall furnish ground for the imposition of the fines provided for by the Egyptian custom-house regulations, in each of the cases specified.

Article XIII

The custom-house officers, the officers of the vessels belonging to the Egyptian postal-service, and the officers of national vessels, may board any sailing or steam vessel of less than two hundred tons' burden, be that vessel at anchor or tacking, at a distance not exceeding ten kilometers from the shore, without furnishing evidence of *vis major;* they may ascertain the nature of the cargo, seize any prohibited goods, and secure evidence of any other infraction of the customs regulations.

Article XIV

Any illicit importation of goods shall furnish ground for the confiscations and fines provided for by the Egyptian customs regulations.

Decisions ordering confiscations and fines shall be communicated, within the period fixed by law, to the Greek consular officer.

Article XV

It is understood that this convention can in no wise impair the administrative rights of the two contracting Governments, and that they may enforce any regulations calculated to promote the efficiency of the service and the repression of fraud.

Article XVI

The present convention shall be operative for seven years from the twentieth day of March, one thousand eight hundred and eighty-four.

At the expiration of that period, the present convention shall remain in force during the year following, and so on from year to year, until one of the contracting parties shall notify the other of its desire for the cessation of its effects, or until the conclusion of another convention.

Additional Article

The effect of the modifications in the present tariff which are provided for in article IV., shall be suspended until those modifications have been adopted by the other powers interested.

In testimony whereof, the undersigned have signed the present convention.

Done in duplicate at Cairo this third day of March, one thousand eight hundred and eighty-four.

N. Nubar
An. Byzantios

Egyptian Customs Regulations

[translation]

CUSTOMS REGULATIONS

Title I

general provisions

Article I

Customs Boundary

The shore of the sea, and the frontiers touching the territories of the neighboring States, shall form the customs boundary.

Article II

Zone of Surveillance

The warehousing and transportation of goods which have crossed the customs line shall be subject to the surveillance of the custom-house officers to a distance of two kilometers from the land frontier or from the sea shore, and likewise from both banks of the Suez Canal and of the lakes through which that canal passes.

Outside of these limits, the transportation of goods may take place freely; nevertheless, goods removed fraudulently, and kept in sight by agents of the

public force, may be seized even after they have been conveyed beyond the zone of surveillance.

The following goods may likewise be seized throughout the extent of the Egyptian territory: prohibited goods, those whose sale is monopolized by the State, and tobacco or tombac not accompanied by a *raftieh* for circulation in the interior.

For vessels, the zone of surveillance shall extend to a distance of ten kilometers from the shore. Caravans crossing the desert, and suspected of carrying on illicit trade, shall be subjected to examination and search by the custom-house officers.

Article III

Passage across the customs boundary

Goods cannot cross the customs boundary during the night, that is to say between the setting and rising of the sun.

Throughout the extent of the maritime coast-line, it shall be allowable to enter ports and to come near the shore during the night, in localities where there are custom-houses, but no discharge, transshipment or shipment shall be made without a special authorization, in writing, from the Collector of Customs.

Article IV

No shipment, discharge or transshipment of goods shall take place without the previous authorization of the custom-house, or when no custom-house officers are present.

Any shipment, discharge or transshipment shall take place at the points specially set apart for that purpose by the customs authorities.

Captains are forbidden to receive new goods on board of their vessels, before having fully complied with the customs formalities relative to goods brought, unless they have received, in writing, the authorization of the Collector of Customs.

The latter may permit, by way of exception, the discharge or transshipment of goods to take place in the absence of the custom-house officers.

In this case, he shall mention the fact in a note on the copy of the manifest.

Article V

Of the permit to sail, otherwise known as the Tamkin

Captains, before their departure, must present at the custom-house the manifest of the goods on board of their vessels. Not until after this requirement has been complied with shall the custom-house authorize the port authorities to issue the *tamkin*.

The custom-house shall be at liberty to cause a *tamkin* to be issued, even before the presentation of the manifest, to vessels represented by an agent in

the port of departure, provided that such agent has deposited at the custom-house a written pledge to comply with this requirement within three days.

Steam navigation companies may, with a view to enjoying this privilege, become responsible, once for all and by means of a notarial instrument, for any infractions that may be committed by captains having charge of their vessels.

Article VI

Declarations

All custom-house operations must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house shall consider the person holding the transportation company's order of delivery as the legitimate representative of the owner. (See Articles XIX. and XX.)

Article VII

Search

As soon as the declaration has been presented at the custom-house, the goods shall be examined. The custom-house shall have the right to examine all packages, but the Collector may, according to circumstances, if he think proper, exempt from examination those packages whose declared contents may not appear to him to be proper subjects for examination.

Less than one package in ten shall not be examined.

If, after one examination, and even after the payment of the duties, any further examinations are deemed necessary, the custom-house shall always have the right to order them to be held.

The packages shall be opened for examination by the superior officers of the custom-house, in presence of the interested parties; the operation shall take place either in the warehouses of the custom-house, or in its offices.

In case of suspicion of fraud, the custom-house shall, even in the absence of the interested party, proceed to open the packages, drawing up a report thereof.

Goods not warehoused, either on account of their dimensions or of their cumbersome character, may be examined outside.

Bags, letters and printed documents brought by the mails, either by land or sea, shall be exempt from examination, provided they are entered upon a regular way-bill.

On the other hand, all postal packages shall be subjected to examination; when there is no suspicion of fraud, this examination shall be merely a summary one, and shall be necessary only in the case of a certain number of packages to be designated by the Collector of Customs.

Article VIII

Duties to be collected, privilege, and security of the Treasury

Import, export and transit duties shall be collected in accordance with existing treaties and conventions.

Charges, moreover, shall be made for storage, warehousing, and porterage; for wharfage, cranes, locks, tamkins, sealing of packages, *raftiehs, keshfs,* declarations, measuring, etc., according to special regulations.

Payment of duties shall be made in cash, in gold or silver coin according to the tariff of the Government.

No goods shall be delivered until the duties to which they are liable shall have been duly paid.

Goods received at the custom-house, no matter what is their destination, shall serve as security to the customs authorities, by way of privilege, for the payment of the duties, charges and fines of all kinds, due from the person to whom the goods are addressed, on account of those goods or other arrivals.

Article IX

Exemption from Duties

The following articles shall be exempt from examination and from the payment of import and export duties:

1. Articles and personal effects belonging to His Highness the Khedive.
2. Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business.

Effects and articles belonging to religious establishments of the various religious denominations, to convents, and charitable or educational institutions, shall be exempt from import and export duties, but shall be subject to search and examination.

These establishments shall, at the beginning of each year, send to the custom-house, through their own, or some other consular officer, a list containing an approximate statement of the articles which they intend to import in the course of the year, and of the value of those articles.

The exemption shall be suspended until the following year when the total value stated in that list shall have been reached.

This exemption is an act of pure favor on the part of the Egyptian Government; it may be refused if the custom-house finds that it is abused.

The following articles shall likewise be exempt from import and export duties, but shall be subject to examination and search:

1. Effects, household furniture, books and other articles for private use, belonging to persons who come to settle for the first time in the country. These articles shall, however, bear marks of having been used, under penalty

of being subjected to the payment of the duties required by the regulations. In cases of dispute, experts shall decide.

2. Personal effects brought by travelers and intended for their use.

3. Samples, when not of a nature to be sold as merchandise.

4. Samples of the productions of the soil of Egypt whose value does not exceed one hundred piasters.

5. Specie (gold or silver).

6. Gold or silver in bars.

7. Merchandise belonging to the Departments of the Government and to private citizens, which are exempt from the payment of duties, either in virtue of special orders or of conventions.

8. Articles to be used as provisions by vessels of war belonging to friendly powers, and also provisions and munitions intended for the use of merchant vessels and their crews.

All applications for free importation or exportation must be addressed to the custom-house and the following particulars must be stated: 1. The nature of the articles. 2. Their value. 3. Their marks and numbers. 4. The name of the vessel which has imported or which is to export them.

The granting of exemption from duty shall be subordinate to the condition that the name of the party for whom the goods are intended be mentioned in the bill of lading as the consignee; if the name of a third party is mentioned as such, or if the goods are simply consigned to order, the custom-house cannot grant the exemption.

An application for exemption must be signed by the party for whom the goods are intended, or by the sender if exemption from the payment of export duties is applied for.

Article X

Goods taken from wrecked vessels

Goods from wrecked vessels shall be subjected to no duty if they are not intended for an Egyptian port, and they may be re-exported without payment of duties as soon as the formalities concerning the wreck have been complied with.

Article XI

Permits to leave the custom-house and keshfs

After the custom-house formalities have been complied with and the duties paid, a permit to leave the custom-house shall be delivered to the broker who is to remove the goods from the custom-house.

At the request of the importer, and on presentation of the receipt of the cashier of the custom-house, an accurate list, or *keshf,* of the goods on which duty has been paid, shall be delivered to the interested party.

The presentation of the *keshf* shall be indispensable for the free exportation

of goods of foreign origin, and for the establishment of the right to the restitution of the difference between the import and the transit duties, if the re-exportation takes place within six months from the date of the removal of the goods, which date will be shown by the *keshf*.

The custom-house shall deliver no *keshf* for goods of a perishable character.

A *keshf* shall be delivered but once, and in case of its loss, it cannot be replaced.

Article XII

Importation of productions of Egyptian origin and exportation of productions of foreign origin

If a production of the country, after having been exported to a foreign country, is brought back to Egypt, it shall be liable to the payment of the import duty established on foreign productions.

In like manner, if a production of foreign origin be re-exported, it shall be subject to the export duty which is established on productions of the country, unless it be accompanied by a *keshf* clearly establishing its identity and the date when the import duty on it was paid; in the latter case, it shall be exported duty-free.

If such exportation takes place within less than six months, the restitution of the difference between the import duty and the transit duty may be claimed. In either case, however, the presentation of the *keshf* shall be indispensable, as provided in article XI.

Article XIII

Removal of Goods from the Custom-House and Authorized Custom-House Brokers

Goods may be removed from the custom-house after the formalities have been complied with by the party holding an order for their delivery, issued by the captain or consignee of the vessel, or by the navigation company.

Nevertheless, professional custom-house brokers shall not be allowed to remove goods arriving for the account of third parties, unless they fulfill the following conditions:

1. No custom-house broker shall carry on his business without having been authorized to do so by the custom-house authorities.

2. An application for authorization shall be made in writing, and shall be accompanied by a certificate attesting the good character of the applicant, the said certificate to be signed by two prominent merchants of well known respectability.

3. If the certificate is deemed sufficient, the authorization shall be granted, and a card of admission shall be delivered to the applicant.

4. If the recommendation is deemed insufficient, the customs authorities may require the candidate to deposit from 2,000 to 10,000 piasters, or to

furnish security given by two merchants whose names are acceptable to the authorities.

5. The deposit or security shall guaranty to the customs authorities the payment of any fines that may be imposed upon the broker by reason of infractions of which he may be found guilty.

6. Any custom-house broker may be suspended from his functions by the Director General of custom-houses, for a determined period, according to the gravity of the offence or irregularity committed, and that without prejudice to the payment of the penalties incurred. For the first time, the penalty shall not exceed six months. It may be for one year if the offence is repeated. The interested party shall be notified, in writing, of such punitory measure, and the notice sent him shall contain a statement of the reasons for the adoption of such measure.

7. Persons permanently employed by third parties shall be liable to the same fines and penalties as professional custom-house brokers.

Title II

IMPORTATION AND TRANSPORTATION OF GOODS FROM ONE CUSTOM-HOUSE TO ANOTHER

Article XIV

Presentation of goods at Frontier Custom-Houses

Goods to be imported by land must be presented at the custom-house nearest the frontier.

If the custom-house is inside of the line, the goods must come by the usual route, without any deviation.

If the nearest custom-house cannot receive them, they shall be taken to the nearest custom-house that can receive them, but the parties having them in charge shall provide themselves, at the first custom-house, with a certificate stating that they have presented themselves there, and have subjected their goods to a summary examination.

If the nearest custom-house is not more than ten kilometers distant, the goods shall be escorted by custom-house officers.

Article XV

Manifest of Cargo

In thirty-six hours after the arrival of a vessel in an Egyptian roadstead or port, the captain or agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. The original manifest must be presented at the same time, in order that it may be compared with the copies.

The presentation of the manifest may be required, no matter what be the

reason of the vessel's putting into port, and no matter how long she may remain there.

If the vessel is from an Egyptian port, the manifest of cargo must be accompanied by the clearance from that port, unless the vessel has been exempted from procuring that document according to Article V.

If the Collector of Customs doubts the agreement of the statements made in the manifest with the cargo, the captain must give all the explanations and produce all the papers that may be deemed necessary.

The storekeeper of the custom-house, after the discharge of the goods destined for the port of arrival, shall receipt therefor on the copy of the manifest. This copy shall afterwards be delivered to the interested party.

If the entire cargo is intended for another port, the custom-house shall simply place its *visé* on the copy of the manifest.

Vessels whose cargo is intended for another port, or which arrive in ballast, shall not remain in the port of arrival, except for some reason over which they have no control, for more than three weeks. During their entire stay they shall be under the surveillance of the custom-house.

If these vessels desire to prolong their stay in the port on account of repairs, damages, adverse winds, lack of freight, etc., they shall not be allowed to do so unless by special authorization from the custom-house. Such authorization shall not be granted unless the reasons stated appear to be valid.

In default of authorization, the vessel must leave the port without delay, and before its departure it shall be subject to search by the custom-house officers.

If a vessel stops in a port for a reason that appears suspicious to the custom-house, the latter may require the immediate presentation of the manifest, and may make any search that it may think proper.

Article XVI

Manifest of Importation

In the manifest the following particulars must be stated:

The name of the vessel.

The port whence she hails and those where she has called during her voyage.

A succinct statement of the various kinds of goods of which the cargo is composed.

The number and nature of the packages.

Their marks and numbers.

The total number of packages must be repeated in full.

The manifest and the two copies must be written without corrections, erasures or alterations.

In case any of the above requirements has not been complied with, the manifest shall be returned and considered as not having been presented.

Article XVII

Discharge of Cargo

A custom-house officer shall mark on one of the copies of the manifest, in presence of the captain of the vessel or his representative, the packages and goods discharged.

Goods shall be taken to the custom-house for examination and registry.

That portion of the cargo which is to be conveyed to another destination shall remain on board, and its departure shall be legitimized when the vessel sails, by means of a permit issued by the custom-house to the captain.

The custom-house shall have the right to place guards on board of any vessel, and to take such measures as it may think proper for the prevention of any unauthorized shipment, discharge or transshipment.

If the quantity of goods or the number of packages discharged is less than the quantity or number stated in the manifest, the captain or his representative shall be required to furnish a satisfactory explanation of the discrepancy. If the missing goods or packages have not been shipped, if they have not been discharged, or if they have been discharged at a place other than that of their original destination, this must be shown by means of authentic documents establishing the fact.

If the goods or packages mentioned in the manifest are not found, and if their value is claimed by the shipper or the party to whom they were sent, the captain or his representative shall be required to furnish proof that they have paid such value.

If the explanations required by this article cannot be given within twenty-four hours, the captain or his representative shall be required to furnish security or to deposit the amount of the fine provided for in article XXXVIII.; in this case, a delay not exceeding four months may be granted to him in order to enable him to furnish such explanations.

Article XVIII

Declarations

The declaration required by article VI. shall be presented at the custom-house within eight days after the discharge of the cargo.

That time having expired, a storage duty (*ardieh*) shall be collected on the goods, in accordance with the special regulations on this subject.

The custom-house may require the exhibition of all papers that properly accompany a shipment of goods, such as invoices, insurance policy, correspondence, etc.

When the owner of any goods requests it, he may be authorized to examine

the contents of packages received for his account before preparing a declaration thereof.

After the declaration has been presented, it cannot be modified without a valid excuse, or without an authorization, in writing, from the Collector of Customs.

A permit to open packages for the purpose of examining their contents is given by the Collector of Customs, or by the Inspector in Chief, who designates the officer who is to be present at the examination.

Article XIX

Form of a Declaration

Declarations shall be made in writing according to forms printed by the custom-house.

They shall state:

1. The christian name, surname, nationality and domicile of the declarer.
2. The places where the goods are from, their origin and destination, together with the name of the vessel which has transported them, or which is to transport them.
3. The kind of goods, their number, nature, marks, and the numbers marked on the packages.
4. The value of the goods.

If the value is not known to the declarer, the custom-house shall cause the same to be estimated by its appraisers.

Article XX

Consequences of a Failure to present the Manifest or Declaration

A refusal to exhibit the manifest or other necessary papers, or any delay in so doing, shall give the custom-house the right to have the goods discharged at the expense and risk of the captain or owners, and to keep the goods in the warehouses of the custom-house.

A refusal to present the declaration, or any delay in so doing, or a refusal to withdraw the goods within the space of six months from the day on which they were placed in the custom-house, shall give the customs authorities the right to sell them, in due form, at public auction, by giving a single notice to the owner, either directly, or by means of an advertisement inserted in a newspaper published in the nearest city or town.

Perishable goods, such as liquids, fruits, etc., cannot remain in the custom-house any longer than their condition allows them to be kept. If they are not then withdrawn, the custom-house shall cause a statement to be drawn up of the failure to remove them in time, and shall sell them, without being obliged to summon the owner.

The opening and sale of abandoned packages shall take place, in case of the absence of the interested parties, in the presence of the representatives of the consular or native authorities, according to the nationality of the interested party.

If, after having been summoned, the representatives of said authorities fail to appear, a statement of such failure shall be prepared, and the goods shall be sold.

The proceeds of the sales, after customs duties, storage, fines and all other charges have been deducted, shall remain on deposit among the funds of the Customs Department and at the disposal of the owner.

If said deposit is not claimed within three years, it shall be forfeited to the Customs Department.

Until the sale has actually been consummated, the owner of the goods may withdraw them by paying the duties and all other charges, including those for auction and brokerage, if there are any.

Article XXI

Shipments of Foreign Goods from one Custom-House to another

Packages of foreign goods which are to be sent from one custom-house to another before the duties have been paid, cannot be removed until after a declaration has been made.

A detailed declaration is not necessary unless the packing of the goods is defective; such declaration may refer simply to the value of the goods if they have been properly packed.

The packages must be accompanied by an *elm-khaber;* they must, moreover, be placed under the guaranty of the seal of the custom-house. Packages whose value is less than thirty piasters, and goods which, owing to their nature, cannot be sealed, shall be exempted from sealing.

In case of transportation by rail, the shipment shall take place under the supervision of the custom-house, which shall take out the bills of lading and send them to the customs authorities of the place of destination.

The custom-house shall send the *elm-khaber* to the owner of the packages for inspection on their arrival.

If the shipment takes place by any other land conveyance, the owner shall deposit the import duties, or give security for the amount of those duties.

Goods of foreign origin, on which the duties have already been paid, and which shall be exported by sea to another Egyptian port, shall be subjected to no additional duty.

The custom-house of the port from which the goods are shipped shall simply require the consumption duties to be deposited; these shall be refunded to the interested party on presentation of a certificate from the custom-house to which the goods are sent, showing that they have arrived.

Article XXII

Discharge of the Elm-Khaber

On the arrival of the goods at the custom-house to which they have been sent, the party to whom they have been sent must, within seven days, declare their final destination, unless it is already stated in the *elm-khaber,* or he must withdraw the goods, paying the duties thereon. If the goods are allowed to remain at the custom-house after the expiration of the time above specified, they shall be liable to the ardieh duty.

On the arrival of the goods, their identity shall be verified; if they are found to be in accordance with the statements made in the *elm-khaber,* a certificate of discharge shall be delivered to the party to whom they are sent; if, on the other hand, the examination shows any differences, and if the packages bear marks of having been tampered with on the way, the certificate shall be refused, or shall be given for such part of the goods only as may be found to accord with the statements made in the *elm-khaber.* A report shall be prepared stating the condition of the goods at the time of the examination.

A certificate of discharge may be delivered for such packages as were not subjected, when shipped, to a thorough examination, but which, having been found to be well packed, were simply sealed; this may be done, when they are found, on their arrival, to be intact, and to bear no marks of any alteration.

The return of the certificate of discharge to the custom-house whence the shipment took place shall entitle the party to whom it was issued to have his deposit refunded, or his security shall be released in consequence thereof.

Article XXIII

Exportation of Egyptian Goods from one Custom-House to another

Native goods, that is to say productions of the soil or industry of Egypt, that shall be conveyed by sea to another Egyptian port, shall be subject to the following rules:

1. If these goods are to be sent to a maritime town which is subject to town-dues, and which has no custom-house, the shippers must deposit at the custom-house whence the shipment takes place a duty of eight per centum until a certificate shall have been presented showing that these productions have duly reached their destination.

2. If these goods are to be sent to a city not subject to town-dues, they must pay, when forwarded, a duty of eight per centum, which shall not be refunded.

In the former case the goods are to be accompanied by an *elm-khaber;* in the latter they are to be accompanied by a *raftieh.*

The *elm-khaber* shall be discharged on the arrival of the goods, in the manner provided in the foregoing article.

Title III

of transit

Article XXIV

Goods in Transit

Goods that are to cross the territory shall be subject, as regards the written declaration and the examination, to the rules established for the entry of foreign goods subject to custom duties, and as regards shipment or forwarding, to the rules established for the transportation of goods from one custom-house to another.

After the examination of the goods in transit, an *elm-khaber* shall be delivered to the owner or shipper on payment of the transit duty established by the treaties and conventions, and on his depositing or furnishing security for a sum equal to the amount of the difference between the transit duty and the import duty.

The custom-house shall state, in the *elm-khaber,* the time when the goods must be presented at the shipping office. This time may be fixed at ten days at least, and at six months at most, according to the distance that the goods may have to go.

Packages in transit shall be subject to sealing.

Article XXV

Discharge of the Transit Elm-Khaber

When the identity of the goods shipped in transit has been ascertained and they have been sent, the *elm-khaber* shall be visaed by the custom-house whence the goods are shipped.

The presentation at the aforesaid custom-house of the visaed *elm-khaber* shall entitle the party who has made the deposit to the return thereof, or to the release of the security furnished by him.

If, at the expiration of the time fixed by the *elm-khaber,* the discharge is not presented at the custom-house whence the goods were shipped, the latter shall be considered as having been placed in the market, and the amount of the deposit shall be forfeited to the custom-house. If any security has been furnished, the Customs Department shall hold the party who furnished it to the payment of the duty guaranteed.

In case of the loss, duly proved, of the transit *elm-khaber* after having been visaed by the custom-house whence the goods were shipped, that custom-house shall be obliged to issue a certificate to take the place of the *elm-khaber.*

In case of the total loss of the goods, duly proved, there shall be ground for the restitution of the sum deposited as security.

Title IV

CONCERNING EXPORTATIONS

Article XXVI

Manifest

The manifest of exportation shall be presented at the custom-house of the port of departure according to the rules established in article V.

Article XXVII

Declaration

Goods intended for exportation must be declared. The declaration shall take place according to the rules established in Articles XVIII. and XIX.

The custom-house, after having examined the goods and collected the export duties, shall deliver, together with the receipt for said duties, a permit for shipment which shall be exhibited to the officer on guard in the port of exportation.

The duties shall not be refunded, even if the exportation does not take place.

Goods brought to the custom-house for exportation shall be subject to no *ardieh* duty during twenty-four hours; at the expiration of that time, they shall be subject to that duty, unless it has been impossible to ship them by reason of bad weather, or lack of means of transportation, etc.

Exemption from the payment of *ardieh* duties on account of *vis major,* shall, however, only be granted in the case of goods on which export duties have previously been paid.

Title V

CONCERNING CIRCULATION AND THE COAST TRADE

Article XXVIII

Shipping of Egyptian Goods

Egyptian goods that are sent by sea from one place to another in the territory shall retain their nationality provided that they have touched no foreign territory.

If a vessel engaged in the coast trade shall touch, owing to *vis major,* in a foreign port, the goods shall not lose their nationality for that reason.

Article XXIX

Seals to be affixed to packages

Packages conveyed by vessels engaged in the coastwise trade must be sealed if the custom-house requires it.

Title VI

PROVISIONS RELATIVE TO SURVEILLANCE

Article XXX

Prohibition to put in where there is no custom-house

All vessels, no matter what may be their tonnage, are hereby forbidden, except in case of *vis major,* to put in at any point where there is no custom-house.

Article XXXI

Surveillance in the Suez Ship-Canal and at the Mouths of the Nile

In the Suez Ship-Canal and in the lakes which it crosses, as well as at the mouths of the Nile, it is forbidden to land or to communicate with the shore so as to be able to take in or discharge cargo without being observed by the custom-house officers, except in case of *vis major.*

It shall be the duty of the custom-house officers to stop and search any sailing vessel that may appear suspicious, and to take it to the nearest custom-house, making a report of their proceedings.

Article XXXII

Surveillance at Sea

Custom-house officers may, within a radius of ten kilometers from the shore, board vessels of less than two hundred tons' burden, and demand the presentation of the manifest and other papers relating to the cargo.

If a vessel bound to an Egyptian port has no manifest or shows any indications of fraudulent practices, the officers must accompany her to the nearest custom-house, drawing up a report of their proceedings.

If any vessel of less than two hundred tons' burden, bound to a foreign port, is found within the aforesaid radius without a manifest, or with a manifest that does not contain the customary statements, the custom-house officers may escort her outside of the radius of surveillance, or, if there is any indication of fraud, they may compel her to accompany them to the nearest or most convenient custom-house, drawing up a report of their action.

The custom-house officers, the officers of the vessels engaged in the Egyptian postal-service, and the officers of national vessels may board any sailing or steam vessel of less than two hundred tons' burden that has cast anchor

or that is found tacking within ten kilometers from the shore, without being able to furnish evidence of *vis major*.

If they find any goods on board whose importation or exportation is prohibited, they shall summarily confiscate the same, drawing up a report stating that the vessel has been found within the limits of the radius of surveillance, at anchor without any necessity therefor, or sailing in such a manner as was justified neither by its destination nor by a case of *vis major*.

If the officers of the custom-house, those of the vessels engaged in the Egyptian postal-service or those of national vessels give chase to a vessel of less than two hundred tons' burden, and if the latter refuses to allow them to board her, they shall hoist the flag and pennant of their vessel, and warn the refractory vessel by means of a blank shot. If she does not yet stop, a cannon ball shall be fired among her sails. After this double warning, the pursuing vessel shall make serious use of the arms which she has on board. The pursuit may be continued, and the vessel may be seized outside of the radius of ten kilometers.

For vessels of more than two hundred tons' burden, the surveillance shall be confined to observation of their movements along the shore; in case of an attempt to set goods ashore, or to put them in boats, or to transship them, the aforesaid officers may compel the vessel to accompany them to the nearest or most convenient custom-house, drawing up a report of the infraction committed by it.

The aforesaid officers shall search no vessel of any kind that belongs to a foreign power; they shall confine themselves to watching its movements, and in case there is any indication of smuggling, they shall report what they have seen to the Director of Customs.

In the cases above provided for, the reports of the searches must be communicated to the consular officer under whose jurisdiction the offender is, if that officer shall so request.

Title VII

concerning smuggling

Article XXXIII

After any seizure for smuggling, the Collector of Customs and three or four of the principal custom-house officers, shall resolve themselves into a custom-house commission, and, after having investigated the case, they shall decide whether there is ground for confiscation and for the imposition of a fine.

The goods may be confiscated, as well as all means of transportation and all instruments used in smuggling.

A fine may be imposed, whatever be the nature of the goods seized; it shall be equal to double the amount of the import duty; and, in case of a repetition of the offence, it may be increased to four times, and afterwards to six times that amount.

The decision of the custom-house commission shall mention the date of the seizure, the circumstances under which it took place, the names and rank of the seizors, the witnesses and the accused, the kind and quantity of the goods, and the grounds for the decision reached.

A copy of this decision, signed by the Collector or some person deputed to do so by him, shall, on the day on which it is made or the day following, be sent directly by the custom-house to the consular or native officer under whose jurisdiction the accused is.

In default of objection made by the accused and communicated to the custom-house within fifteen days from the date of the delivery of the copy to the officer aforesaid, this decision shall become final, and no appeal therefrom shall be admissible.

If the accused thinks proper to object, his objection shall be laid before the commercial court having jurisdiction in the case.

The decisions of the custom-house commission shall be received as evidence until the statements therein made shall be charged with falsity.

The reports made by custom-house officers shall be received as evidence until the contrary shall have been proved.

If the final judicial decision rendered relative to the objection declares the decision of the custom-house commission to be erroneous, the owner of the goods shall be entitled to an indemnity equal to the damage that he may have suffered in consequence of the seizure.

If the objection is set aside, the accused shall be liable to a fine equal to ten per cent. of the value of the articles seized.

An appeal cannot legally be taken unless the party shall have deposited the amount of the condemnations resulting from the judgment in first instance and the amount of the said fine of ten per centum.

The Customs Department shall always have power to compromise with the accused by reducing the penalty to a fine which shall be fixed according to circumstances, but which shall in no case be less than double the amount of the import duty.

Article XXXIV

Penalties in cases of smuggling shall be applicable to the perpetrators, instigators, transporters and accomplices of the frauds and to the owners of the goods, jointly and severally.

Article XXXV

In addition to ordinary cases of attempted smuggling, the following shall be considered as contraband, and shall be treated according to the above rules:

1. Foreign goods landed irregularly in ports or on coasts, having been taken out of their way or discharged before reaching the first custom-house.

2. Foreign goods attempted to be discharged or transshipped without having been manifested, or those found on board of vessels whose burden does not exceed fifteen tons, bound to an Egyptian port and having no manifest.

3. Foreign goods found in the Suez ship-canal and the lakes which it crosses, or in the mouths of the Nile, on board of vessels which put in to, or which are in communication with the shore, without the written authority of the Customs Department; or on board of vessels which run along the shore, cast anchor and put in where there is no custom-house.

Goods found as above shall, however, not be considered as contraband if proper evidence of *vis major* can be furnished.

4. Foreign goods found on the person, among baggage, in boats or carriages, or concealed in packages, articles of furniture or other goods, in such a manner as to furnish ground for the presumption of an intent to avoid the payment of duties thereon.

5. Foreign goods removed from the custom-house without a permit to do so.

6. Foreign goods deposited in the desert beyond the customs boundary, and in such a manner as to be suspicious.

7. Foreign goods re-exported by sea or shipped on board of vessels engaged in the coastwise trade, without a *raftieh,* when said vessels are of less than five tons' burden.

8. Foreign goods which, after the delivery of the *tamkin* at their departure, shall be loaded upon vessels, or, generally, all goods liable to the export duty that shall be exported or attempted to be exported without having been presented at the custom-house.

In this case the fine to be imposed in addition to the confiscation shall be equal to sixteen times the export duty, and may, in case of a repetition of the offense, be increased to double, and afterwards to sixfold that amount.

All goods prohibited by the Government, together with tobacco and tombac, sold on the coast or in the interior, in violation of the regulations, or found at any point without a *keshf, raftieh* or seal, shall likewise be considered as contraband, and shall be treated according to the same rules.

Title VIII

CONCERNING INFRACTIONS

Article XXXVI

Infractions shall be punished by a fine that shall be collected, jointly and severally, from the perpetrators thereof, and from their instigators and accomplices, and also from the owners of the goods and captains of the vessels; the latter shall, moreover, be responsible for any infractions that may be committed by the crew.

The goods and vessels shall serve as a guarantee for the amount of the duties and fines, without prejudice to the provisions of article VIII., paragraph 5, or to any other action.

The fine may not be imposed if proper evidence is furnished of the existence of *vis major;* the evidence must, in this case, be duly furnished before the withdrawal of the goods or the departure of the vessels; the custom-house may even grant an extension of the time.

Article XXXVII

Any infraction of the provisions of these regulations, or of any others that have been regularly adopted, when such infraction is not included in one of the cases hereinafter provided for, shall be punished by a fine, the amount of which shall be fixed by the Collector of Customs. Such fine shall not be less than one-half the amount of the duty, or more than six times the same amount, and, in cases not provided for, and not connected with an importation or exportation of goods, the fine shall be from one hundred to five thousand Turkish piasters.

The collection of these fines shall be independent of the duties payable according to the treaties, laws and regulations.

Article XXXVIII

If any differences in excess exist between the goods and the statements made in the manifest, the captain shall pay a fine which shall not be less than the amount of the duty, or more than three times the said amount for each package not mentioned in the manifest. If any of the packages in excess have the same marks and numbers as other packages mentioned in the manifest, those that are subject to the highest duty shall be considered as not manifested.

For each package mentioned in the manifest and not presented, there shall be collected, according to article XVII., a fine which, in addition to the duty (which shall be estimated according to the statements contained in the documents presented), shall not be less than one hundred or more than one thousand Turkish piasters.

The fine in the case of goods laden loosely according to the manifest, may be raised to five thousand Turkish piasters.

Nevertheless, discrepancies in excess not exceeding ten per cent., and deficiencies not exceeding five per cent. shall entail no fines.

Article XXXIX

For any difference in quantity, value, weight or quality between the written declaration and the goods presented for examination, a fine shall be collected which shall not be less than one fifth of the amount of the duty, or more than the whole of that amount.

There shall be no ground for the imposition of any fine if the differences in quantity, weight or value do not exceed five per cent.

Article XL

Captains of vessels shall be liable to a fine of from one thousand to ten thousand Turkish piasters, in the following cases:

1. If they shall refuse to produce the legal manifest of their cargo, or if they shall have no such manifest.
2. If they shall refuse to allow the custom-house officers to come on board.
3. If they shall sail or attempt to sail without permission from the custom-house.
4. If they shall violate any other provision of article XV.

Always without prejudice to cases of contraband.

The fine shall be from four hundred to two thousand Turkish piasters in the following cases:

1. In case the vessels are not moored in the places designated.
2. In case the discharge, lading and shipment of goods take place without the permission of the custom-house, or not in the presence of the custom-house officers.
3. In case of delay in the presentation of the manifest.
4. In case of a failure to present at the custom-house the *raftieh* or *elm-khaber,* which must accompany goods carried by vessels engaged in the coasting trade, or conveyed from one custom-house to another by sea.
5. In case of the shipment of goods without permission, before the operations connected with the discharge are finished.

Article XLI

The fine shall be from one hundred to one thousand Turkish piasters in case the previous declaration provided for by articles VI., XVIII. and XXVII. of these regulations shall not have been made.

Article XLII

The fine shall be from four hundred to four thousand Turkish piasters:

1. In case of an attempt to import or export goods otherwise than according to the rules prescribed, or during the night in the case of goods exempt from the import or export duty.
2. In case the goods sent to another custom-house, or in transit, shall arrive at the custom-house to which they were bound after the expiration of the period mentioned in the *raftieh* or *elm-khaber,* without proper justification of the delay.
3. In case packages that have been examined and shipped in transit, or

that are bound to another custom-house, shall be tampered with on the outside.

4. In case of delay on the part of those who have furnished security in making the payments prescribed by article XXV., paragraph 3.

Title IX

concerning searches

Article XLIII

In case fraud is suspected, officers may search the houses or stores of private individuals.

Such searches shall not, however, be made otherwise than in pursuance of a written order from the Collector of Customs, and in presence:

1. Of an officer whose rank is above that of Inspector, at least; 2. Of a representative of the Government, and, in cities in which Municipalities are established, of a representative of the municipal authority.

Searches must be made between the rising and setting of the sun.

A duplicate of the order directing a search shall be sent to the consular officer interested, who may at once send a representative, if he thinks proper. The failure of that officer to do so, shall not, however, cause any delay in, or be any obstacle to the search.

The statement prepared by the custom-house officers must give the statements and observations of the person in whose house the search has been made, or in case of his absence, the statements and observations of his representatives or domestics.

The interested party, or, in his absence, his representatives or domestics, shall be requested to sign the statement.

Article XLIV

Former provisions

All provisions at variance with those contained in the foregoing regulations are hereby repealed.

The Egyptian Government may adopt, for the proper management of the service and for the repression of fraud, such other measures, similar to the foregoing, as may have been shown by experience to be desirable.

A. Caillard
Director General of Custom-Houses

Examined and approved:
Mustapha Fehmy
Minister of Finance

Cairo, *April 2d*, 1884

Explanation of foreign terms employed in the Egyptian customs regulations

Ardieh: Storage duty.
Elm-Khaber: A carefully prepared, detailed, and descriptive list.
Keshf: Invoice or list of goods.
Raftieh: Receipt for payment of customs duties.
Tamkin: Permit to sail.
Vis major: A condition entirely beyond the control of the person concerned.

ARBITRATION

Treaty signed at Washington August 27, 1929
Senate advice and consent to ratification January 20, 1930
Ratified by the President of the United States January 23, 1930
Ratified by Egypt June 25, 1932
Ratifications exchanged at Washington August 24, 1932
Entered into force August 24, 1932
Proclaimed by the President of the United States August 25, 1932

47 Stat. 2130; Treaty Series 850

The President of the United States of America and His Majesty the King of Egypt

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Henry L. Stimson, Secretary of State of the United States of America;

His Majesty the King of Egypt:

His Excellency, Mahmoud Samy Pasha, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, Grand Officer of the Order of the Nile;

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

Article I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one

against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,[1] or to some other competent tribunal, as shall be decided in each case by a special signed agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Egypt in accordance with its constitutional laws.

Article II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(*a*) is within the domestic jurisdiction of either of the High Contracting Parties,

(*b*) involves the interests of third Parties,

(*c*) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine.

Article III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Egypt in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

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

Done at Washington the 27th day of August in the year one thousand nine hundred and twenty-nine.

Henry L. Stimson [seal]
M. Samy [seal]

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[1] TS 536, *ante*, vol. 1, p. 577.

CONCILIATION

Treaty signed at Washington August 27, 1929
Senate advice and consent to ratification January 20, 1930
Ratified by the President of the United States January 23, 1930
Ratified by Egypt June 25, 1932
Ratifications exchanged at Washington August 24, 1932
Entered into force August 24, 1932
Proclaimed by the President of the United States August 25, 1932

47 Stat. 2132; Treaty Series 851

The President of the United States of America and His Majesty the King of Egypt, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:
Henry L. Stimson, Secretary of State of the United States of America;

His Majesty the King of Egypt:
His Excellency Mahmoud Samy Pasha, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, Grand Officer of the Order of the Nile;

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

Article I

Any disputes arising between the Government of the United States of America and the Government of Egypt, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by

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the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Egypt in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

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

Done at Washington the 27th day of August in the year one thousand nine hundred and twenty-nine.

HENRY L. STIMSON [SEAL]
M. SAMY [SEAL]

MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

Exchange of notes at Cairo May 24, 1930
Entered into force May 24, 1930
Supplemented by understanding of May 4 and August 15, 1946 [1]

47 Stat. 2583; Executive Agreement Series 5

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
CAIRO, *May 24, 1930*

No. 1.7/3 (32)

MONSIEUR LE MINISTRE,

Referring to correspondence exchanged between Your Excellency and this Ministry with regard to the conclusion of a provisional commercial agreement between the United States of America and Egypt, I have the honor to inform Your Excellency that the Egyptian Government is willing to apply unconditional most favored nation treatment to all products, of the soil and industry, originating in the United States of America imported into Egypt and destined either for consumption or re-exportation or in transit. The said treatment will also be applied provisionally to products imported into Egypt through countries which have not completed commercial agreements with Egypt.

This régime is accorded by Egypt on condition of perfect reciprocity and with the exception of the régime accorded to Sudanese products, or the régime which might be applied by Egypt to products of certain border countries by virtue of regional conventions and with the exception of the treatment which the United States accords or may hereafter accord to the commerce of Cuba or of any of the territories or possessions of the United States or the Panama Canal Zone or the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territorial boundaries or possessions or to the commerce of its territories or possessions with one another.

The present arrangement does not apply to prohibitions or restrictions of

[1] TIAS 1572, *post*, p. 1362.

a sanitary character or designed to protect human, animal, or plant life or regulations for the enforcement of police or revenue laws.

The present agreement will enter into force as soon as Your Excellency is good enough to confirm the consent of your Government thereto and shall continue in force until ninety days after notice of its termination shall have been given by either party unless sooner terminated by mutual agreement. If, however, either party should be prevented by the future action of its Legislature from carrying out the terms of the agreement the obligations thereof shall thereupon lapse.

I avail myself of the occasion to renew to you, Mr. Minister, the assurance of my high consideration.

The Minister for Foreign Affairs
WACYF BOUTROS GHALI

His Excellency
Mr. FRANKLIN MOTT GUNTHER
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America

The American Minister to the Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
CAIRO, *May 24, 1930*

No. 230

MR. MINISTER,

I have the honor to acknowledge the receipt of Your Excellency's Note No. 1. 7/3 (32), of May 24, 1930, the agreed English text of which is as follows:

[For text of Egyptian note, see above.]

In reply I have the honor to inform Your Excellency of my Government's acquiescence in the terms of the above mentioned Note thus establishing a Provisional Commercial Accord, and avail myself of the occasion to renew to you, Mr. Minister, the assurance of my high consideration.

FRANKLIN MOTT GUNTHER
American Minister

His Excellency
WACYF BOUTROS GHALI PASHA
Minister for Foreign Affairs
The Royal Egyptian Ministry for Foreign Affairs
Cairo

NARCOTIC DRUGS

Exchange of notes at Alexandria June 20, 1930, and at Cairo August 26, 1930
Entered into force August 26, 1930

Department of State files

The American Legation to the Ministry for Foreign Affairs

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NOTE

The Legation of the United States of America presents its compliments to the Royal Egyptian Ministry for Foreign Affairs and has the honor to state that it is in receipt of a communication from the Honorable the Secretary of State, Washington, D.C., informing it of the desire expressed by the Treasury Department of the United States that, with a view to bringing about a stricter control of the illicit traffic in narcotic drugs, a closer cooperation be established between the administrative officials of the United States and those of certain foreign countries.

To this end the Legation has the honor to enquire whether the Royal Egyptian Government would be disposed, as has been done through informal arrangements already accepted by seventeen countries, to arrange for:

1. The direct exchange between the Treasury Department and the corresponding office in Egypt of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc.

2. The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern the other country. Unless such information as this reaches its destination directly and speedily it is useless.

3. Mutual cooperation in detective and investigating work.

The Legation has the honor to add in this connection that the officer of the United States Treasury Department who would have charge, on behalf of the American Government, of the cooperation in the suppression of the illicit traffic in narcotics is Mr. H. J. Anslinger, whose mail and telegraph address is Assistant Commissioner of Prohibition, Treasury Department, Washington, D.C. In case the proposed arrangement meets with the approval of the Royal Government the Legation would be pleased to be informed of the name of the official with whom Mr. Anslinger should communicate.

The Legation has the honor to enquire also, in the event that the proposed arrangement proves acceptable to the Royal Government, whether the Royal Ministry would have any objection to the publication of the note of acceptance.

As of interest in this connection the Legation has the honor to enclose a copy of BULLETIN OF TREATY INFORMATION No. 5, July 1929, published by the Department of State, Washington, which contains the texts of the arrangements entered into between the United States and other Governments.

The Legation of the United States of America avails itself of the opportunity to renew to the Royal Egyptian Ministry for Foreign Affairs the assurance of its high consideration.

ALEXANDRIA, EGYPT
June 20, 1930.

The Ministry for Foreign Affairs to the American Legation

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS
OFFICE OF POLITICAL AND
COMMERCIAL AFFAIRS

No. 38.81/4
357 R

CAIRO, *August 26, 1930*

NOTE

The Ministry for Foreign Affairs presents its compliments to the Legation of the United States of America and, referring to its Note No. 40.2/6 (42) of June 20, 1930, has the honor to inform the Legation that it perceives no objection to adopting the proposed procedure, between the interested departments of the two Governments, for the direct and immediate exchange of information regarding the illicit traffic in narcotic drugs.

The Central Narcotics Intelligence Bureau is the office charged with the control of the illicit traffic of drugs in Egypt. It is attached to the Government at Cairo and is under the direction of H. E. Russel Pasha, Commandant of the Cairo City Police. His telegraphic address is "Kharab".

In bringing the above to the knowledge of the Legation of the United States of America, the Ministry for Foreign Affairs has the honor to state that it has no objection to the publication of the present Note. It seizes the opportunity to renew to the Legation the assurance of its high consideration.

To the

LEGATION OF THE UNITED STATES OF AMERICA

ARBITRATION OF GEORGE J. SALEM CLAIM

Agreement signed at Cairo January 20, 1931
Entered into force January 20, 1931
Terminated upon fulfillment of its terms [1]

47 Stat. 2700; Executive Agreement Series 33

Whereas the Government of the United States of America has presented to the Royal Government of Egypt a claim on behalf of George J. Salem for damages resulting from acts of the Egyptian authorities;

Whereas the Royal Government of Egypt has denied its liability in the premises; and

Whereas the two Governments are equally committed to the policy of submitting to adjudication by a competent tribunal all justiciable controversies that arise between them which do not lend themselves to settlement by diplomatic negociations,

Therefore the undersigned William M. Jardine, Envoy Extraordinary and Minister Plenipotentiary of the United States and His Excellency Abdel Fattah Yehia Pasha, Minister for Foreign Affairs of the Royal Government of Egypt duly empowered therefore by their respective Governments, have agreed upon the stipulations contained in the following articles:

ARTICLE 1

The claim of the United States against the Royal Government of Egypt arising out of treatment accorded George J. Salem an American citizen by Egyptian authorities shall be referred to an Arbitral Tribunal in conformity with the conditions herein-after stated, the decision of the said Tribunal to be accepted by both Governments as a final, conclusive and unappealable disposition of the claim.

ARTICLE 2

The Tribunal shall be composed of three members, one selected by the Government of the United States, one by the Government of Egypt and

[1] On June 8, 1932, the arbitral tribunal declared that the Royal Government of Egypt was not liable for damages (Salem Claim: *Arbitration Between the United States and Egypt,* Department of State Arbitration Series No. 4 (6), p. 67).

the third who shall preside over the Commission should be selected by mutual agreement between the two Governments. If the two Governments shall not agree within one month from the date of the signature of this agreement in naming such third member then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague.

ARTICLE 3

The questions to be decided by the Tribunal are the following: first, is the Royal Government of Egypt under the principles of law and equity liable in damages to the Government of the United States of America on account of treatment accorded to the American citizen George J. Salem? Second, in case the Arbitral Tribunal finds that such liability exists what sum should the Royal Government of Egypt in justice pay to the Government of the United States in full settlement of such damages?

ARTICLE 4

The procedure to be followed by the two Governments and by the Tribunal shall be as follows: Within ninety days from the date of the signing hereof the Government of the United States and the Government of Egypt shall respectively file with the Tribunal and with the Foreign Office of the other Government a statement of its case with supporting evidence.

Within ninety days from the expiration of such period the two Governments shall in like manner file their respective counter-cases with supporting evidence with the Tribunal and with the Foreign Office of the other Government.

Within sixty days from the expiration of this latter period each Government shall file in the same manner a reply to the counter-case of the other Government or notice that no such reply will be filed. Such replies if made shall be limited to the treatment of questions already developed in the cases and counter-cases and no new issues shall be raised or treated of therein.

ARTICLE 5

The two Governments shall have the right to submit to the Tribunal both orally and in writing such arguments as they may desire but briefs of all written arguments shall be filed with the Tribunal and with the agent of the other Government not less than ten days before the time set for oral argument.

Ample time shall be allowed the representatives of both Governments to make oral arguments of the case before the Tribunal. Such arguments shall take place in Vienna and shall begin not more than sixty days from the expiration of the date for filing replies or notices that no replies will be filed.

ARTICLE 6

Each Government shall designate an agent and such counsel as it may desire to represent it in the presentation of the case to the Tribunal and otherwise.

ARTICLE 7

The decision of the Tribunal shall be given within two months from the date of the conclusion of the oral arguments and in case an award is made against the Royal Government of Egypt the amount thereof shall be paid to the Government of the United States within ninety days from the date of the said award.

ARTICLE 8

All written proceedings in connection with this arbitration shall be in both the French and English languages. The oral arguments before the arbitral commission may be made in either English or French but a translation thereof shall be submitted to the Tribunal and to the agent of the other Government at the end of each argument.

ARTICLE 9

Each Government shall bear its own expenses including compensation of the arbitrator named by it.

The compensation of the third Arbitrator and general expenses of the arbitration shall be borne by the two Governments in equal proportions.

Done in duplicate in the English and French languages at Cairo the twentieth day of January A.D. 1931.

WILLIAM M. JARDINE
A. YEHIA

CUSTOMS PRIVILEGES FOR FOREIGN SERVICE PERSONNEL

Exchange of notes at Washington March 16 and April 7, 1932
Entered into force April 7, 1932

Department of State files

The Egyptian Minister to the Secretary of State

ROYAL EGYPTIAN LEGATION
WASHINGTON, D.C.
March sixteenth, 1932

SIR:

I have the honour to forward to Your Excellency, herewith, a copy of Article 9 of the Egyptian Customs Regulations concerning the exemption from customs duties enjoyed by foreign diplomatic and consular officers assigned to Egypt.

Under these regulations foreign consular officers who are not engaged in any other business are accorded the privilege of free entry of their personal and household effects—not only upon their arrival in Egypt to take up their official duties, or return from leave of absence, or when en route through, to, and from posts in other countries, but also when, during their residence, those officers import such personal and household effects for their own use.

I have no doubt that Your Excellency will consider it only fair that our consuls should be entitled to similar exemptions and privileges. My Government, therefore, will appreciate very much the granting of the aforementioned exemptions and privileges, by the United States, to the Egyptian Consuls in New York City and San Francisco.

While thanking Your Excellency for whatever service you will render in this case, I avail this opportunity to renew the expression of my highest consideration.

SESOSTRIS SIDAROUSS

His Excellency
THE SECRETARY OF STATE
Washington

AB:W
Enclosure

ENCLOSURE

[TRANSLATION]

Article 9

The following shall be exempt from inspection and payment of import and export duties:

Articles for personal use and personal effects belonging to heads or acting heads of legations, consulates general, consulates, or vice consulates if they are career (*missi*) officers and are not engaged in any other profession or in trade or industry and do not own or manage any real property in Egypt.

The same exemption shall be granted in each legation to two officers of that legation and in each consulate to an officer of that consulate at the request of the minister plenipotentiary or the consul, provided the aforesaid officers are in the category of officials who are appointed by sovereign decree and are strictly forbidden to engage in trade.

A certified true copy.
February 16, 1932

The Secretary of State to the Egyptian Minister

APRIL 7, 1932

SIR:

I have the honor to acknowledge the receipt of your note of March 16, 1932, forwarding a copy of Article 9 of the Egyptian Customs Regulations, under which foreign consular officers assigned to Egypt who are not engaged in any other business are accorded the privilege of free entry of their personal and household effects, not only upon their arrival in Egypt to take up their official duties, or return from leave of absence, or when en route through, to and from posts in other countries, but also when during their residence such officers import personal and household effects for their own use.

In accordance with your request that in view of these Regulations the Egyptian Consuls in New York and San Francisco be granted the privilege of importing articles for their personal use free of duty, the Department communicated with the Treasury Department on the subject and has now received a reply from that Department in which it is stated that no objection is perceived to extending the privilege of free importation of articles for their personal and household use during official residence, on a reciprocal basis, to Egyptian consular officers assigned to the United States, who are Egyptian nationals and not engaged in any other business, and who are not unsalaried officers (honorary consuls), with the understanding that no article the im-

portation of which is prohibited by the laws of this country shall be imported by the persons in question.

Therefore, upon the request of the Egyptian Legation in each instance, the Department will have pleasure in arranging through the Treasury Department for the free importation of articles for the personal and family use of Egyptian consuls in the United States under the provisions outlined in the preceding paragraph.

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

For the Secretary of State:
WILBUR J. CARR

SESOSTRIS SIDAROUSS PASHA
Minister of Egypt

VISA FEES

Exchanges of notes at Cairo August 15 and 24 and October 5, 16, and 21, 1933
Entered into force November 1, 1933
Terminated September 1, 1963, by agreement of June 3 and August 1, 1963 [1]

Department of State files

The American Minister to the Minister of Foreign Affairs

No. 422

EXCELLENCY:

I have the honor to refer to Note No. 83/122/10 (30) of June 12, 1933, of Your Excellency's predecessor, in which he was good enough to set forth the schedule of visa fees imposed by the Royal Egyptian Government for entry or transit through Egypt as follows:

(1) Visa of passports for entry into Egypt P.T. 38.575 (10 gold francs)
(2) Visa of passports for transit through Egypt P.T. 3.8575 (1 gold franc)

It is observed that these fees are applicable to the citizens or subjects of those countries which impose a like schedule of fees in respect of Egyptian subjects, those countries imposing higher rates being treated upon the basis of the principle of reciprocity.

In consideration of the principle of reciprocity governing the application of fees for the visaing of passports by the Royal Egyptian Government, I have the honor to state that, having acquainted my Government with the contents of the communication under reference, I have been authorized by my Government to conclude a reciprocal arrangement with the Royal Egyptian Government by exchange of notes in the following terms:

1. The Government of the United States of America will, from the fifteenth of October, 1933,[2] collect no fee for executing applications for the visaing of passports in the case of subjects of the Royal Egyptian Government desiring to visit the United States (including the insular possessions)

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[1] 14 UST 1191; TIAS 5416.
[2] See also note dated Oct. 16, 1933, *post*, p. 1345.

who are not "immigrants" as defined in the Immigration Act of the United States of 1924;[3] namely:

"(1) a government official, his family, attendants, servants, and employees; (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman; and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation."

and from the same date the Royal Egyptian Government will collect no fee for executing applications for the visaing of passports of non-immigrant citizens of the United States of like classes desiring to visit Egypt.

2. From the fifteenth day of October, 1933, the Government of the United States of America will collect no fee for the visaing of passports in the case of subjects of the Royal Egyptian Government desiring to visit the United States (including the insular possessions) who are non-immigrants within the meaning of subdivision (1) of Section 3 of the Immigration Act of 1924; and from the same date the Royal Egyptian Government will collect no fee for the visaing of passports of non-immigrant citizens of the United States as therein defined.

3. From the fifteenth day of October, 1933, the Government of the United States of America will collect a fee of two dollars only for the visaing of passports in the case of subjects of the Royal Egyptian Government desiring to visit the United States (including the insular possessions) who are non-immigrant aliens within the meaning of subdivisions (2), (4), (5) and (6) of Section 3 of the Immigration Act of 1924; and from the same date the Royal Egyptian Government will collect a fee of the equivalent of two dollars only for the visaing of passports of non-immigrant citizens of the United States as therein defined.

4. From the fifteenth day of October, 1933, the Government of the United States of America will collect a fee of twenty cents only for the visaing of passports in the case of subjects of the Royal Egyptian Government desiring to visit the United States (including the insular possessions) who are non-immigrants within the meaning of subdivision (3) of Section 3 of the Immigration Act of 1924; and from the same date the Royal Egyptian Government will collect a fee of the equivalent of twenty cents only for the

[3] 43 Stat. 153.

visaing of passports of non-immigrant citizens of the United States as therein defined.

5. It is understood that non-immigrant visas which are issued by the two Governments to the nationals of the other will be valid for twelve months, provided the passport to which the visa is affixed is valid for that period, as well as being valid for any number of entrances, within the period of the validity of the visa, so long as the non-immigrant status may be maintained by the holder. The period of validity of the visa relates only to the period within which it may be used and not to the length of the alien's stay.

I avail myself, etc.

W. M. JARDINE

CAIRO, *August 15, 1933*

His Excellency
SALIB SAMY BEY
Royal Egyptian Minister
for Foreign Affairs
Cairo

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS
Department of Administrative Affairs

No. 83/122/10(46)

CAIRO, *August 24, 1933*

MR. MINISTER:

In reply to the letter of Your Excellency No. 426 of the 15th instant, by which you were good enough to communicate to me the proposals of the Government of the United States of America relative to the administration of visa fees in America and Egypt, I have the honor to bring to Your Excellency's attention the following:

With regard to proposal (1):

Egyptian Consulates collect no fee for the visa application, this fee not being provided for in the Schedule of Fees of Egyptian consular offices, approved by Decree of October 28, 1925.

With regard to proposal (2):

Cases for exemption from the fees for visas are determined by Article 63 of the Consular Instructions promulgated by an Order of March 12, 1929, the text of which is as follows:

"Exemption from the fees for visas, affixed to foreign passports, shall be accorded in the following cases:

"(1) To holders of foreign diplomatic passports;
"(2) To persons of the following categories:

"(a) Foreign persons of note, savants, religious workers, official delegates of scientific and athletic missions, and these on condition that a request for exemption should be made by the State or by the Diplomatic or Consular Agents to which they are subject, or by the Egyptian Chief of Mission on which the Consulate depends; this exemption is accorded as a matter of courtesy. "

"(b) Agents and employees of foreign diplomatic and consular corps, the members of their families and their suites, and these on the basis of reciprocity.

"(c) The destitute."

With regard to proposals (3) and (4):

In view of the proposal made by the Government of the United States of America to reduce to two dollars the fee to be collected for a visa to enter America, affixed to Egyptian passports, and to twenty cents for a transit visa, it being understood that these fees do not exceed the fees provided for by the Egyptian schedule, the Royal Government, on its behalf, is disposed to reduce the fees to be collected for visas affixed to American passports, to ten gold francs for the entry visa and to one gold franc for the transit visa.

A transit visa is defined by Articles 22, 23, and 24 of the Regulations for Passports and Visa, promulgated by Decree of December 8, 1928, to wit:

Article 22. A transit visa is accorded to foreigners subject to the following conditions:

(1) That Egypt necessarily lies on the route which the traveller must follow to reach his country of destination and provided that there exists no direct route by which he can reach that country without the necessity of passing through Egyptian territory. First class passengers of good financial standing who, for purposes of convenience, prefer the route via Egypt to the direct one, are exempted from the above restriction.

(2) That the passport is endorsed with entry or transit visas for the countries of destination.

(3) That the traveller is in possession of passage tickets necessary for his journey.

Travellers whose financial position leaves room for no doubt as to their ability to continue their journey and who give acceptable reasons justifying their failure to procure the necessary tickets and visas, are exempted from conditions (2) and (3). In such cases, the visa should be granted and the Ministry of the Interior immediately notified.

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In cases other than the above, the Ministry of the Interior should be consulted before a visa is issued.

Article 23. A transit visa gives the holder no right to remain in Egypt except for the time necessary for resuming the journey. Travellers are not to apply, during their sojourn in Egypt, for an extension beyond the necessary time except in cases of force majeure such as sickness.

Article 24. If a ship is available in an Egyptian port to which the traveller can tranship without disembarking in Egyptian territory, he should do so if called upon so to do.

With regard to proposal (5):

The Egyptian Government accepts the proposal of the Government of the United States of America as formulated in the letter of Your Excellency, with the understanding that the visas granted by the two Governments shall be valid for twelve months from the date of their issuance, provided that the passport to which the visa is affixed is valid for the same period. The visa shall give its holder the right to make an indefinite number of trips during the period of its validity.

If the Government of the United States decides to put in force the application of the fees which it proposed beginning October 15, 1933, I would appreciate it if Your Excellency would be good enough to inform me in time to take the necessary measures with a view to incorporating the prescribed fees in the Schedule of Fees to be collected by Egyptian consular officers, on and after the same date.

Please accept, Excellency, the assurance of my high consideration.

The Minister for Foreign Affairs:
SALIB SAMY

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

No. 442 CAIRO, *October 5, 1933*

EXCELLENCY:

I have the honor to acknowledge the receipt of Note No. 83/122/10 (46) of August 24, 1933, of Your Excellency's predecessor in which he was good enough to express the concurrence of the Royal Egyptian Government in the proposals made by the Government of the United States of America in respect of the reciprocal application of a new schedule of fees governing the issuance of visas to nonimmigrants by each Government to nationals of the other.

Having acquainted my Government with the contents of the Note under

reference, I have been instructed to inform Your Excellency that, as of October 15, 1933, the Government of the United States of America will apply the new schedule of fees for the issuance of visas to nonimmigrant Egyptian subjects in accordance with the terms of the Legation's Note No. 422 of August 15, 1933, as concurred in by the Royal Egyptian Government in the Note under acknowledgment from His Excellency Salib Samy Bey.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.

J. Rives Childs
Chargé d'Affaires ad interim

His Excellency
Abdel Fattah Yehia Pasha
Royal Egyptian Minister for Foreign Affairs
Cairo

The American Chargé d'Affaires ad interim to the Prime Minister and Minister of Foreign Affairs

No. 445 Cairo, *October 16, 1933*

Excellency:

I have the honor to refer to the exchange of Notes which has taken place touching upon the reciprocal application by the Government of the United States of America and the Royal Egyptian Government of a new schedule of fees governing the issuance of visas to nonimmigrants, and to the oral communication conveyed to me on October 12, 1933, regarding the inability of the Royal Egyptian Government to make the reciprocal agreement effective before November 1, 1933.

Having informed my Government accordingly, I have been instructed to notify Your Excellency that application of the visa fee agreement on the part of the United States of America will likewise be effective as of November 1, 1933.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.

J. Rives Childs
Chargé d'Affaires ad interim

His Excellency
Abdel Fattah Yehia Pasha
Royal Egyptian Prime Minister and
Minister for Foreign Affairs
Ministry for Foreign Affairs
Cairo

The Ministry for Foreign Affairs to the American Legation

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS
Division of Administrative Affairs

No. 83/122/10 (53) CAIRO, *October 21, 1933*

NOTE

The Ministry for Foreign Affairs has the honor to acknowledge the receipt of the note No. 445 of October 16, 1933, from the Legation of the United States of America relative to the date on which the new visa fees will be effective to the United States of America and Egypt, i.e., November 1st, 1933.

On this same occasion the Ministry for Foreign Affairs has the honor to transmit to the Legation of the United States of America a copy of the translation in French of the arrête made to that effect on October 12, 1933.

The Ministry for Foreign Affairs takes this occasion to renew to the Legation of the United States of America the assurances of its high consideration.

To the LEGATION OF THE
UNITED STATES OF AMERICA

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS
Division of Administrative Affairs
No. 83/122/10

ORDER MODIFYING THE TAX TO BE CHARGED FOR VISAS TO ENTER EGYPT PUT ON AMERICAN PASSPORTS

The Minister for Foreign Affairs

Considering the order of November 5, 1925 fixing a fee of P.T. 200 (10 dollars gold) charged for the visa to enter Egypt put on American passports;

Considering the correspondence exchanged between the Legation of the United States of America in Egypt and the Ministry for Foreign Affairs, on the subject of the desire of the Government of the United States of America to reduce to only $2.00 the fee for visa to enter America put on Egyptian passports; correspondence of which the last is a letter No. 442 of October 5, 1933 from the Chargé d'Affaires ad interim of the same Legation.

ORDER:

ART. I. The Order of November 5, 1925, above cited, is annulled. There will be collected a fee equivalent to 10 gold francs for a visa to enter Egypt put on American passports.

ART. II. This Order will become effective as from November 1st, 1933.

S. ABDEL FATTAH YEHIA

BULKELEY, *October 12, 1933*

JURISDICTION OVER CRIMINAL OFFENSES COMMITTED BY MEMBERS OF ARMED FORCES

Exchanges of notes at Cairo March 2, 1943; procès-verbal of signature signed March 2, 1943
Entered into force March 2, 1943
Terminated April 28, 1952 [1]

57 Stat. 1197; Executive Agreement Series 356

Exchanges of Notes

The Prime Minister and Minister of Foreign Affairs to the American Minister [2]

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

No. P. 4.–55.9/137 C

Cairo, *March 2, 1943*

Your Excellency:

With reference to the request which you have addressed to me in the name of the Government of the United States of America, I have the honour to inform you that the Egyptian Government has decided to accord, for the duration of the war, immunity from jurisdiction in criminal matters to members of the United States Forces in Egypt, in accordance with the following procedure:

The expression "United States Forces" will include all persons subject to the military and naval law of the United States who are members of the United States armed Forces on Egyptian territory as well as all civilian employees of American nationality who are accompanying the said Forces or serve with them and who are bearers of certificates issued by the competent American authority defining their status. It is understood that the wives and children of the members of the United States Forces do not benefit hereby from any immunity from jurisdiction and will be amenable to the jurisdiction of Egyptian courts.

The immunity from jurisdiction accorded by the Egyptian Government

[1] Date of entry into force of treaty of peace with Japan (3 UST 3169; TIAS 2490).
[2] Note delivered in English, French, and Arabic languages.

will cover crimes, misdemeanors and police offences committed in Egypt by the members of the United States Forces. However, when the infraction will have been committed by a civilian employee referred to above the Egyptian Government reserves the right, either to turn over the offender to the Egyptian courts or to hand him over to the competent American military authorities.

In cases in which members of the civilian population are victims, a competent American military court sitting in Egypt will judge the case without delay and in public session, unless sittings behind closed doors are necessary for reasons of security. The sentence will be communicated to the Ministry of Foreign Affairs through the good offices of the Legation of the United States.

The American military courts shall not assume jurisdiction over members of the civilian population of Egypt.

The Egyptian Government will undertake, on the written request of the interested American authority, the investigation, arrest and delivery of any member of the United States Forces declared deserter or absent without leave.

Except in cases provided for in the preceding paragraph, the members of the United States Forces may be arrested by the Egyptian authorities only in circumstances which would justify the arrest of civilians of American nationality.

When a member of the United States Forces has been arrested by the Egyptian authorities, the following procedure will apply:

Notification of the arrest will be made immediately to the competent American military authority together with data regarding the name and other details concerning the person arrested and information regarding the nature of the infractions for which the said person has been arrested. Except when the case is to be submitted to the Egyptian courts, the offender will be delivered to the interested American authority. Complete details of the charges brought against the suspect with the names and addresses of the witnesses and data concerning them will be handed or sent to the interested American authority.

When a member of the United States Forces has been accused of having committed an infraction for which he has not been arrested, the details of this suspected infraction, with the procès-verbal will be communicated as quickly as possible to the competent American military authorities.

The two Governments will extend to each other mutual assistance in investigations concerning infractions which may have been committed by members of the United States Forces or of which they may have been the victims. The Egyptian Government will take at the request of the competent American military authority, all reasonable measures to the end that persons amenable to its jurisdiction appear as witnesses before the American military

courts in Egypt; likewise the Government of the United States will take all reasonable measures to assure the presence of any member of the United States Forces as witnesses at the sessions of the Egyptian courts, and this on request made by the competent official of the Ministry of Justice or by the President of the competent court.

It must be expressly understood that the exceptional regime provided for above is accorded only because of the special situation resulting from the war and that it will terminate in all respects at the end of the war to permit the return to normal law.

In case of acceptance, the present letter and your reply will be considered as constituting an agreement binding our two Governments and will be published in the 'Official Journal'. In my capacity of Military Governor General, I will not fail to take thereafter the necessary internal measures to put this agreement into effect.

I take this opportunity to renew to Your Excellency the assurances of my high consideration.

Minister of Foreign Affairs
M. NAHAS

His Excellency
Mr. ALEXANDER KIRK
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America

The American Minister to the Prime Minister and Minister of Foreign Affairs [3]

LEGATION OF THE
UNITED STATES OF AMERICA
CAIRO, *March 2, 1943*

No. 759

EXCELLENCY:

Referring to your letter No. P. 4.–55.9/137 C of March 2, 1943, in which Your Excellency has been so good as to inform me that the Egyptian Government had decided to accord immunity from jurisdiction in criminal matters to the members of the United States Forces in Egypt, I have the honor to advise you in the name of the Government of the United States of its full agreement on the various provisions of your letter and to express to Your Excellency the appreciation and thanks of the United States Government for the cooperation of the Egyptian Government in this matter.

I hasten to assure you that the United States military authorities will take all necessary measures for the prosecution and punishment of all infractions committed in Egypt by members of the United States Forces.

It is also expressly understood that the exceptional regime provided for

[3] Note delivered in English, French, and Arabic languages.

above has been accorded by the Egyptian Government only because of the special situation resulting from the war and that it will terminate in all respects at the end of the war to permit the return to normal law.

I am in addition in agreement that Your Excellency's letter and this reply be considered as constituting an agreement binding our Governments.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

ALEXANDER KIRK

His Excellency
Moustapha El NAHAS Pasha
Prime Minister and Minister of Foreign Affairs
Cairo

The American Minister to the Prime Minister and Minister of Foreign Affairs

LEGATION OF THE
UNITED STATES OF AMERICA
CAIRO, *March 2, 1943*

MY DEAR MR. PRIME MINISTER:

With reference to our exchange of notes of today's date, by which the Egyptian Government has been so kind as to accord to the United States Government jurisdiction in criminal matters over members of the United States Armed Forces in Egypt, I take pleasure in advising Your Excellency of the existing arrangements for the handling of claims against persons and property arising as a result of the voluntary and involuntary acts committed by Members of the said United States Armed Forces in Egypt, as follows:

1. There is now functioning in Egypt a United States Claims Commission for the Middle East, composed of three members, set up under authority contained in an Act of the Congress of the United States of America approved January 2, 1942,[4] which is competent to hear claims arising out of acts committed by members of the United States Armed Forces in Egypt and to make and order payment of awards which do not exceed $1,000.

2. With regard to the limitation upon the amount of the awards of the aforementioned Claims Commission, I have been informed by my Government that the War Department is already seeking from the Congress of the United States authority to increase the limitation from $1,000 to $5,000. When such authorization has been obtained, I shall not fail to inform Your Excellency.

3. In addition to the settling of claims by the aforementioned Claims Commission, the United States military authorities in Egypt will undertake

[4] 55 Stat. 880.

to lend their good offices in carrying out the necessary formalities for petitioning the Congress of the United States to approve claims over $1,000.

4. The United States military authorities in Egypt agree that claimants may be represented before the United States Claims Commission for the Middle East by an Egyptian official and assisted by the special office established for the purpose of assisting claimants in the presentation of their claims against members of any of the Allied Armed Forces in Egypt.

I feel sure that the Egyptian Government will find satisfactory the aforementioned procedure for the settling of claims arising out of acts committed by members of the United States Armed Forces in Egypt.

Please accept, my dear Mr. Prime Minister, the renewed assurances of my highest consideration.

ALEXANDER KIRK

His Excellency
Moustapha El-NAHAS Pasha
Prime Minister and Minister for Foreign Affairs
Cairo

The Prime Minister and Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
No. P. 4.–55.9/137 C

CAIRO, *March 2, 1943*

MY DEAR MINISTER:

Referring to your note of March 2, 1943, in which there is set forth the procedure for the settlement of claims pertaining to acts committed by the members of the United States Armed Forces in Egypt, I have the pleasure to advise you that the Egyptian Government agrees to the procedure in question but reserves to itself the right to raise the question again in the future if it should appear that this procedure, either in a general way or in connection with certain particular cases, does not operate in such a manner as to do justice to the claimants.

I must, furthermore, reserve the right of the Egyptian Government to make diplomatic reservations with a view to re-examination and correction of the decision when it is of the opinion that a decision of the United States Claims Commission for the Middle East is unjust.

Please accept, my dear Minister, the assurance of my high consideration.

M. NAHAS

Procès-Verbal of Signature

[TRANSLATION]

MINISTRY
OF
FOREIGN AFFAIRS
No.————.

PROCÈS-VERBAL OF THE SIGNING OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND EGYPT, RELATIVE TO IMMUNITY FROM PENAL JURISDICTION OF MEMBERS OF THE AMERICAN FORCES IN EGYPT

In the year nineteen hundred forty-three and on the second day of March, at Cairo,

there met at the residence of His Excellency Mustapha El Nahas Pasha:

His Excellency Alexander Kirk, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Egypt, representing his Government, assisted by Mr. J. E. Jacobs, Counselor of the Legation;

His Excellency Mustapha El Nahas Pasha, President of the Council of Ministers, Minister of Foreign Affairs, representing the Egyptian Government, assisted by His Excellency Mohammed Sharara Pasha, Under Secretary of State in the Ministry of Foreign Affairs, and Mr. Awad El Bahraoui Bey, Minister Plenipotentiary, in charge of the Political and Economic Department in the Ministry of Foreign Affairs, for the purpose of proceeding to the exchange of notes relative to immunity from penal jurisdiction of members of the American Forces in Egypt.

After His Excellency the Minister of the United States stated that his Government had officially authorized him to conclude an agreement with the Egyptian Government on this subject, His Excellency Mustapha El Nahas Pasha handed to him the note signifying the accord of the Egyptian Government with respect to granting the said immunity.

Having taken cognizance of this note, His Excellency the Minister of the United States handed to His Excellency a note stating that he had learned of the Egyptian Government's decision and indicating the agreement of his Government with the provisions contained in the Egyptian Government's note.

The Minister of the United States then handed to His Excellency the Minister of Foreign Affairs of Egypt a note concerning the settlement of claims arising from acts committed by members of the Forces of the United States of America.

Having taken cognizance of this note, His Excellency handed to His Excellency the Minister of the United States his response to this note.

On this occasion, His Excellency the President of the Council of Ministers, Minister of Foreign Affairs, stated to His Excellency the Minister of the United States that the Egyptian Government had granted this immunity only

in order to strengthen the relations of friendship which happily exist between Egypt and the United States, and by reason of the particular situation resulting from the war, and that this exceptional arrangement will terminate automatically at the close of the war between the United States of America and the Axis countries in order to permit a return to the common law.

IN WITNESS WHEREOF, the present Procès-Verbal has been drawn up and signed in two original copies.

ALEXANDER KIRK
The Minister of the
United States of America

M. NAHAS
The President of the Council of Ministers
Minister of Foreign Affairs

CUSTOMS, PUBLIC HEALTH, AND POLICE CONTROLS AT PAYNE FIELD

Exchange of notes at Cairo January 5, 1946
Entered into force January 5, 1946
Terminated December 15, 1946 [1]

[For text, see 3 UST 530; TIAS 2410.]

USE OF PAYNE FIELD FOR INTERNATIONAL CIVIL AIR TRAFFIC

Exchange of notes at Cairo June 15, 1946
Entered into force June 15, 1946

[For text, see 3 UST 363; TIAS 2397.]

[1] Date of transfer of Payne Field to Egyptian Government.

USE OF PAYNE FIELD BY MILITARY AIRCRAFT

Exchange of notes at Cairo June 15, 1946
Entered into force June 15, 1946
Extended by agreements of October 25 and December 8, 1946; [1] *June 3 and 12, 1947;* [1] *and December 20, 1947, and January 5, 1948* [1]
Expired June 15, 1948

Department of State files

The American Minister to the Minister of Foreign Affairs

CAIRO, EGYPT
June 15, 1946

EXCELLENCY:

I have the honor to inform Your Excellency that for the purpose of returning United States personnel from or through the Far East or Near East the American Government is desirous that the Egyptian Government will grant temporary permission for the use of Payne Field and its facilities by United States military aircraft for a period of six months to be renewed if necessary by mutual agreement.

During this period the Egyptian Government will permit retention of United States personnel at Payne Field for the purpose of serving this traffic but with the understanding that the United States Government will withdraw all uniformed personnel not later than six months from the date of this agreement.

The detailed working arrangement for this six months withdrawal period will be elaborated in due course between the representatives of the competent authorities.

This letter and the reply of Your Excellency confirming the acceptance by Your Government of this arrangement, will constitute an agreement between the two Governments.

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[1] Not printed.

308-582—73——87

I avail myself of this opportunity to renew to Your Excellency the assurance of my very high consideration.

S. Pinkney Tuck
American Minister

His Excellency
Ahmed Loutfy El-Sayed Pasha
Minister for Foreign Affairs
Cairo

The Minister of Foreign Affairs to the American Minister

MINISTERE DES AFFAIRES ETRANGERES
No. 149

Cairo, *June 15, 1946*

Excellency:

I have the honor to acknowledge receipt of your letter of today, the text of which is the following:

I have the honor to inform Your Excellency that for the purpose of returning United States personnel from or through the Far East or Near East the American Government is desirous that the Egyptian Government will grant temporary permission for the use of Payne Field and its facilities by United States military aircraft for a period of six months to be renewed if necessary by mutual agreement.

During this period the Egyptian Government will permit retention of United States personnel at Payne Field for the purpose of serving this traffic but with the understanding that the United States Government will withdraw all uniformed personnel not later than six months from the date of this agreement.

The detailed working arrangement for this six months withdrawal period will be elaborated in due course between the representatives of the competent authorities.

This letter and the reply of Your Excellency confirming the acceptance by Your Government of this arrangement, will constitute an agreement between the two Governments.

I have now the honor to inform Your Excellency that my Government accepts the arrangement therein included and regards that letter and the present reply as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my very high consideration.

A. Loutfi El Sayed
The Minister of Foreign Affairs

His Excellency
Mr. S. Pinkney Tuck
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Cairo

AIR TRANSPORT SERVICES

Agreement signed at Cairo June 15, 1946, with annex
Entered into force definitively August 8, 1947; [1] *operative from June 15, 1946*
Annex amended by agreement of June 24 and July 31, 1957 [2]
Replaced provisionally May 5, 1964, by agreement of May 5, 1964; [3] *definitively April 7, 1965*

61 Stat. 3825; Treaties and Other International Acts Series 1727

Air Transport Agreement between the United States of America and Egypt

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

Article 1

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

Article 2

(a) Each of the air services so described shall be placed in operation as soon as the Contracting Party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the Contracting Party granting the rights

[1] Date of notification of approval by Egypt (see art. 11).
[2] 8 UST 1363; TIAS 3884.
[3] 15 UST 2202; TIAS 5706.

shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the Contracting Party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this Agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

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

ARTICLE 3

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

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

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

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

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

ARTICLE 5

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

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

Either Contracting Party may terminate the rights for services granted by it under this Agreement by giving one year's notice to the other Contracting Party.

ARTICLE 9

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

ARTICLE 10

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or its Annex, which cannot be settled through

consultation, shall be referred for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization (in accordance with the provisions of Article 3, Section 6(8) of the Interim Agreement on Civil Aviation signed at Chicago on December 7, 1944 [4] or its successors.

ARTICLE 11

The provisions of this Agreement shall become operative from the day it is signed. The Egyptian Government shall notify the Government of the United States of approval of the Agreement by the Egyptian Parliament, and the Government of the United States shall consider the Agreement as becoming definitive upon the date of such notification by the Egyptian Government.

Done at Cairo in duplicate in the English and Arabic languages, each of which shall be of equal authenticity, this 15th (15th) day of June (ragab), 1946 (1365).

For the Government of the United States of America:
S. PINKNEY TUCK

For the Royal Egyptian Government:
A. LOUTFY EL-SAYED
[SEAL]

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

SECTION 1

Airlines of the United States of America authorized under the present Agreement are accorded rights of transit and non-traffic stop in Egyptian territory as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Cairo on the following routes in both directions:

United States to Egypt (Cairo) and thence to Palestine (Lydda), Iraq (Basra), Saudi Arabia (Dhahran), and beyond, via:

(a) Ireland, France, Switzerland, Italy, and Greece,
(b) Portugal, Spain, Italy, and Greece, and
(c) Portugal, Spain, and North African points.

SECTION 2

Airlines of Egypt authorized under the present Agreement are accorded rights of transit and non-traffic stop in United States territory as well as the

[4] EAS 469, *ante*, vol. 3, p. 929.

right to pick up and discharge international traffic in passengers, cargo and mail in the United States on a route or routes as may be determined at a later date from Egypt, via intermediate points to the United States in both directions.

SECTION 3

In the establishment and operation of air services covered by this Agreement and its Annex, the following principle shall apply:

(1) The two Governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

(2) It is the understanding of both Governments that services provided by a designated air carrier under the Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the Annex to the Agreement shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity should be related:

(a) to traffic requirements between the country of origin and the countries of destination,

(b) to the requirements of through airline operation, and

(c) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

SECTION 4

The Contracting Parties should undertake regular and frequent consultation between their respective aeronautical authorities so that there should be close collaboration in the observance of the principles and the implementation of the provisions outlined in the Agreement and its Annex, and in case of dispute the matter shall be settled in accordance with the provisions of Article 10 of the Agreement.

SPECIAL TARIFF POSITION OF PHILIPPINES

Exchange of notes at Washington May 4 and August 15, 1946, supplementing agreement of May 24, 1930
Entered into force August 15, 1946

61 Stat. 2443; Treaties and Other International Acts Series 1572

The Acting Secretary of State to the Egyptian Minister

DEPARTMENT OF STATE
WASHINGTON
May 4, 1946

SIR:

With reference to the forthcoming independence of the Philippines on July 4, 1946, my Government considers that provision for a transitional period for dealing with the special tariff position which Philippine products have occupied for many years in the United States is an essential accompaniment to Philippine independence. Accordingly, under the Philippine Trade Act approved April 30, 1946,[1] goods the growth, produce or manufacture of the Philippines will enter the United States free of duty until 1954, after which they will be subject to gradually and regularly increasing rates of duty or decreasing duty-free quotas until 1974 when general rates will become applicable and all preferences will be completely eliminated.

Since the enactment of the Philippine Independence Act approved March 24, 1934,[2] my Government has foreseen the probable necessity of providing for such a transitional period and has since then consistently excepted from most-favored-nation obligations which it has undertaken toward foreign governments advantages which it might continue to accord to Philippine products after the proclamation of Philippine independence. Some thirty instruments in force with other governments, for example, permit the continuation of the exceptional tariff treatment now accorded by my Government to Philippine products, irrespective of the forthcoming change in the Commonwealth's political status.

With a view, therefore, to placing the relations between the United States and Egypt upon the same basis, with respect to the matters involved, as

[1] 60 Stat. 141.
[2] 48 Stat. 456.

the relations existing under the treaties and agreements referred to in the preceding paragraph, I have the honor to propose that the provisions of the Provisional Commercial Agreement between the United States of America and Egypt effected by an exchange of notes signed May 24, 1930,[3] shall not be understood to require the extension to Egypt of advantages accorded by the United States to the Philippines.

In view of the imminence of the inauguration of an independent Philippine Government, I should be glad to have the reply of your Government to this proposal at an early date.

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

DEAN ACHESON
Acting Secretary of State

The Honorable
MAHMOUD HASSAN
Minister of Egypt

The Egyptian Minister to the Acting Secretary of State

ROYAL EGYPTIAN LEGATION
WASHINGTON, D.C.
August 15, 1946

SIR:

I have the honour to refer to your letter dated May 4, 1946 informing me that your Government made a provision for a transitional period for dealing with the special tariff position which Philippine products have occupied before independence. Accordingly, under the Philippine Trade Act approved April 30, 1946, goods the growth, produce or manufacture of the Philippines will enter the United States free of duty until 1954, after which they will be subject to gradually and regularly increasing rates of duty or decreasing duty-free quotas until 1974 when general rates will become applicable and all preferences will be completely eliminated.

I have the pleasure to inform you that after referring the contents of your communication to my Government, I have been authorized to state that until the expiration date of the exceptional treatment of Philippine imports, my Government does not intend to invoke the most-favored-nation clause under the Provisional Commercial Agreement between the United States of America and Egypt effected by an exchange of notes signed May 24, 1930.

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

M. HASSAN

The Honourable
DEAN ACHESON
Acting Secretary of State
Washington, D.C.

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[3] EAS 5, *ante*, p. 1329.

FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

Agreement and exchange of notes signed at Cairo November 3, 1949
Entered into force November 3, 1949
Superseded by agreement of September 28, 1959 [1]

64 Stat. (3) B112; Treaties and Other International Acts Series 2039

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF EGYPT FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS

The Government of the United States of America and the Government of Egypt;

Desiring to promote further mutual understanding between the peoples of the United States of America and Egypt by a wider exchange of knowledge and professional talents;

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from currencies acquired pursuant to the letter dated June 15, 1946 from the Minister of Foreign Affairs of Egypt to the Central Field Foreign Liquidation Commissioner of the Department of State of the United States of America (hereinafter referred to as "the letter");

Have agreed as follows:

ARTICLE 1

There shall be established a foundation to be known as the United States Educational Foundation for Egypt (hereinafter designated "the Foundation") which shall be recognized by the Government of the United States of America and the Government of Egypt as an organization created and established to facilitate the administration of the educational program to be financed by funds made available in accordance with the terms of this agreement. Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement. The funds shall be regarded in Egypt as the property of a foreign government.

[1] 10 UST 1735; TIAS 4327.

The funds made available under the present agreement within the conditions and limitations hereinafter set forth, shall be placed at the disposal of the Foundation for the purposes, as set forth in Section 32(b) of the United States Surplus Property Act of 1944,[2] as amended of

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Egypt or of the citizens of Egypt in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or

(2) furnishing transportation for citizens of Egypt who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

ARTICLE 2

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of the present agreement, exercise all powers necessary to the carrying out of the purposes of this agreement including the following:

(1) Plan, adopt, and carry out programs in accordance with the purposes of Section 32(b) of the United States Surplus Property Act of 1944, as amended, and the purposes of this agreement.

(2) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Egypt, and institutions of Egypt qualified to participate in the program in accordance with the aforesaid Act.

(3) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of this agreement.

(4) Authorize the Treasurer of the Foundation or such other person as the Foundation may designate to receive funds to be deposited in bank accounts in the name of the Treasurer of the Foundation or such other person as may be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State and he shall deposit funds received in a depository or depositories designated by the Secretary of State.

(5) Subject to the conditions and limitations as set forth herein, authorize the disbursement of funds and making of grants and advances of funds for the authorized purposes of this agreement.

[2] 58 Stat. 765.

(6) Provide for periodic audits of the accounts of the Treasurer of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.

(7) Engage an Executive Officer, administrative and clerical staff and fix the salaries and wages thereof out of funds made available.

ARTICLE 3

All obligations, commitments and expenditures authorized by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

ARTICLE 4

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of eight directors (hereafter designated "the Board"), four of whom shall be citizens of the United States of America and four of whom shall be citizens of Egypt. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Egypt (hereinafter designated "Chief of Mission") and the Egyptian Minister of Education (hereinafter designated "Minister of Education") shall be jointly Honorary Chairmen of the Board. The Chief of Mission shall have the power of appointment and removal of the United States citizens on the Board, at least two of whom shall be officers of the United States Foreign Service establishment in Egypt. The Minister of Education shall have the power of appointment and removal of the Egyptian citizens on the Board. A Chairman with voting power shall be selected by the Board from among its members.

The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside Egypt, expiration of term of service or otherwise shall be filled in accordance with this procedure. The members shall serve without compensation, but the Board may authorize the payment of the necessary expenses of the members in attending the meetings of the Board and in performing other official duties assigned by the Board.

ARTICLE 5

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

ARTICLE 6

Reports shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and the Government of Egypt.

ARTICLE 7

The principal office of the Board shall be in the capital city of Egypt, but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the officers or staff of the Establishment may be carried on at such places as may be approved by the Board.

ARTICLE 8

The Secretary of State of the United States of America will make available for expenditure as authorized by the Foundation currency of the Government of Egypt in an amount not to exceed the equivalent of $400,000 (United States currency) during any single calendar year from Egyptian currency held in the account of the Treasurer of the United States and available for purposes of this agreement in accordance with United States law. Such amounts made available shall not be in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

ARTICLE 9

The Government of the United States of America and the Government of Egypt shall make every effort to facilitate the exchange of persons programs authorized in this agreement and to resolve problems which may arise in the operations thereof.

ARTICLE 10

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

ARTICLE 11

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Egypt.

ARTICLE 12

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Cairo in duplicate, in the English and French languages, this third day of November, 1949.

For the Government of the United States of America:
JEFFERSON CAFFERY [SEAL]

For the Government of Egypt:
H. SIRRY [SEAL]

EXCHANGE OF NOTES

The American Ambassador to the Minister of Foreign Affairs

AMERICAN EMBASSY
CAIRO, EGYPT, *November 3, 1949*

EXCELLENCY:

I have the honor to refer to the Agreement signed this third day of November, 1949, for financing certain educational exchange programs and promoting improved cultural relationships between our two countries.

I understand that the omission of a tax article from the initial draft does not prejudice the right of the United States to reopen discussion on this point in the light of experience and the effect of taxation on the operation of the program.

I should appreciate it if I might be informed of the concurrence of Your Excellency's Government in the understanding above set forth.

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

JEFFERSON CAFFERY

His Excellency
HUSSEIN SIRRY Pasha
Minister of Foreign Affairs
Cairo

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
Press Department

CAIRO, *November 3, 1949*

MR. AMBASSADOR:

By a letter of this date, Your Excellency has been good enough to point out that, according to the point of view of your Government, the omission of a tax article from the initial draft of the Cultural Agreement, which was signed today, for financing certain educational exchange programs and promoting improved cultural relationships between our two countries, does not prejudice the right of the United States to reopen discussion on this point in the light of experience and the effect of taxation on the operation of the program.

I have the honor to acknowledge to Your Excellency receipt of this com-

munication concerning which I am pleased to confirm to you the complete agreement of the Egyptian Government.

Accept, Mr. Ambassador, the assurances of my very high consideration.

H. SIRRY
Minister of Foreign Affairs

His Excellency
JEFFERSON CAFFERY
Ambassador of the United States of America
Cairo

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