EXECUTIVE AGREEMENTS

2571

Exchange of notes between the United States and the Dominion of Canada concerning quarantine inspection of vessels entering Puget Sound and waters adjacent thereto or the Great Lakes via the St. Lawrence River. Signed October 10 and 23, 1929.

October 10, 1929.
October 23, 1929.

The Secretary of State for External Affairs to the American Minister

DEPARTMENT OF
EXTERNAL AFFAIRS
CANADA

No. 132 OTTAWA, *10th October, 1929*

SIR,

Quarantine inspection of foreign vessels in certain waters.
Agreement with Canada for mutual acceptance of.

With reference to your note No. 480 of the 30th September, intimating that the Public Health authorities of your Government were agreeable to an exchange of notes for the purpose of establishing an arrangement between our Governments to provide for the acceptance by each Government of the quarantine inspection of the other in respect of vessels from foreign ports entering Puget Sound and adjacent waters or the Great Lakes via the St. Lawrence River, in the terms suggested in my note No. 45 of the 2nd May last, I have the honour to state that His Majesty's Government in Canada is prepared, in accordance with the provisions of Articles 56 and 57 of the International Sanitary Convention signed at Paris the 21st June, 1926, to agree with the Government of the United States of America that vessels from foreign ports destined for both Canadian and United States ports located on the Straits of Juan de Fuca, Haro, Rosario, Georgia, Puget Sound, or their tributaries or connected waters, or so destined to ports on the Great Lakes and St. Lawrence River shall undergo quarantine inspection by the quarantine officers of that Government having jurisdiction over the primary port of arrival, and when cleared from quarantine in accordance with the provisions of the said International Sanitary Convention shall receive free pratique, the document granting such pratique to be issued in duplicate, that the original shall be presented upon entry at the primary port of arrival, and that the duplicate shall be presented to the proper quarantine officers upon secondary arrival and entry at the first port under the jurisdiction of the other Government, and shall be accepted by that Government without the formality of quarantine re-inspection, provided that cases of quarantinable disease have not been prevalent in the ports visited and have not occurred on board the vessel since the granting of the original pratique, and provided further that the observance of the provisions of Article 28 of the said Convention shall not be modified by such agreement.

Vol. 45, p. 2512.

It will be understood that on the receipt of a note from you expressing your Government's concurrence in this agreement, it shall become effective and the necessary administrative steps in connection with its operation shall be taken.

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

W. H. WALKER
For Secretary of State for External Affairs.

The Honourable WILLIAM PHILLIPS
Minister of the United States of America
United States Legation, Ottawa

3051°—33—PT 2——61

The American Minister to the Secretary of State for External Affairs

LEGATION OF THE
UNITED STATES OF AMERICA

No. 502. OTTAWA, CANADA, *October 23, 1929.*

SIR:

Concurrence by Canada.

I have the honor to acknowledge the receipt of your note No. 132 of October 10th, last, in regard to the proposed establishment of an arrangement between our Governments to provide for the acceptance by each Government of the quarantine inspection of the other in respect of vessels from foreign ports entering Puget Sound and adjacent waters or the Great Lakes via the St. Lawrence River.

It gives me pleasure to inform you that my Government accepts the terms of the agreement as set forth in your note No. 132 of October 10, 1929.

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

WILLIAM PHILLIPS

The Right Honorable
WILLIAM LYON MACKENZIE KING, C. M. G., LL. B., LL.D.,
Secretary of State for External Affairs,
Ottawa.

[No. 1]

Exchange of notes between the United States and the Dominion of Canada concerning the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of air worthiness for aircraft imported as merchandise. Signed August 29, 1929, and October 22, 1929.

August 29, 1929.
October 22, 1929.

The Secretary of State to the Charge d'Affairs ad interim of the Dominion of Canada

DEPARTMENT OF STATE
WASHINGTON, *August 29, 1929*

SIR:

The Department refers to the negotiations which have been conducted between this Department and your Legation for the conclusion of a reciprocal arrangement between the United States and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise.

Reciprocal arrangement with Canada for admission of civil aircraft, etc.

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

Terms.

(1) All state aircraft other than military, naval, customs and police aircraft, shall be treated as civil aircraft and as such shall be subject to the requirements hereinafter provided for civil aircraft.

(2) Subject to the conditions and limitations hereinafter contained and set forth, Canadian civil aircraft shall be permitted to operate in the United States and, in like manner, civil aircraft of the United States shall be permitted to operate in the Dominion of Canada.

(3) Canadian aircraft, before entering the United States, must be registered and passed as airworthy by the Canadian Department of National Defense and must bear the registration markings allotted to it by that Department. Aircraft of the United States, before entering Canada, must be registered and passed as airworthy by the United States Department of Commerce, and must bear the registration markings allotted to it by that Department, preceded by the letter "N", placed on it in accordance with the Air Commerce Regulations of the Department of Commerce.

(4) Canadian aircraft making flights into the United States must carry aircraft, engine and journey logbooks, and the certificates of registration and airworthiness, issued by the Canadian Department of National Defense. The pilots shall bear licenses issued by said Department of National Defense. Like requirements shall be applicable in Canada with respect to aircraft of the United States and American pilots making flights into Canada. The certificates and licenses in the latter case shall be those issued by the United States Department of Commerce; provided, however, that pilots who are nationals of the one country shall be licensed by the other country under the following conditions:

(*a*) The Department of National Defense of the Dominion of Canada 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; and the United States Department of Commerce will issue pilots' licenses to Canadian nationals upon a

Terms—Continued.

showing that they are qualified under the regulations of that department covering the licensing of pilots.

(*b*) Pilots' licenses issued by the United States Department of Commerce to Canadian nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals, and pilots' licenses issued by the Department of National Defense of the Dominion of Canada to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Canadian nationals.

(*c*) Pilots' licenses granted to nationals of the one country by the other country shall not be construed to accord to them the right to register aircraft in such other country.

(*d*) Pilots' licenses granted to nationals of the one country by the other country shall not be construed to accord to them the right to operate aircraft in air commerce unless the aircraft is registered in such other country in accordance with its registration requirements except as provided for in Paragraphs (a) and (b) of Clause 6, with respect to discharging and taking on through passengers and/or cargo.

(5) No Canadian aircraft in which photographic apparatus has been installed shall be permitted to operate in the United States, nor shall any photographs be taken from Canadian aircraft while operating in or over United States territory, except in cases where the entrance of such aircraft or the taking of photographs is specifically authorized by the Department of Commerce of the United States. Like restrictions shall be applicable to aircraft of the United States desiring to operate in or over Canadian territory, and in such cases the entrance of aircraft in which photographic apparatus has been installed, and the taking of photographs shall not be permissible without the specific authorization of the Department of National Defense of Canada.

(6) (*a*) If the Canadian aircraft and pilot are licensed to carry passengers and/or cargo in the Dominion of Canada, they may do so between Canada and the United States, but not between points in the United States, except that subject to compliance with customs, quarantine and immigration requirements, such aircraft shall be permitted to discharge through passengers and/or cargo destined to the United States at one airport in the United States, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in the United States, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on passengers and/or cargo destined to Canada at different airports in the United States on the return trip to Canada.

(*b*) If the United States aircraft and pilot are licensed to carry passengers and/or cargo in the United States, they may do so between the United States and Canada, but not between points in Canada, except that subject to compliance with customs, quarantine and immigration requirements such aircraft shall be permitted to discharge through passengers and/or cargo destined to Canada at one airport in Canada, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in Canada, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on passengers and/or cargo destined to the United States at different airports in Canada on the return trip to the United States.

Terms—Continued.

(7) The right accorded to Canadian pilots and aircraft to make flights over United States territory under the conditions provided for in the present arrangement shall be accorded, subject to compliance with the laws, rules and regulations in effect in the United States governing the operation of civil aircraft. The right accorded to American pilots and aircraft of the United States to make flights over Canadian territory, under the conditions herein provided for, shall be accorded, subject to compliance with the laws, rules and regulations in effect in Canada governing the operation of civil aircraft.

(8) Certificates of airworthiness for export issued in connection with aircraft built in Canada imported into the United States from Canada as merchandise will be accepted by the Department of Commerce of the United States if issued by the Department of National Defense of the Dominion of Canada in accordance with its requirements as to airworthiness. Certificates of airworthiness for export issued in connection with aircraft built in the United States imported into Canada from the United States as merchandise will, in like manner, be accepted by the Department of National Defense of Canada, if issued by the Department of Commerce of the United States in accordance with its requirements as to airworthiness.

(9) It shall be understood that this arrangement shall be subject to termination by either Government on sixty days' notice given to the other Government, by a further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed upon is as herein set forth. If so, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

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

H. L. STIMSON

Mr. HUME WRONG
Chargé d'Affaires ad interim of
the Dominion of Canada

The Minister of the Dominion of Canada to the Secretary of State

No. 207.

CANADIAN LEGATION
WASHINGTON, *October 22nd, 1929.*

SIR:

Concurrence by Canada.

I have the honour to refer to your note of August 29th, 1929, concerning the proposed reciprocal arrangement between the United States and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise. I have been instructed to inform you that His Majesty's Government in Canada concur in the terms of the agreement as set forth in your note, and will, therefore, consider it to be operative from this date.

I have the honour to be, with the highest consideration, Sir,
Your most obedient, humble servant,

VINCENT MASSEY

THE HON. HENRY L. STIMSON,
Secretary of State of the United States,
Washington, D. C.

[No. 2]

March 31, 1926.
June 8, 1926.

Exchange of notes between the United States and Japan providing for relief from double income tax on shipping profits. Signed March 31, 1926, and June 8, 1926.

The Japanese Ambassador to the Secretary of State

No. 41.

JAPANESE EMBASSY
WASHINGTON, *March 31, 1926*

SIR:

Double income tax on shipping profits.
Reciprocal exemption, United States and Japan.

With reference to your note dated September 1, 1925, concerning the reciprocal exemption from taxation of income derived from the operation of merchant vessels, I have the honor to state, under instructions from Tokio, that my Government is happy to signify its willingness to agree with the views of the Treasury Department as stated in your note under acknowledgment; namely, that the reciprocal exemption shall be carried out from and including July 18, 1924, the date on which the Japanese Law No. 6 was promulgated, without adopting the methods suggested in my note dated June 18, 1925; and, further, that the exemption from taxation accorded by Section 213(b)(8) of the Revenue Act of 1924 applies only to such income as is derived from sources within the "United States" as that term is defined in Section 2 of the said Act, and from sources within the Virgin Islands.

Vol. 43, pp. 269, 253.

In bringing the above to your knowledge, I am happy to note that a unanimity of views has been reached between our two Governments on this subject, and shall be glad if you will be good enough to take steps with the Treasury Department to the end that an arrangement looking to the reciprocal exemption in question be put into force.

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

T. MATSUDAIRA

HONORABLE FRANK B. KELLOGG,
Secretary of State.

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE
WASHINGTON, *June 8, 1926.*

EXCELLENCY:

Agreement by United States.

Referring further to your note of March 31, 1926, and to previous correspondence in regard to the establishment by the United States and Japan of reciprocal exemption from taxation of income derived from the operation of merchant vessels, I have the honor to inform you of the receipt of a letter on the subject from the Secretary of the Treasury dated May 26, 1926.

The Secretary of the Treasury states that he approved, on February 1, 1926, Treasury Decision 3812 embodying the ruling that from July 18, 1924, Japan satisfies the equivalent exemption provi-

sion of Section 213(b)(8) of the Revenue Act of 1924, and that this action is all that is necessary to give effect to the reciprocal arrangement on the part of the United States.

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

JOSEPH C. GREW
Acting Secretary of State.

HIS EXCELLENCY
MR. TSUNEO MATSUDAIRA,
Japanese Ambassador.

[No. 3]

August 2, 1928.
September 17, 1928.

Exchange of notes between the United States and the Dominion of Canada for relief from double income tax on shipping profits. Signed August 2, 1928, and September 17, 1928.

The Chargé d'Affaires ad interim of the Dominion of Canada to the Secretary of State

No. 117.

CANADIAN LEGATION
WASHINGTON, *August 2nd, 1928.*

SIR:

Double income tax on shipping profits. Reciprocal arrangement, United States and Canada.

I have the honour to refer to your note of July 24th, 1928, and to previous correspondence concerning the exemption from taxation in the United States and in Canada of the income of vessels of foreign registry. I am instructed to inform you that His Majesty's Government in Canada is prepared to conclude with the Government of the United States a reciprocal arrangement for relief from double income tax on shipping profits, and suggests as a basis the following draft which has been approved by the Minister of National Revenue of Canada and which could be put into effect immediately if it should meet with the approval of the Secretary of the Treasury:

"Whereas it is provided by Section 4(m) of the Revised Statutes of Canada 1927, chapter 97, as amended, that the income of non-resident persons or corporations arising within Canada from the operation of ships owned and operated by such persons or corporations may be exempt from taxation within Canada if the country where any such person or corporation resides or is organized grants substantially an equivalent exemption in respect of the shipping business carried on therein by Canadian residents or Canadian corporations, and that the Minister may give effect to such exemption from the date on which the exemption granted by the country where the person or corporation resides took effect,

Vol. 42, p. 239; Vol. 43, p. 269; Vol. 44, p. 25; Vol. 45, pp. 847, 849.

"And whereas it is provided by Section 213(B)(8) of the United States Revenue Acts of 1921, 1924, and 1926, and sections 212(B) and 231(B) of the Revenue Act of 1928, that the income of a non-resident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States shall be exempt from income tax,

"And whereas the respective governments of the United States of America and the Dominion of Canada through their accredited representatives have signified that they regard the respective exemptions provided for in the above referred to legislation as being equivalent within the meaning of the said sections,

"Now therefore be it known that the Secretary of the Treasury of the United States and the Minister of National Revenue of the Dominion of Canada for and on behalf of their respective Governments hereby declare: (1) that, in respect of the Dominion of Canada, citizens of the United States not residing in Canada and corporations organized in the United States owning or operating ships documented in the United States shall be exempt from Canadian income tax on the earnings from sources within Canada derived exclusively from the operation of such ships; (2) that, in respect of the United States, persons resident in Canada who are not citizens of the United States and corporations organized in Canada owning or operating ships documented in Canada shall be exempt from United States income tax on the earnings from sources within the United States derived exclusively from the operation of such ships. The exemption from income tax on the income derived from the operation of ships (including ferries) herein provided for shall be deemed to have come into force and shall be applicable to the income for the year 1921 and to all subsequent years, upon the understanding that no refunds of taxes paid will be made for any years which by virtue of statutory limitations governing refunds are barred. Refunds will be made only for such years as are not barred by statute."

2. I shall be glad if you will be so good as to submit this draft to the competent authorities of the Government of the United States.

I have the honour to be with the highest consideration, Sir,
Your most obedient, humble servant,

H. H. WRONG,
Charge d'Affaires.

THE HONOURABLE FRANK B. KELLOGG,
Secretary of State of the United States,
Washington, D. C.

The Secretary of State to the Chargé d'Affaires ad interim of the Dominion of Canada

DEPARTMENT OF STATE
WASHINGTON, *September 17, 1928*

SIR:

Agreement by United States.

Reference is made to your note No. 117, dated August 2, 1928, and the Department's acknowledgment of August 13, 1928, in regard to the proposed reciprocal exemption from taxation in the United States and in Canada of the income of vessels of foreign registry.

A communication on this subject has now been received from the appropriate authority of this Government and it gives me pleasure to inform you that this Government agrees to the following undertaking:

(1) that, in respect of the Dominion of Canada, citizens of the United States not residing in Canada and corporations organized in the United States owning or operating ships documented in the United States shall be exempt from Canadian income tax on the earnings from sources within Canada derived exclusively from the operation of such ships;

(2) that, in respect of the United States, persons resident in Canada who are not citizens of the United States and corporations organized in Canada owning or operating ships documented in Canada shall be exempt from United States income tax on the earnings from sources within the United States derived exclusively from the operation of such ships;

(3) that the exemption from income tax on the income derived from the operation of ships (including ferries) above provided shall be deemed to have come into force and shall be applicable to the income for the year 1921 and to all subsequent years, upon the understanding that no refunds of taxes paid will be made for any years which by virtue of statutory limitations governing refunds are barred.

The appropriate authority of this Government now has under preparation a Treasury Decision the purpose of which will be to give effect to the above mentioned agreement in so far as it relates to the United States. It is presumed that the appropriate authority of your Government will follow a similar course to give effect to the agreement in relation to Canda.

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

For the Secretary of State:
W. R. CASTLE, JR.

MR. HUME WRONG,
Chargé d'Affaires ad interim
of the Dominion of Canada.

May 24, 1930. *Provisional commercial agreement between the United States of America and Egypt for most-favored-nation treatment in customs matters. Effected by exchange of notes, signed May 24, 1930.*

The Egyptian Minister for Foreign Affairs to the American Minister

No. 1.7/3(32) MINISTÈRE DES AFFAIRES ETRANGÈRES,
LE CAIRE, *le 24 Mai 1930.*

MONSIEUR LE MINISTRE,

Proposal of Egyptian Government. Me référant à la correspondance échangée entre Votre Excellence et ce Ministère au sujet de la conclusion d'un accord commercial provisoire entre les Etats-Unis d'Amérique et l'Egypte, j'ai l'honneur d'informer Votre Excellence que le Gouvernement égyptien consent à appliquer sans condition le traitement de la nation la plus favorisée à tous les produits du sol et de l'industrie originaires des Etats-Unis d'Amérique importés en Egypte et destinés soit à la consommation soit à la réexportation ou au transit. Provisoirement, le dit traitement sera également appliqué aux produits qui seront importés en Egypte par la voie de pays n'ayant pas avec l'Egypte des arrangements commerciaux.

Condition of perfect reciprocity. Ce régime est accordé à condition de parfaite réciprocité et sous réserve du régime accordé par l'Egypte aux produits soudanais et du régime qui serait accordé aux produits de certains pays limitrophes en vertu de conventions régionales et sous réserve du traitement qu'accordent les Etats-Unis d'Amérique ou qu'ils accorderaient à l'avenir au commerce de Cuba ou de n'importe quels territoires ou possessions des Etats-Unis d'Amérique, de la zone du Canal de Panama et du traitement accordé ou qui serait accordé à l'avenir au commerce des Etats-Unis d'Amérique avec l'un des pays limitrophes ou possessions ou du commerce de ces territoires ou possessions les uns avec les autres.

Exception. Le présent arrangement ne s'appliquera pas aux prohibitions ou restrictions d'un caractère sanitaire ou destinées à protéger les vies humaines, animales ou végétales, ni aux réglements d'application des lois de police et des recettes.

Effective date. Le présent arrangement entrera en vigueur aussitôt que Votre Excellence aura bien voulu me confirmer l'accord de son Gouvernement à son sujet. Il pourra prendre fin par consentement mutuel comme il pourra être dénoncé par chacune des parties contractantes moyennant un préavis de trois mois. Si cependant, l'une des parties se trouve empêchée par une législation future d'exécuter les termes de l'arrangement, les obligations qui en découlent prendront fin en conséquence.

Je saisis l'occasion de vous renouveler, Monsieur le Ministre, l'assurance de ma haute considération.

Le Ministre des Affaires Etrangères
WACYF BOUTROS GHALI.

SON EXCELLENCE
MONSIEUR FRANKLIN MOTT GUNTHER
Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats-Unis d'Amérique.

The American Minister to the Egyptian Minister for Foreign Affairs Acquiescence by United States.

No. 230. LEGATION OF THE UNITED STATES OF AMERICA,
CAIRO, *May 24, 1930.*

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:

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 of 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 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 so 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.

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.

[No. 5]

April 16, 1930.
June 10, 1930.

Arrangement between the United States of America and Spain for relief from double income tax on shipping profits. Effected by exchange of notes, signed April 16, 1930, and June 10, 1930.

The Spanish Ambassador to the Acting Secretary of State

No. 84–15

ROYAL SPANISH EMBASSY
WASHINGTON, *16 de Abril de 1930.*

SEÑOR SECRETARIO:

Double income tax on shipping profits. Reciprocal exemption, United States and Spain.

Tengo la honra de referirme a la atena nota de Vuestra Excelencia de 5 del corriente relativa a la exencion de impuesto en los Estados Unidos sobre ingresos derivados de las operaciones de buques españoles, dándome traslado de la comunicación que sobre el asunto habia sido recibida del Departamento del Tesoro cuyos extremos eran copiados a continuación.

Es para mi una satisfacción poder expresar a Vuestra Excelencia el agrado con que he visto que las últimas declaraciones del Ministro de Hacienda español, expuestas en mi Nota de 11 de Febrero de 1930, concuerdan con las proposiciones que el Señor Secretario del Tesoro Norteamericano se servía hacer en la carta de 2 de Agosto de 1929 que por mi conducto dirigió a la Compañia Trasatlantica.

En vista de lo expuesto, ruego a Vuestra Excelencia se sirva dar las instrucciones oportunas a las autoridades correspondientes para que tengan en cuenta este acuerdo respecto a las Compañias Navieras españolas en el sentido de que los beneficios de los ciudadanos españoles que consisten exclusivamente en ganancios derivadas de operaciones de buques abanderados en España, serán exentos de tributos en los Estados Unidos por las leyes de este pais, y especialmente en relación con lo expuesto por Vuestra Excelencia en su Nota de 26 de Septiembre de 1929, respecto al caso de la Compañia Trasatlantica.

Tan pronto recibi la mencionada atenta Nota de Vuestra Excelencia de 5 del corriente mes de Abril, me apresuré a remitir la correspondiente copia al Ministerio de Estado de Madrid, y mientras recibo respuesta, cumplo el grato deber de expresar a Vuestra Excelencia mi agradecimiento por la buena voluntad que desde un principo he podido apreciar, tanto en el Departamento del Tesoro como en ese Departamento del muy digno cargo de Vuestra Excelencia para llegar a una solución favorable en este asunto, que no puede menos de estrechar las buenas relaciones existences entre nuestros dos paises.

Aprovecho esta oportunidad, Señor Secretario, para reiterar a Vuestra Excelencia las seguridades de mi mas alta consideracion.

ALEJANDRO PADILLA

HONORABLE J. P. COTTON,
Secretario de Estado,
Departamento de Estado,
Washington, D. C.

[Translation]

No. 84–15

ROYAL SPANISH EMBASSY
WASHINGTON, *April 16, 1930.*

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,
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:

Agreement by United States.

"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

Vol. 42, p. 239; Vol. 43, p. 269; Vol. 44, p. 25; Vol. 45, p. 847.

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, 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, 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 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.

[No. 6]

Arrangement between the United States of America and Great Britain and Northern Ireland for relief from double income tax on shipping profits. Effected by exchange of notes, signed August 11, 1924, November 18, 1924, November 26, 1924, January 15, 1925, February 13, 1925, and March 16, 1925.

August 11, November 18 and 26, 1924. January 15, February 13, March 16, 1925.

The Acting Secretary of State to the British Ambassador

DEPARTMENT OF STATE,
WASHINGTON, *August 11, 1924.*

EXCELLENCY:

Double income tax on shipping profits. Reciprocal exemption, United States, Great Britain and Northern Ireland.

Referring to the Embassy's note No. 138 of February 11, 1924, and to previous correspondence relating to a proposed arrangement between the Internal Revenue authorities of the United States and Great Britain with a view to granting relief from double income taxation in cases where the profits arising from the business of shipping are chargeable to both British income tax and to income tax payable in the United States, I have the honor to inform you of the receipt of a letter on the subject from the Secretary of the Treasury.

Vol. 42, p. 239; Vol. 43, p. 269; Vol. 44, p. 25; Vol. 45, pp. 847, 849.

It appears therefrom that Section 213(b)(8) of the Revenue Act of 1921 which has been reenacted as Section 213(b)(8) of the Revenue Act of 1924 exempts from tax so much of the income of a nonresident alien or foreign corporation as is derived from the operation of a ship or ships documented under the laws of a foreign country if that foreign country in turn exempts from tax so much of the income of a citizen of the United States nonresident in such country and of a corporation organized in the United States as is derived from the operation of a ship or ships documented under the laws of the United States. The question of the exemption from tax of income derived from the operation of British vessels has, as the Embassy has observed, previously been discussed by officials of the Treasury Department with Sir Percy Thompson, Deputy Chairman of the British Board of Inland Revenue, who came to the United States for that purpose. I am informed that these discussions proved fruitless because Sir Percy Thompson did not feel at liberty to recede from the British position that the taxability of a corporation as a resident of the United Kingdom should depend not upon the place of incorporation but upon the place "where its real business is carried on and that * * * is carried on where the control and management of the company abide". (American Thread Company *v.* Joyce, 6 T.C., 163, 164.)

The navigation laws of the United States require that a corporation owning a vessel of the United States be a corporation organized in the United States and that its president and managing directors be citizens of the United States, but there is no requirement that the president and managing directors be residents of this country. It was conceivable therefore that the president and managing directors might reside in the United Kingdom, hold their meetings there, and there exercise control of the corporation. In such a case the corporation would, under British law, have been deemed a resident of the United Kingdom and as such subject to tax upon all its income.

It is equally clear, however, that such a corporation would be a corporation organized in the United States and deriving income from the operation of a ship or ships documented under the laws of the United States, and would as such be entitled to exemption from British tax upon income derived from the operation of vessels of the United States, if the exemption offered by Great Britain were to be deemed equivalent to that offered under American law.

It is understood that the proposal which the British Government now makes in its suggested draft of a Declaration in Council does not require that the American corporation shall operate its business outside the United Kingdom in order to be entitled to exemption from British income tax. The British Government proposes, according to the understanding of the Secretary of the Treasury, to exempt from British income tax (including super-tax) "any profits accruing from the business of shipping carried on with ships documented under the laws of the United States to a citizen of the United States resident outside the United Kingdom or to a corporation organized in the United States". Upon the explicit understanding that the American corporation is thus exempted regardless of whether it does business in the United Kingdom or has an office or place of business therein or whether directors' meetings are held in the United Kingdom and the control of the corporation is there exercised, the Secretary of the Treasury is of the opinion that the offer communicated in the Embassy's note of February 11, 1924, satisfies the requirements of Section 213(b)(8) of the Revenue Act of 1924, so far as the United Kingdom is concerned.

The Secretary of the Treasury asks that I make clear the fact that the Treasury Department intends to construe Section 213(b)(8) of the Revenue Act of 1924 as not affording exemption to British subjects or others resident in the British dominions, colonies, dependencies, or possessions, or to corporations organized under and existing by virtue of the laws of the British dominions, colonies, dependencies, or possessions, unless the laws of such dominions, colonies, dependencies, or possessions grant an equivalent exemption to citizens of the United States and to corporations organized in the United States. The exemption from tax of income derived from the operation of ships of British registry will be confined to individuals resident in the United Kingdom, other than citizens of the United States, and to corporations organized under and existing by virtue of the laws of the United Kingdom.

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

JOSEPH C. GREW
Acting Secretary.

HIS EXCELLENCY
THE RIGHT HONORABLE
SIR ESME HOWARD, G.C.M.G., K.C.B., C.V.O.,
Ambassador of Great Britain.

The British Ambassador to the Secretary of State

No. 1106

BRITISH EMBASSY,
WASHINGTON, D. C., *November 18, 1924.*

SIR:

Agreement by Great Britain.

With reference to your note of August 11th, relating to a proposed arrangement between the Internal Revenue authorities of Great Britain and the United States with the object of granting relief from double taxation in cases where the profits accruing from the transac-

tion of shipping business are subjected to both British and United States income taxes, I am instructed to inform you that the Board of Inland Revenue of my government agree with the conditions and limitations specified in the note.

My government have accordingly promulgated an Order in Council dated November 7th, 1924, taking effect from that date so far as Great Britain is concerned, and I expect to be able to transmit to you a copy of the Order at an early date.

I am to add that the Irish Free State in common with the other British Dominions is not to be considered as affected by this measure. Irish Free State, etc., not included.

I have the honour to be with the highest consideration, Sir,

Your most obedient, humble servant,

ESME HOWARD

THE HONOURABLE,
CHARLES E. HUGHES,
Secretary of State of the United States,
Washington, D. C.

The British Ambassador to the Secretary of State

No. 1148.

BRITISH EMBASSY,
WASHINGTON, D. C., *November 26th, 1924.*

SIR:

With reference to my Note of November 18th, I now have the honour to transmit herewith for your information copy of an Order of His Majesty the King in Council, dated November 7th, 1924, and taking effect from that date, regarding the arrangement with your government for the reciprocal exemption of shipping profits from income tax. British Order in Council.

I have the honour to be with the highest consideration, Sir,

Your most obedient, humble servant,

ESME HOWARD

THE HONOURABLE
CHARLES E. HUGHES,
Secretary of State of the United States,
Washington, D. C.

[Enclosure]

AT THE COURT AT BUCKINGHAM PALACE.

The 7th day of November, 1924.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.

WHEREAS it is provided by subsection (1) of section eighteen of the Finance Act, 1923, that if His Majesty in Council is pleased to declare—

(*a*) that any profits or gains arising from the business of shipping which are chargeable to British income tax are also chargeable to income tax payable under the law in force in any foreign state; and

(*b*) that arrangements, as specified in the declaration, have been made with the government of that foreign state with a view to the granting of relief in cases where such profits and gains are chargeable both to British income tax and to the income tax payable in the foreign state;

then, unless and until the declaration is revoked by His Majesty in Council, the arrangements specified therein shall, so far as they relate

to the relief to be granted from British income tax, have effect as if enacted in that Act, but only if and so long as the arrangements, so far as they relate to the relief to be granted from the income tax payable in the foreign state, have the effect of law in the foreign state:

AND WHEREAS it is provided by section two hundred and thirteen of the Act of Congress of the United States of America known as the Revenue Act of 1921, that the term "gross income", for the purpose of income tax chargeable under the law of the United States of America, shall not include the income of a non-resident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organised in the United States:

AND WHEREAS His Majesty's Government have intimated to the Government of the United States of America that they propose to take the necessary steps under the said section eighteen of the Finance Act, 1923, for providing that any profits accruing from the business of shipping carried on with ships documented under the laws of the United States to a citizen of the United States resident outside the United Kingdom or to a corporation organised in the United States shall be, and as from the first day of May, nineteen hundred and twenty-three, be deemed to have been, exempt from income tax (including super-tax) chargeable in the United Kingdom:

AND WHEREAS the Government of the United States of America have signified to His Majesty's Government that they are prepared to regard the exemption to be provided as aforesaid as an equivalent exemption within the meaning of section two hundred and thirteen of the Act of Congress of the United States known as the Revenue Act of 1921:

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to declare, and it is hereby declared—

(*a*) that certain profits or gains arising from the business of shipping which are chargeable to British income tax are also chargeable to the income tax payable under the law in force in the United States of America; and

(*b*) that the arrangements aforesaid have been made with a view to the granting of relief in cases where profits or gains arising from the business of shipping are chargeable both to British income tax and to the income tax payable in the United States of America.

AND HIS MAJESTY is further pleased to order, and it is hereby ordered, that this Declaration may be cited as The Relief from Double Income Tax on Shipping Profits (United States of America) Declaration, 1924.

M. P. A. HANKEY.

The Secretary of State to the British Ambassador

DEPARTMENT OF STATE,
WASHINGTON, *January 15, 1925.*

EXCELLENCY:

Effective date in Great Britain.

I have the honor to refer to your note No. 1148 dated November 26, 1924, enclosing a copy of an Order of His Majesty the King, in Council, dated November 7, 1924, regarding the arrangement with your Government for the reciprocal exemption of shipping profits from income tax.

The appropriate authorities of this Government have been giving consideration to the matter and feel that some uncertainty exists with regard to the provision in the third paragraph of the Order in Council to the effect that the exemption shall be deemed to take effect on May 1, 1923, whereas your note transmitting the Order in Council dated November 7, 1924, states that it will take effect "from that date".

I shall be grateful if you will be so good as to furnish me a statement regarding the exact date from which exemption is granted to American citizens or corporations under British laws in order that the exemption of British subjects or corporations under the laws of the United States may be made effective from the same date.

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

CHARLES E. HUGHES

HIS EXCELLENCY
THE RIGHT HONORABLE
SIR ESME HOWARD, G.C.M.G., K.C.B., C.V.O.,
Ambassador of Great Britain.

The British Ambassador to the Secretary of State

No. 159.

BRITISH EMBASSY,
WASHINGTON, D. C., *February 13, 1925.*

SIR:

I have the honour to refer to your note of January 15th, concerning the arrangement with my Government for the reciprocal exemption of shipping profits from income tax and to inform you in reply to the enquiry contained in the last paragraph, that the date from which exemption from British Income Tax (including supertax) is granted in respect of shipping profits of American citizens or corporations under British laws is May 1st, 1923. I venture to request that instructions may be issued without delay by the appropriate authorities of your Government whereby the British interests concerned may benefit by this arrangement from the date above mentioned.

I have the honour to be with the highest consideration, Sir,
Your most obedient, humble servant,

ESME HOWARD

THE HONOURABLE
CHARLES E. HUGHES,
Secretary of State of the United States,
Washington, D. C.

The Secretary of State to the British Ambassador

DEPARTMENT OF STATE,
WASHINGTON, D. C., *March 16, 1925.*

EXCELLENCY:

Agreement of United States.

I have the honor to refer to your note No. 159 dated February 13, 1925, concerning the arrangement for the reciprocal exemption of shipping profits from income tax and to state that a communication has now been received from the appropriate authority of this Government in which it is stated that careful consideration has been given to the Order in Council dated November 7, 1924, and to the statements contained in your note above mentioned, and that it has

been decided that Great Britain satisfies the equivalent exemption provisions of Section 213 (b) (8) of the Revenue Act of 1921. Reference is also made to the Act of Congress approved June 2, 1924, known as the Revenue Act of 1924, which contains the provision relating to taxation for 1924 and subsequent years. The provisions of Section 213 (b) (8) of the Revenue Act of 1924 are identical in terms with the corresponding section of the Revenue Act of 1921. It is therefore held that Great Britain satisfies the equivalent exemption provisions of Section 213 (b) (8) of the Revenue Act of 1924.

Effective date.

It has also been determined that the exemption from Federal tax under this holding shall be deemed to be effective from May 1, 1923, the date stipulated by your Government as the date from which the exemption applies under British laws to the income of American citizens not resident in the United Kingdom and corporations organized in the United States, derived from the operation of ships documented under the laws of the United States.

Reference is also made to the last paragraph of Mr. Grew's note dated August 11, 1924, setting forth the construction to be placed upon Section 213 (b) (8). In the last paragraph of your note No. 1106 dated November 18, 1924, you stated that "the Irish Free State in common with the other British Dominions" was not to be considered as affected by the Order in Council. Accordingly the exemption from Federal taxation in the United States will be applied on the basis of this understanding.

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

FRANK B. KELLOGG

HIS EXCELLENCY
THE RIGHT HONORABLE
SIR ESME HOWARD, G.C.M.G., K.C.B., C.V.O.,
Ambassador of Great Britain.

[No. 7]

Provisional commercial agreement between the United States of America and Rumania for most-favored-nation treatment. Signed August 20, 1930. August 20, 1930.

ACCORD COMMERCIAL PROVISOIRE

ENTRE

LES ETATS-UNIS D'AMERIQUE ET LA ROUMANIE.

Les soussignés:

Monsieur Charles S. Wilson, Envoyé Extraordinaire et Ministre Plénipotentiare des Etats - Unis d'Amérique en Roumanie et

Monsieur Al. Vaida-Voevod, Ministre des Affaires Etrangères ad-intérim de Roumanie,

dans le désir de confirmer et de concrétiser l'accord qu'ils ont réalisé au cours des conversations récentes au nom de leurs gouvernements respectifs concernant le traitement que les Etats-Unis accorderont au commerce de la Roumanie et que la Roumanie accordera au commerce des Etats-Unis, ont signé cet Accord provisoire.

Article I.

Les ressortissants et les entreprises ayant personalité juridique de chacun des deux pays, jouiront sur le territoire de l'autre pour leur personne et leurs biens du traitement de la nation la plus favorisée, pour tout ce qui concerne l'établissement, l'exercice de leur commerce ou de leur industrie, ainsi qu'en ce qui concerne les impôts et autres taxes.

Les produits naturels ou manufacturés de chacun des pays jouiront aussi sur les territoires de l'autre, pour tout ce qui concerne l'importation, l'exportation, le dépôt, le transport, le transit et en général toutes sortes d'opérations commerciales, du traitement accordé à la nation la plus favorisée. De même les vaisseaux de chacun des pays jouiront, pour tout ce qui concerne la navigation dans les ports et les eaux territoriales de l'autre pays, du traitement de la nation la plus favorisée.

Par conséquence, chacune des deux Hautes Parties Contractantes s'engage à faire profiter l'autre, immédiatement et sans compensation de toute faveur, de tous privilèges ou abaissements des droits qu'elle a déjà accordé ou pourrait accorder par la suite, sous les rapports mentionnés, à une tierce Puissance quelconque.

Article II

Le traitement de la nation la plus favorisée se rapporte également au montant et à la perception des droits d'importation et autres droits, ainsi qu'aux formalités douanières et à leur application, aux procédés, aux conditions de payement de droits de douane et autres droits, à la classification de marchandises, à l'interprétation des tarifs de douane et aux procédés d'analyses des marchandises.

ARTICLE III.

Les Hautes Parties Contractantes s'accordent réciproquement le traitement de la nation la plus favorisée en ce qui concerne le régime des prohibitions et restrictions à l'importation et à l'exportation.

ARTICLE IV.

Le traitement de la nation la plus favorisée ne s'applique pas en ce qui concerne:

a). Les faveurs spéciales qui ont été ou seront accordées aux Etats limitrophes pour faciliter le trafic de frontière;

b). Le régime spécial d'importation destiné à faciliter les réglements financiers résultant de la guerre de 1914–1918;

c). Les droits et privilèges accordés, ou qui seront accordés à l'avenir à un ou à plusieurs Etats limitrophes en union économique ou douanière avec l'une ou l'autre des Parties Contractantes.

d). Les dispositions du présent Accord ne s'étendent pas au traitement accordé par les Etats-Unis au commerce de Cuba en vertu des dispositions de la Convention commerciale conclue entre les Etats-Unis et le Cuba le 11 Décembre 1902, ou des dispositions de toute autre convention qui pourrait être conclue ultérieurement entre les Etats-Unis et le Cuba. En outre, ces dispositions [ne] s'étendent pas non plus au traitement accordé au commerce entre les Etats-Unis et la Zone du Canal de Panama ou tout autre dépendance des Etats-Unis, ou au commerce des dépendances des Etats-Unis entre elles en vertu des lois présentes ou à venir;

e). Aucune disposition du présent accord ne pourra être interprétée dans le sens d'une limitation du droit de la part de l'une ou de l'autre des Hautes Parties Contractantes d'édicter, dans les termes qu'elle jugera utiles, des interdictions ou des restrictions d'un caractère sanitaire, visant la protection de la vie de l'homme, des animaux ou des plantes, ou d'établir des règlements en vue d'assurer l'application des lois de police ou des lois fiscales.

ARTICLE V.

Le présent Accord doit entrer en vigueur, le 1-er Septembre 1930, et, si un accord mutuel n'intervenait pas pour mettre fin à cet arrangement, il doit durer six mois, et sera ensuite en vigueur trente jours à partir de la date à laquelle l'une des parties aura communiqué que l'Accord a pris fin.

Si l'un des Gouvernements serait empêché, par une mesure future de sa législation, d'appliquer les stipulations de cet accord, les obligations ci-inclus resteront sans effet.

Signé à Bucarest le 20 Août mille neuf cent trente.

[SEAL] ALEX. VAIDA VOEVOD

CHARLES S. WILSON
[SEAL]

[Translation]

Agreement for most-favored-nation treatment, United States and Rumania.

PROVISIONAL COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND RUMANIA

Signatories.

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

Reciprocal arrangement.

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.

Navigation.

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 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.

Extending advantages granted to any third power.

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

Most-favored-nation treatment as to duties, etc.

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

Trade restrictions, etc.

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:

Cases not included.

(*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, 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.

(*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

Effective date and duration.

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.

Signatures.

Signed at Bucharest this 20th day of August, nineteen hundred and thirty.

[SEAL] ALEX. VAIDA VOEVOD

CHARLES S. WILSON
[SEAL]

[No. 8]

Agreement between the United States of America and Estonia in regard to mutual recognition of ship measurement certificates. Effected by exchange of notes, signed August 21, 1926, and November 30, 1926.

August 21, 1926.
November 30, 1926.

The Acting Secretary of State to the Chargé d'Affaires ad interim of Estonia

DEPARTMENT OF STATE,
WASHINGTON, *August 21, 1926.*

SIR:

Proposal of the United States regarding ship measurement certificates.

With further reference to your note of July 17, 1926, in regard to the question of the mutual recognition of ship measurement certificates, with which you forwarded three copies in English of the Esthonian Regulations for tonnage measurement of ships, I have the honor to inform you that the authorities of this Government concerned are satisfied that the vessels of Esthonia may be deemed to be of the tonnage noted in the Certificate of Registry or other national papers, and that it will not, therefore, be necessary under existing law for such vessels to be remeasured in any port in the United States. It is, of course, requisite that the Government of Esthonia extend the same recognition to the Certificates of Registry or other national papers of the vessels of the United States.

I shall be obliged if you will bring the foregoing to the attention of your Government and will inform me of the reply so that appropriate instructions may be given to the officers charged with the enforcement of the navigation laws of this country.

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

LELAND HARRISON
Acting Secretary of State

COLONEL VICTOR MUTT,
Chargé d'Affaires ad interim of Esthonia.

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

ESTONIAN LEGATION,
NEW YORK, *November 30, 1926.*

SIR:

Agreement by Estonia.

In reply to your note of August 21, 1926 in regard to the question of the mutual recognition of ship measurement certificates between the United States and Estonia, I have the honor to inform you in the name of my Government, that the concerned authorities of Estonia have found, that in substance there are no hindrances for the recognition, without remeasurement, of tonnage of ships of the United States in Estonian ports, as noted in the Certificate of Registry issued by the authorities of the United States or other national papers. In view of this the Government of Estonia has decided, on reciprocal basis, to recognize the tonnage of ships of the United States as stated herein-before.

At the same time I have the honor to inform you that this agreement, the attainement of which I hereby confirm, will become operative in Estonia ten days after the due publication of the Estonian Government's decision, whereby this agreement will be ratified.

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

Yours Excellency's most obedient servant

V. MUTT.
Chargé d'Affaires a. i. of Estonia.

HIS EXCELLENCY
FRANK B. KELLOGG
Secretary of State of the United States

[No. 9]

Arrangement between the United States of America and Italy concerning the relief from double income tax on shipping profits. Effected by exchange of notes dated March 10, 1926, and May 5, 1926.

March 10, 1926.
May 5, 1926.

The Italian Ambassador (Martino) to the Secretary of State (Kellogg)

ROYAL ITALIAN EMBASSY

Double income tax on shipping profits.

The Italian Ambassador presents his compliments to His Excellency the Secretary of State and, referring to his note of June 24th, 1925, has the honor to bring to his knowledge the following.

Reciprocal exemption, United States and Italy.

From a communication received from the Italian Steamship Companies operating in ports of the United States it appears that the provisions contained in Royal Decree 891 issued on June 12, 1925, the text of which was submitted to the Department by the above mentioned note, did not seem to the competent Departments of the American Government to correspond exactly to the provisions contained in Section 213(b)(8) of the Revenue Act of 1921 and was therefore considered insufficient to obtain to the Italian Companies exemption from the payment of the Income Tax, retroactively to 1921, on the basis of reciprocity.

Vol. 42, p. 239.

In order to establish the required adequate basis of reciprocity, the Italian Government issued on March 4th, 1926 a Royal Decree N.340, the text of which is literally translated as follows:

"Companies organized in the United States and citizens of the "United States not domiciled in Italy exercising maritime traffic "in Italian ports, by means of ships flying the United States "flag are exempt, with effect starting from January 1st, 1921, "from the Imposta di Ricchezza Mobile, Income Tax, on income de- "rived esclusively from such traffic, provided the United States "likewise exempt from Income Tax, Imposta di Ricchezza Mobile, "the income originating in the United States to Italian citizens not "domiciled in the United States and to Italian Companies, and de- "rived exclusively from the exercise of one or more ships flying the "Italian flag."

The provisions set forth in this Decree being exactly equivalent to those contained in Section 213, the Italian Government is confident that the competent American Authorities will extend to the Italian Steamship Companies operating in United States ports the treatment contemplated by Section 213 of the Revenue Act of 1921, and this with effect starting from January 1st, 1921.

The Italian Ambassador would much appreciate receiving some assurance in the matter.

WASHINGTON D. C., *March 10th, 1926.*

The Secretary of State (Kellogg) to the Italian Ambassador (Martino)

Agreement by United States.

The Secretary of State presents his compliments to His Excellency, the Royal Italian Ambassador, and has the honor to acknowledge the receipt of his note of April 24, 1926, in further relation to a decree issued by the Italian Government on March 4, 1926, exempting American shipping interests from the income tax of Italy, in which the Ambassador requests to be informed what decision has been taken by the Treasury Department concerning the exemption of Italian shipping interests from the payment of income tax.

In reply, the Secretary of State has the honor to inform the Italian Ambassador that he is in receipt of a communication from the Treasury Department concerning this matter, a copy of which is enclosed, from which it will be observed that the Treasury Department holds that in view of the Royal Italian Decree No. 340 of March 4, 1926, Italy satisfies the equivalent exemption provision of Section 213 (b) (8) of the Revenue Acts of 1921, 1924 and 1926, and that consequently so much of the income from sources within the United States received by a non-resident alien or a foreign corporation as consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of Italy is exempt from the Federal income tax.

DEPARTMENT OF STATE,
WASHINGTON, *May 5, 1926.*

[No. 10]

Arrangement between the United States of America and the Netherlands providing relief from double income tax on shipping profits. Effected by exchange of notes, signed September 13, 1926, October 19, 1926, and November 27, 1926.

September 13, November 27, 1926.
October 19, 1926.

The Secretary of State (Kellogg) to the Chargé d'Affaires ad interim of the Netherlands (van Wyck)

DEPARTMENT OF STATE,
WASHINGTON, *September 13, 1926.*

SIR.

Double income tax on shipping profits. Reciprocal exemption, United States and the Netherlands.

The Department informs you of the receipt of a communication from the Treasury Department regarding the draft of a Royal Decree, with English translation, to be issued by Her Majesty the Queen of the Netherlands, relative to the prevention of double taxation on income derived exclusively from the operation of ships, which was left at the Treasury Department on July 29, 1926. The English translation of the proposed decree reads as follows:

"We, Wilhelmina, by the Grace of God, Queen of The Netherlands, Princess of Orange-Nassau etc. etc.

"Whereas it is provided in the Unique Section of the Law of June 26, 1926, (Statute book No. 209), that we reserve Ourselves under No. 2 to make provisions, on a basis of reciprocity, preventing double taxation on earnings derived from the operation of ships, corresponding with equivalent provisions existing in the laws of foreign nations; and

"Whereas under Section 213, litt. b, No. 8 of the Revenue Act of the United States no tax is imposed on the income of an alien individual non-resident in the United States or of a foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States, do hereby proclaim and make known:

"UNIQUE SECTION

"CITIZENS OF THE UNITED STATES NON-RESIDENT IN THE NETHERLANDS AND CORPORATIONS ORGANIZED IN THE UNITED STATES WHICH EFFECTUATE IN THE NETHERLANDS THE SEA TRANSPORT WITH SHIPS DOCUMENTED UNDER THE LAW OF THE UNITED STATES ARE (WITH RETROACTIVE POWER TILL JANUARY 1, 1921) NOT SUBJECT TO TAXATION AS FAR AS INCOME DERIVED EXCLUSIVELY FROM SUCH INDUSTRY IS CONCERNED."

The Treasury Department states that it interprets the proposed decree as exempting from tax the income from sources within the Netherlands received by citizens of the United States non-resident in the Netherlands and by corporations organized in the United States, which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States, such exemption applying to income received on or after January 1, 1921. It notes that the exemption is granted to corporations organized in the United States without limiting such exemption in any way.

The Treasury Department states that the decree as submitted to it meets the equivalent exemption requirements of Section 213(b)(8) of the United States Revenue Acts of 1921, 1924 and 1926.

I shall be pleased to have you inform me when the decree is issued.

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

For the Secretary of State:

JOSEPH C. GREW

JONKHEER DR. H. VAN ASCH VAN WYCK,
Chargé d'Affaires ad interim of the Netherlands.

The Chargé d'Affaires ad interim of the Netherlands (van Wyck) to the Secretary of State (Kellogg)

No. 3219. THE NETHERLAND LEGATION,
WASHINGTON, *October 19, 1926.*

SIR:

Agreement by the Netherlands.

I had the honor to receive you note of September 13, 1926 by which you informed me of the receipt of a communication from the Treasury Department regarding the draft of a Royal Decree, with English translation, to be issued by Her Majesty the Queen of the Netherlands, relative to the prevention of double taxation on income derived exclusively from the operation of ships, which was left at the Treasury Department on July 29, 1926.

In this note you stated that the English translation of the proposed decree reads as follows:

"We, Wilhelmina, by the Grace of God, Queen of The Netherlands, Princess of Orange-Nassau etc. etc.

"Whereas it is provied in the Unique Section of the Law of June 26, 1926, (Statute book No. 209), that we reserve Ourselves under No. 2 to make provisions, on a basis of reciprocity, preventing double taxation on earnings derived from the operation of ships, corresponding with equivalent provisions existing in the laws of foreign nations; and

"Whereas under Section 213, litt. b, No. 8 of the Revenue Act of the United States no tax is imposed on the income of an alien individual non-resident in the United States or of a foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States, do hereby proclaim and make known:

"UNIQUE SECTION

"CITIZENS OF THE UNITED STATES NON-RESIDENT IN THE NETHERLANDS AND CORPORATIONS ORGANIZED IN THE UNITED STATES WHICH EFFECTUATE IN THE NETHERLANDS THE SEA TRANSPORT WITH SHIPS DOCUMENTED UNDER THE LAW OF THE UNITED STATES ARE (WITH RETROACTIVE POWER TILL JANUARY 1, 1921) NOT SUBJECT TO TAXATION AS FAR AS INCOME DERIVED EXCLUSIVELY FROM SUCH INDUSTRY IS CONCERNED."

You further informed me that the Treasury Department states that it interprets the proposed decree as exempting from tax the income from sources within the Netherlands received by citizens of the United States non-resident in the Netherlands and by corporations organized in the United States, which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States, such exemption applying to income

received on or after January 1, 1921, and that it notes that the exemption is granted to corporations organized in the United States without limiting such exemption in any way.

You also advised me that the Treasury Department states that the decree as submitted to its meets the equivalent exemption requirements of Section 213(b)(8) of the United States Revenue Acts of 1921, 1924, and 1926, and you finally stated that you should be pleased to have me inform you when the decree is issued.

In reply thereto I have in compliance with instructions from my Government the honor to inform you that the Treasury Department's above mentioned interpretation of the Royal Decree in question is correct and that the Decree in the form in which it was submitted was published on October 8, 1926 after having been promulgated on October 1, 1926.

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

H. VAN ASCH VAN WYCK.

THE HONORABLE,
THE SECRETARY OF STATE,
Washington, D. C.

The Secretary of State (Kellogg) to the Chargé d'Affaires ad interim of the Netherlands (van Wyck)

DEPARTMENT OF STATE,
WASHINGTON, *November 27, 1926.*

SIR:

Confirmation by United States.

Referring to your note of October 19, 1926, and to other correspondence in regard to the double taxation of income derived exclusively from the operation of ships, it affords me pleasure to inform you that I have received from the Acting Secretary of the Treasury a letter dated November 8, 1926, from which the following is quoted:

"Inasmuch as the Netherlands Government has promulgated the Royal Decree in the form in which it was submitted to this Department, and has informed this Government that the Treasury Department's interpretation of the Royal Decree is correct, it is held that the Netherlands satisfies the equivalent exemption requirements of Section 213(b)(8) of the Revenue Acts of 1921, 1924 and 1926. Consequently, the income of a non-resident alien or a foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of the Netherlands is exempt from income tax imposed by the Revenue Acts of 1921, 1924, and 1926."

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

For the Secretary of State:
LELAND HARRISON

JONKHEER DR. H. VAN ASCH VAN WYCK,
Chargé d'Affaires ad interim of the Netherlands.

[No. 11]

June 11, 1927.
July 8, 1927.

Arrangement between the United States of America and France providing relief from double income tax on shipping profits. Effected by exchange of notes, signed June 11, 1927, and July 8, 1927.

The Chargé d'Affaires ad interim of France (Sartiges) to the Secretary of State (Kellogg)

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE AUX ETATS-UNIS

WASHINGTON, *le 11 juin 1927*

MONSIEUR LE SECRÉTAIRE D'ETAT,

Double income tax on shipping profits. Reciprocal exemptions, United States and France.

Me référant à la lettre que Votre Excellence a bien voulu adresser à M. Claudel, le 26 avril dernier, j'ai l'honneur de Lui faire savoir que le Gouvernement français a pris, le 20 mai, un décret exemptant de tout impôt sur les bénifices les citoyens des Etats-Unis et les personnes morales américaines exploitant en France des entreprises de navigation.

Ce décret, dont Votre Excellence trouvera le texte ci-joint, reproduit exactement les termes cités dans ma lettre du 19 janvier et qui ont été reconnus par le Département fédéral de la Trésorerie comme remplissant les conditions posées par l'article 213 (*b*) (8) du "Revenu Act" de 1921, 1924 et 1926 pour l'octroi, aux Etats-Unis, d'une exemption équivalente. J'ajoute qu'il est *immédiatement exécutoire* en France.

Dans ces conditions, je serais heureux que Votre Excellence voulût bien me donner l'assurance que les citoyens français et les Compagnies françaises sont dorénavant exempts aux Etats-Unis de l'impôt sur les bénifices dérivés d'entreprises de navigation.

Veuillez agréer, Monsieur le Secrétaire d'Etat, les assurances de ma très haute considération.

SARTIGES.

SON EXCELLENCE
L'HONORABLE FRANK B. KELLOGG,
Secrétaire d'Etat des Etats-Unis,
Washington, D. C.

[Enclosure]

Le Président de la République française,
Sur le rapport du président du conseil, ministre des finances,
Vu l'article 5 de la loi de finances du 29 avril 1926,
Décrète:

Decree of France.

Art. 1er.—Les citoyens des Etats-Unis d'Amérique non domiciliés sur le territoire de la République française, de même que les personnes morales constituées aux Etats-Unis d'Amérique, qui exploitent à l'intérieur des limites du territoire de la République française, des entreprises de navigation, avec des bâtiments naviguant sous pavillon américain, sont exonorés de tout impôt sur les bénéfices provenant de la navigation exclusivement.

Cette exonoration qui, par mesure de réciprocité prendra effet du 1er janvier 1921, concerne, notamment, l'impôt sur les bénéfices industriels et commerciaux institué par le titre 1er de la loi du 31 juillet 1917 et l'impôt sur le revenu prévu par la loi du 29 juin 1872 et le décret du 6 décembre 1872 à la charge des société étrangères, dont les titres ne sont pas cotés, mais qui ont pour objet des biens meubles ou immeubles situés en France.

ART. 2.—Le présent décret sera soumis à la ratification des Chambres, conformément aux dispositions de l'article 5 de la loi du 29 avril 1926.

Article 3.—Le président du conseil, ministre des finances, est chargé de l'exécution du présent décret, qui sera publié au *Journal Officiel* et inséré au *Bulletin des lois*.

Fait à Paris, le 20 mai 1927.

(Signé) GASTON DOUMERGUE

Par le Président de la République:

Le président du conseil,
ministre des finances,
RAYMOND POINCARE

Pour copie certifiée conforme au texte paru au *Journal Officiel* de la République française des lundi 23 et mardi 24 mai 1927.

Le Chargé d'Affaires de France;

[SEAL] SARTIGES.

The Chargé d'Affaires ad interim of France (Sartiges) to the Secretary of State (Kellogg)

[Translation]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES.

WASHINGTON, D. C., *June 11, 1927.*

MR. SECRETARY OF STATE:

Referring to the note your Excellency was pleased to send to Mr. Claudel on April 26 last, I have the honor to inform you that the French Government on May 20 issued a decree exempting from any tax on profits the citizens of the United States and American juridical persons operating navigation concerns in France.

The decree of which your Excellency will find a copy herewith reproduces the wording quoted in my letter of January 19, which has been acknowledged by the United States Department of the Treasury as meeting the conditions required by Section 213 (b) (8) of the Revenue Act of 1921, 1924, and 1926 for the granting of an equivalent exemption in the United States.

I may add that it *goes into immediate effect* in France.

Under these conditions I should be glad if your Excellency would kindly give me the assurance that the French citizens and French companies will hereafter be exempt from the tax on profits derived from navigation business.

Be pleased to accept, Mr. Secretary of State, the assurances of my very high consideration.

SARTIGES.

HIS EXCELLENCY,
THE HONORABLE FRANK B. KELLOGG,
Secretary of State of the United States,
Washington, D. C.

3051°—33—PT 2——63

[Enclosure—Translation]

The President of the French Republic,
On the report of the President of the Council, Minister of Finance,
Considering Article 5 of the finance law of April 29, 1926,
Decrees:

Art. 1.—Citizens of the United States of America not domiciled on the territory of the French Republic, as well as juridical persons organized in the United States of America, who exploit within the limits of the territory of the French Republic, navigation enterprises, with ships navigating under the American flag, are exonerated from any tax on the profits accruing exclusively from navigation.

This exoneration, which, by way of reciprocity, shall take effect from January 1, 1921, concerns, notably, the tax on industrial and commercial profits instituted by heading 1 of the law of July 31, 1917, and the tax on income prescribed by the law of June 29, 1872, and the decree of December 6, 1872, as payable by foreign companies, whose shares are not quoted, but who possess movable or immovable property situated in France.

Art. 2.—The present decree will be submitted to the ratification of the Chambers, in conformity with the provisions of Article 5 of the law of April 29, 1926.

Art. 3.—The President of the Council, Minister of Finance, is charged with the execution of the present decree, which will be published in the *Journal Officiel* and inserted in the *Bulletin des Lois*.

Done at Paris, May 20, 1927.

GASTON DOUMERGUE

By the President of the Republic:
The President of the Council,
Minister of Finance,
RAYMOND POINCARE

Copy certified as conforming to the text published in the *Journal Officiel* of the French Republic of Monday the 23d and Tuesday the 24th of May, 1927.

The Chargé d'Affaires of France:
[SEAL] SARTIGES.

The Secretary of State (Kellogg) to the Chargé d'Affaires ad interim of France (Sartiges)

DEPARTMENT OF STATE,
WASHINGTON, *July 8, 1927.*

SIR:

Agreement by United States.

With further reference to your Embassy's note of June 11, 1927, relative to the proposed reciprocal exemption from taxation by the Governments of the United States and France of the income of French and American nationals derived from shipping, I have the honor to inform you that I am now in receipt of a communication from the Treasury Department dated July 7, 1927, concerning the matter, from which I quote the following:

"I have the honor to acknowledge receipt of your letters dated June 18, 1927 (SO 811.512351 Shipping/10) and June 23, 1927 (SO 811.512351 Shipping/11), with further reference to previous correspondence relative to the proposed reciprocal exemption from taxation by the Governments of the United States and France of the income of French and American nationals respectively, derived from the operation of ships. Attached to your letter of June 18, 1927,

there is a copy of a despatch dated May 24, 1927, from the American Embassy at Paris, enclosing a copy and translation of a decree of the French Government dated May 20, 1927, exempting the income of American ship owners from taxation. Attached to your letter of June 23, 1927, there is a copy of the decree issued by the French Government on May 20, 1927, and published in the *Official Journal* of the French Republic of May 23 and 24, 1927.

You request to be informed whether the decree is satisfactory, in order that you may advise the Charge d'Affaires of the French Embassy that French citizens, not residents in United States and French corporations will be exempt from income taxes on profits derived from shipping.

The decree adopted May 20, 1927, follows the wording of the decree submitted to this Department with your letter of March 26, 1927. You were advised on April 9, 1927, that the decree if adopted in the form submitted would meet the equivalent exemption requirements of section 213 (b) (8) of the Revenue Acts of 1921, 1924, and 1926. The Charge d'Affaires states in his note that the decree goes into immediate effect in France.

I have the honor to advise you that in view of the fact that the French Government has adopted the decree in the form submitted and it is now in effect, it is held that France satisfies the equivalent exemption provision of section 213 (b) (8) of the Revenue Acts of 1921, 1924 and 1926."

It will be observed that the Treasury Department holds that in view of the fact that the French Government has adopted a decree of exemption which is now in effect, the French Government has satisfied the equivalent exemption provision of Section 213 (b) (8) of the Revenue Acts of 1921, 1924, and 1926.

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

For the Secretary of State:

W. R. CASTLE, JR.

COUNT DE SARTIGES,
Charge d'Affaires ad interim of France.

[No. 12]

February 29, April 26, 1928.
April 2, June 10, 1929.

Arrangement between the United States of America and Greece providing relief from double income tax on shipping profits. Effected by exchange of notes, dated February 29, 1928, April 26, 1928, April 2, 1929, and June 10, 1929.

The Greek Minister (Simopoulos) to the Secretary of State (Kellogg)

[Extract]

LÉGATION DE GRÈCE,
WASHINGTON, *le 29 Fevrier 1928*

Double income tax on shipping profits.

Le Ministre de Grèce en présentant ses complîments les plus empressés à Son Excellence Monsieur le Secrétaire d'Etat, a l'honneur de porter à sa connaisance qu'il a été autorisé par son Gouvernement d'entrer en pourparlers pour le conclusion d'un accord concernant l'exemption des ressortissants des deux pays sur les profits découlant des entreprises maritimes, sur le base de la réciprocité.

Greek exemption laws.

La Législation Grècque contient à ce sujet les exemptions suivantes.

1. L'article 30, Paragraph 8 de la loi No. 3338 du 15 Juin 1925. "L'ordonance du paragraphe 7 de l'article 3 de la présente loi, a une vigueur rétroactive en ce qui concerne l'impôt des revenus nets des années 1919–1920 jusqu'à l'année 1924–1925, ainsi-que celui des profits extraordinaires des années 1915 et les suivantes, et aussi en ce qui concerne la taxe aditionelle des Sociétés Anonymes de l'année 1921 et les suivantes."

2. L'ordonnance de l'article 3 paragraphe 7 de la loi sub. No. 3338, mentionnés plus haut, est ainsi conclue. "Au paragraphe 3 de l'article 18 de la loi 1640 sur la taxation des revenus nets est ajouté comme sixième cas l'exemption suivante. Cas sixième "A titre de réciprocité les profits réalises en Grèce par les bateaux battant pavillon étranger."

Les deux ordonnances mentionnées plus haut garantissent l'exemption des entreprises maritimes étrangeres à titre de réciprocité.

La taxe sur le revenue net est en vigueur à partir de 1919–20, soit à partir de la date pour laquelle l'effet rétroactif a été stipulé par la loi. L'impôt des profits extraordinaires a été en vigueur à partir de 1915 jusqu'a 1923, et l'impôt additionel des Sociétés Anonymes à partir de l'année 1921 jusqu'a l'année 1924.

SON EXCELLENCE
MONSIEUR FRANK B. KELLOGG
Secrétaire d'Etat, etc., etc.
Washington, D. C.

The Greek Minister (Simopoulos) to the Secretary of State (Kellogg)

[Translation—Extract]

LEGATION OF GREECE,
WASHINGTON, *February 29, 1928.*

The Minister of Greece, in presenting his most cordial compliments to His Excellency the Secretary of State, has the honor to inform him that he has been authorized by his Government to set on foot negotiations for the conclusion of an agreement relative to the exemption of nationals of both countries [from the income tax] on

the profits derived from maritime enterprises, on the basis of reciprocity.

Greek law contains the following exemptions on this subject:

1. Article 30, paragraph 8 of Law No. 3338 of June 15, 1925:

"The ordinance in paragraph 7 of Article 3 of this law has retroactive effect with respect to the income tax of the years 1919–1920 up to 1924–1925, as well as that of excess profits of the year 1915 and the following years, and also with respect to the additional tax on corporations of the year 1921 and the following years."

2. The ordinance of Article 3, paragraph 7 of Law No. 3338 above mentioned, ends as follows:

"To paragraph 3 of Article 18 of Law 1640 concerning the taxation of income there is added as the sixth case the following exemption. Sixth case: 'In virtue of reciprocity, profits made in Greece by vessels flying a foreign flag.'"

The two ordinances mentioned above guarantee the exemption of foreign shipping concerns in virtue of reciprocity.

The income tax has been in force since 1919–1920, that is to say, since the date for which retroactive effect was stipulated in the law. The tax on excess profits was in force from 1915 until 1923, and the additional tax on corporations from 1921 until 1924.

His Excellency
Mr. Frank B. Kellogg
Secretary of State, etc., etc.
Washington, D. C.

The Secretary of State (Kellogg) to the Greek Minister (Simopoulos)

[Extract]

Department of State,
Washington, *April 26, 1928.*

The Secretary of State presents his compliments to the Greek Minister and has the honor to refer to the Minister's note of February 29, 1928, setting forth the provisions of the Greek income tax law exempting from taxation earnings made in Greece by ships flying a foreign flag.

The Secretary of State has the honor to inform the Greek Minister that before it can be determined whether these exemptions are equivalent to the exemptions that may be accorded by the United States under Section 213(b)(8) of the Revenue Acts of 1921 and 1924 it will be necessary for the appropriate authorities of the Government to be informed as to whether:

(a) during the years 1921–1924, inclusive, taxes have been collected by the Greek Government from the revenues of American citizens not residing in Greece or of corporations organized under the laws of the United States, derived from the operation of ships documented under the laws of the United States;

(b) the exemption provided in Article 3, Paragraph 7 of the Law, No. 3338 applies to the profits derived by a citizen of the United States not residing in Greece, and to corporations organized under the laws of the United States, or whether in the case of such citizen the exemption only applies if he resides in the United States;

(c) the exemption applies in cases where citizens of the United States or corporations organized under the laws of the United States maintain agencies, branch offices, or representatives in Greece, in connection with the operation of ships documented under the laws of the United States.

In this connection the Secretary of State has the honor to state that he has been informed by the appropriate authorities of the Government that if it is eventually determined that the pertinent exemptions in the Greek income tax law are equivalent to the exemption provision of Section 213(b)(8) of the Revenue Acts of 1921 and 1924 it will be unnecessary for the United States to conclude any agreement with Greece relative to the exemption of earnings derived from the operation of ships documented under the laws of the two countries.

. . . if the Greek Minister will supply the additional information needed the appropriate authorities of the Government will be able to arrive at a definite decision with reference to the general question of the exemption of earnings made in the United States by ships flying the Greek flag.

The Greek Minister (Simopoulos) to the Secretary of State (Stimson)

No. 422

LEGATION OF GREECE,
WASHINGTON, *April 2, 1929.*

The Minister of Greece presents his compliments to His Excellency the Secretary of State and, referring to the Department's Note of April 26, 1928, No. 811.512368 Shipping/4, has the honor to inform that the exemptions of the Greek law are equivalent to the exemptions that may be accorded by the United States under Section 213(B)(8) of the Revenue Acts of 1921 and 1924.

Concerning the Department's inquiry as to whether "A" during the years 1921–1924 inclusive, taxes have been collected by the Greek Government from the revenues of American citizens residing in Greece or of corporations organized under the laws of the United States, derived from the operation of ships documented under the laws of the United States, the Minister of Greece is authorized to state that for the years 1921–1924 inclusive, no taxes have been collected by the Greek Government from the revenues of American citizens whether residing in Greece or not, or of shipping corporations organized under the laws of the United States for revenues deriving from operation of American ships in Greece.

With regard to question "B" whether the exemption provided in Article 3, Paragraph 7 of the Law No. 3338 applies to the profits derived by citizens of the United States not residing in Greece, and to corporations organized under the laws of the United States or whether in the case of such citizens the exemption only applies if he resides in the United States, the Minister of Greece is authorized to state that the exemption provided in Article 3, Paragraph 7 of the Greek Law No. 3338 is applied on the profits derived by a citizen of the United States whether residing in Greece or not as well as to the shipping companies organized under the American laws.

As to question "C" whether the exemption applies in cases where citizens of the United States or corporations organized under the laws of the United States maintain agencies, branch offices, or representatives in Greece, in connection with the operation of ships documented under the laws of the United States, the Minister of Greece is authorized to state that the exemption is applied generally not only for the American citizens and the American shipping enterprise but on the American ships in Greece.

Accordingly it is determined that the pertinent exemptions in the Greek Income Tax Law are equivalent to the exemption provisions of Section 213 (b) (8) of the Revenue Acts of 1921 and 1924.

The Minister of Greece should be exceedingly obliged if His Excellency the Secretary of State were kind enough to arrive at a definite decision with reference to the general question of exemption of earnings made in the United States by ships flying the Greek flag on the basis of reciprocity and in case that an agreement on this matter would be necessary the Minister of Greece is duly authorized to sign it.

His Excellency
Mr. Henry L. Stimson,
Secretary of State, etc., etc.,
Washington, D. C.

The Secretary of State (Stimson) to the Greek Minister (Simopoulos)

Department of State,
Washington, *June 10, 1929.*

Agreement by United States.

The Secretary of State presents his compliments to the Minister of Greece and has the honor to inform the Minister, with reference to his note No. 422 of April 2, 1929, relative to the provisions of the Greek net income tax law whereby ships flying a foreign flag may be exempted from taxation on the profits made in Greece, that the Secretary of the Treasury has notified the Department of State as follows:

"Inasmuch as Greece has not taxed the income of a citizen of the United States not residing in Greece and of a corporation organized in the United States derived from the operation of ships flying the American flag from 1921 and does not tax such income under the present law, Greece satisfies the equivalent exemption provisions of section 213 (b) (8) of the Revenue Acts of 1921, 1924, and 1926 and sections 212 (b) and 231 (b) of the Revenue Act of 1928. It is held, therefore, that the income of a nonresident alien individual and a foreign corporation from sources within the United States which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of Greece is not required to be included in gross income and is exempt from income, excess-profits and war-profits taxes for 1921 and subsequent years. If any tax on such income has been paid it will be refunded upon proper claims therefor being made by taxpayers who are entitled to the exemption, provided the period of limitation for making refunds has not expired."

[No. 13]

May 22, August 9 and 18, October 24, 25, and 28, December 5 and 6, 1922.

Arrangement between the United States of America and Denmark and Iceland providing relief from double income tax on shipping profits. Effected by exchange of notes, signed May 22, 1922; August 9 and 18, 1922; October 24, 25, and 28, 1922; and December 5 and 6, 1922.

The Danish Minister (Brun) to the Secretary of State (Hughes)

[Extract]

No. 157.

ROYAL DANISH LEGATION,
WASHINGTON, *May 22, 1922.*

SIR:—

Double income tax on shipping profits. Reciprocal exemption, United States and Denmark.

With reference to your letter of December 21, 1921 regarding Section 213 b No. 8 of the Revenue Act of November 23, 1921, I am directed to inform you that the Danish Government will be ready to declare in a note to the Government of the United States that the income of a nonresident alien or foreign corporation which consists of earnings derived from the operation of ships documented under the laws of the United States will on condition of reciprocity not be subject to taxation in Denmark.

. . . . . .

Iceland included.

I have the honor to add that I am authorized to make the same statement on behalf of the Government of Iceland and I beg that my present communication may be considered as an expression also of the intention and desire of the Government of Iceland.

I venture to hope that this proposition may be found satisfactory and that you will be able to consent to the exchange of notes referred to above at your earliest convenience.

I have the honor to be, Sir, with the highest consideration,

Your most obedient and humble servant,

C. BRUN.

THE HONORABLE
CHARLES EVANS HUGHES,
Secretary of State,
Department of State, Washington, D. C.

The Secretary of State (Hughes) to the Danish Minister (Brun)

[Extract]

DEPARTMENT OF STATE,
WASHINGTON, *August 9, 1922.*

SIR:

I have the honor to refer further to your note of May 22, 1922, in which you refer to Section 213 (b) (8) of the Revenue Act of 1921, providing for the exemption from taxation of the income of a nonresident alien or foreign corporation which consists 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, and state that your Government is prepared to declare to the Government of the United States that the income of a non-resident alien or foreign corporation which consists of earnings derived from the operation of ships documented under the laws of the United States will, on the condition of reciprocity, not be subject to taxation in Denmark or Iceland. . . .

I have the honor to state that in order to establish between the United States and Denmark and the United States and Iceland the reciprocal income tax exemption provided for in Section 213 (b) (8) of the Revenue Act of 1921, it will be necessary for the Danish Government to declare that the income from sources in Denmark and Iceland of a citizen of the United States or of an American corporation which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States is not subject to income taxation in Denmark or in Iceland. Upon the receipt of a note to this effect from the Danish Government this Government will declare, in a note to the Danish Government, that Denmark and Iceland satisfy the equivalent exemption provision of Section 213 (b) (8) of the Revenue Act of 1921.

. . . . . .

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

CHARLES E. HUGHES

MR. CONSTANTIN BRUN,
Minister of Denmark

The Danish Minister (Brun) to the Secretary of State (Hughes)

No. 236.

ROYAL DANISH LEGATION,
WASHINGTON, *August 18, 1922.*

SIR:

By my letter of August 12th (No. 230) regarding an exchange of notes between the Government of Denmark and the Government of the United States for the reciprocal exemption of shipowners from income tax, I stated it to be the understanding of the Danish Government that this exemption when established would be as from January 1st 1921, notwithstanding the fact that the actual exchange of notes can not be arranged for until some time hence because the conditions stated in your note to me of August 9th must first be brought to the knowledge of the Danish Government.

I would be greatly obliged to you if you would be so good as to confirm to me the correctness of the above named understanding.

I have the honor to be, Sir, with the highest consideration,
Your most obedient and humble servant,

C. BRUN.

THE HONORABLE
CHARLES EVANS HUGHES,
Secretary of State,
Department of State, Washington, D. C.

The Danish Minister (Brun) to the Secretary of States (Hughes)

No. 284.

ROYAL DANISH LEGATION,
WASHINGTON, *October 24th 1922.*

SIR:

With further reference to your reply-note of August 9th 1922 relative to the reciprocal exemption of shipowners from income tax as from January 1st 1921, in accordance with Section 213 b 8 of the Revenue Act of 1921, and pursuant to instructions now received from the Danish Minister of Foreign Affairs, I have the honor to declare on behalf of the Danish Government that the income from sources in Denmark and Iceland of a citizen of the United States or of an American corporation, which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States, is not subject to income taxation in Denmark or in Iceland.

In these circumstances I venture to hope that you will state in a note to me, for the information of the Danish Government, that Denmark and Iceland satisfy the equivalent exemption provision of Section 213 b 8 of the Revenue Act of 1921 and that Danish and Icelandic shipowners will be exempted from income tax in the United States as provided in the said Section as from January 1st 1921, in accordance with the letter (No. 236) which I had the honor to address to you on August 18th 1922.

I have the honor to be, Sir, with the highest consideration,

Your most obedient and humble servant,

C. BRUN.

THE HONORABLE
CHARLES EVANS HUGHES,
Secretary of State,
Department of State, Washington, D. C.

The Secretary of State (Hughes) to the Danish Minister (Brun)

DEPARTMENT OF STATE,
WASHINGTON, *October 25 1922.*

SIR:

I have the honor to refer to your note of August 18, 1922, in which, with reference to the proposed exchange of notes between the United States and Denmark for the reciprocal exemption of ship owners from income taxation, you request the Department to confirm the understanding of the Danish Government that this exemption, when established, would be as from January 1, 1921, notwithstanding the fact that the actual exchange of notes can not be arranged until some later date.

I have the honor to state that upon receipt of a note from the Danish Government declaring that the income from sources in Denmark and Iceland of a citizen of the United States or of an American corporation, which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States, has since January 1, 1921, not been subject to income taxation in Denmark, or in Iceland, the Treasury Department will issue a statement that Denmark and Iceland satisfy the equivalent exemption provision of Section 213 (b) (8) of the Revenue Act of 1921. In case income taxes have been collected by this Government from non-resident aliens or foreign corporations on income which consists exclusively of earnings derived since January 1, 1921, from the operation

of ships documented under the laws of Denmark or Iceland, such taxes will be refunded to claimants.

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

For the Secretary of State:

WILLIAM PHILLIPS

MR. CONSTANTIN BRUN,
Minister of Denmark.

The Danish Minister (Brun) to the Secretary of State (Hughes)

No. 290.

ROYAL DANISH LEGATION,
WASHINGTON, *October 28th 1922.*

SIR:

I have the honor to acknowledge the receipt of your reply-letter of October 25th with reference to the proposed exchange of notes between Denmark and the United States for the reciprocal exemption of shipowners from income taxation, which has evidently crossed my note to you of October 24th on the same subject.

In answer thereto I beg to state that the income from sources in Denmark and Iceland of a citizen of the United States or of an American corporation, which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States, is not and has not since January 1st 1921 or previously been subject to income taxation in Denmark, or in Iceland, and that my letter to you of October 24th should be so understood.

I have the honor to be, Sir, with the highest consideration,

Your most obedient and humble servant,

C. BRUN.

THE HONORABLE
CHARLES EVANS HUGHES,
Secretary of State,
Department of State, Washington, D. C.

The Secretary of State (Hughes) to the Danish Minister (Brun)

DEPARTMENT OF STATE,
WASHINGTON, *December 5, 1922.*

SIR:

Agreement by United States.

I have the honor to refer to your note of October 28, 1922, in further reference to the proposed exchange of notes between the United States and Denmark for the reciprocal exemption of ship owners from income taxation, for which provision is made in Section 213(b)(8) of the Revenue Act of 1921, and to inform you of the receipt of a communication from the Treasury Department regarding the matter, from which the following paragraph is quoted for your information:

"I have the honor to advise that inasmuch as the income from sources in Denmark and Iceland of a citizen of the United States or of a corporation organized therein which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States is not and has not been subject to income tax since January 1, 1921 or previously, it is held that Denmark and Iceland satisfy the equivalent exemption provision of Section 213(b)(8) of the Revenue Act of 1921. In case any Federal income taxes have been collected from nonresident aliens or foreign corporations on income which consists exclusively of earnings derived on or since

January 1, 1921, from the operation of ships documented under the laws of Denmark or Iceland, such taxes will be the proper subject of a claim for refund."

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

For the Secretary of State:
WILLIAM PHILLIPS

MR. CONSTANTIN BRUN,
Minister of Denmark.

The Danish Minister (Brun) to the Secretary of State (Hughes)

No. 331.

ROYAL DANISH LEGATION,
WASHINGTON, *December 6, 1922.*

SIR:—

I have the honor to acknowledge the receipt of your reply-note (undated) received December 5th in which, with reference to my letter of October 28th, 1922, you state

> "that inasmuch as the income from sources in Denmark and Iceland of a citizen of the United States or of a corporation organized therein which consists exclusively of earnings derived from the operation of ships documented under the laws of the United States is not and has not been subject to income tax since January 1, 1921 or previously, it is held that Denmark and Iceland satisfy the equivalent exemption provision of Section 213(b) (8) of the Revenue Act of 1921".

and that

> "in case any Federal income taxes have been collected from nonresident aliens or foreign corporations on income which consists exclusively of earnings derived on or since January 1, 1921, from the operation of ships documented under the laws of Denmark or Iceland, such taxes will be the proper subject of a claim for refund".

I have at once advised the Danish Government accordingly and beg to express my very great appreciation of your courteous assistance to arrive at the desired solution of this part of the taxation question.

I have the honor to be, Sir, with the highest consideration,
Your most obedient and humble servant,

C. BRUN.

THE HONORABLE
CHARLES EVANS HUGHES,
Secretary of State,
Department of State, Washington, D. C.

[No. 14]

Arrangement between the United States of America and Norway providing relief from double income tax on shipping profits. Effected by exchange of notes, signed November 26, 1924, January 23, 1925, and March 24, 1925.

November 26, 1924. January 23, March 24, 1925.

The Norwegian Minister (Bryn) to the Secretary of State (Hughes)

NORWEGIAN LEGATION,
WASHINGTON, *November 26, 1924.*

SIR:

Double income tax on shipping profits. Reciprocal exemption, United States and Norway.

By the note which I had the honor to address to the Acting Secretary of State on February 28, 1922, and Your Excellency's note of November 14, 1922, it was established that reciprocal exemption of income and excess and war profits taxes existed for a non-resident Norwegian or Norwegian corporation in the United States, and for a non-resident American or American corporation in Norway, with regard to income consisting exclusively of earnings derived from the operation of ships under their respective flags; see Norwegian Taxation Laws of August 18, 1911, and the United States Revenue Act of 1921, section 213(b) (8).

By new taxation laws enacted in Norway on August 11, 1924, an amendment has been made to the exemption provisions of the laws of August 18, 1911. I hereby enclose a copy of the new laws and a translation into English of the amended provisions according to which persons, companies and corporations belonging in a foreign country are exempt from taxes on property in and income from ship[s] engaged in traffic on a Norwegian port or between Norwegian ports and from taxes from income arising from the sale of tickets for the transportation of persons out of the kingdom; provided that Norwegian persons, companies and corporations are exempt in the country in question from taxes on corresponding activities.

By the new law provisions, the reciprocal exemption of income and excess and war profits taxes in Norway and the United States with regard to income derived from the operation of ships under their respective flags is reaffirmed.

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

H BRYN

HIS EXCELLENCY
HONORABLE CHARLES E. HUGHES,
Secretary of State,
etc. etc. etc.

[Enclosure]

Translation of following provisions of the Norwegian Laws of August 11, 1924, amending Article 15 in fine of the Law of Taxation for the Country Communities, and Article 10 in fine of the Law of Taxation for the Cities of August 18, 1911, which two Law Provisions are identical:

"Persons, companies and corporations belonging in a foreign country are exempt from taxes on property in and income from ship[s]

engaged in traffic on a Norwegian port or between Norwegian ports and from taxes on income arising from the sale of tickets for the transportation of persons out of the kingdom; provided that Norwegian persons, companies and corporations are exempt in the country in question from taxes on corresponding activities. If this be not the case, the King can decide that foreign persons, companies and corporations shall pay taxes on property and/or income on activities as mentioned. In so far as sale of tickets for transportation of persons out of the kingdom is concerned, this does not apply but when the sale is effected through an agent or commissioner under the Law on Emigration of May 22, 1869, see Law of June 5, 1897, and Law No. 1 of September 16, 1921. The King will also issue regulations concerning the extent of the taxation and the assessment and collection of the taxes."

The Secretary of State (Hughes) to the Norwegian Minister (Bryn)

DEPARTMENT OF STATE,
WASHINGTON, *January 23, 1925.*

SIR:

I have the honor to refer to your note of November 26, 1924, concerning the new taxation laws enacted in Norway on August 11, 1924, which, in you opinion, reaffirm the reciprocal exemption of income and excess and war profits taxes in Norway and the United States with regard to income derived from the operation of ships under their respective flags.

It appears from the enclosures transmitted with your note that the Norwegian laws of August 11, 1924, in translation, provide in part as follows:

"Persons, companies and corporations belonging in a foreign country are exempt from taxes on property in and income from ship[s] engaged in traffic on a Norwegian port or between Norwegian ports and from taxes on income arising from the sale of tickets for the transportation of persons out of the kingdom; provided that Norwegian persons, companies and corporations are exempt in the country in question from taxes on corresponding activities. * * *"

I have the honor to inform you that it has been held by the appropriate authorities of this Government that the provision of the Norwegian laws of August 11, 1924, above quoted, satisfies the equivalent exemption provision of Section 213 (b) (8) of the Revenue Act of 1924, and that, therefore, the income of a non-resident alien or foreign corporation, which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of Norway, is exempt from Federal income taxes imposed by the Revenue Act of 1924.

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

CHARLES E. HUGHES

MR. HELMER H. BRYN,
Minister of Norway.

The Norwegian Minister (Bryn) to the Secretary of State (Kellogg)

NORWEGIAN LEGATION,
WASHINGTON, *March 24, 1925.*

SIR:

In the note which Your Excellency's predecessor was good enough to address me on January 23, 1925, it was stated that the appropriate authorities of the Government of the United States had held that the provisions of the Norwegian laws of August 11, 1924, satisfy the equivalent exemption provision of Section 213 (b) (8) of the Revenue Act of 1924, and that, therefore, the income of a non-resident alien or foreign corporation, which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of Norway, is exempt from Federal income taxes imposed by the Revenue Act of 1924. Agreement by Norway.

In reply to Mr. Hughes' note I have been authorized by my Government to confirm to Your Excellency the existence of reciprocity under the above mentioned Norwegian and American laws and that, therefore, persons, companies and corporations belonging in the United States of America are exempt in Norway from taxes on property in and income from a ship or ships, documented under the laws of the United States, engaged in traffic on a Norwegian port or between Norwegian ports, and from taxes on income arising from the sale of tickets for the transportation of persons out of the Kingdom of Norway.

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

H BRYN

HIS EXCELLENCY,
HON. FRANK B. KELLOGG,
Secretary of State,
etc. etc. etc.

[No. 15]

March 5, May 31, September 17, 1929.
March 11, August 21, September 1, 1930.

Arrangement between the United States of America and Brazil providing for relief from double income tax on shipping profits. Effected by exchange of notes, signed March 5, 1929, May 31, 1929, September 17, 1929, March 11, 1930, August 21, 1930, and September 1, 1930.

The American Ambassador (Morgan) to the Brazilian Minister for Foreign Affairs (Mangabeira)

[Extract]

No. 1419.

AMERICAN EMBASSY,
RIO DE JANEIRO, *March 5, 1929.*

Double income tax on shipping profits.
Reciprocal exemption, United States and Brazil.

MR. MINISTER:

The representative of the United States Shipping Board has called my attention to Article 6 of Executive Decree No. 5,623, of December 29, 1928, by which His Excellency the President of the Republic sanctioned a law of Congress which "Reduces the duties on rolling and traction material for railroad and city transportation; alters the tax on paper for wrapping fruits; exempts from duties the importation of gold in bars and coined; regulates the payment by 'exercicio findo' and adopts other measures."

Article 6 of said Law states:

"Foreign navigation companies are hereby exempted from income tax, provided that the country in which their head office is located, grants exemption to Brazilian companies of the same character."

According to the dispositions of Section 213(b)(8) of the Revenue Laws of the United States of 1924 and 1926 which were also included in the Revenue Law of the United States of 1928 in Section 212 (b) and 231(b):

"(8) The income of a foreigner non-resident or of a foreign corporation which consists exclusively of profit derived from a ship or ships operating under the laws of a foreign country which grants equal exemption to citizens of the United States and to corporations organized in the United States. . . ."

It would appear that the above mentioned Revenue Laws of the United States contain a provision which would meet the terms of Article 6, of Executive Decree No. 5,623 of December 29, 1928, and that therefore I am justified in requesting Your Excellency's Government to exempt the United States Shipping Board from payment of the Brazilian income tax.

. . . . . .

Accept, Excellency [etc.]

EDWIN MORGAN.

HIS EXCELLENCY
DR. OCTAVIO MANGABEIRA,
Minister for Foreign Affairs.

The Brazilian Minister for Foreign Affairs (Mangabeira) to the American Ambassador (Morgan)

NC/56 MINISTERIO DAS RELAÇÕES EXTERIORES
RIO DE JANEIRO, *Em 31 de Maio de 1929.*

SENHOR EMBAIXADOR:

Em additamento á minha nota NC/29, de 16 de Abril ultimo, sobre o pedido dessa Embaixada relativo á isenção de imposto sobre a renda para as companhias americanas de navegação, tenho a honra de inclusa remetter a Vossa Excellencia copia do Aviso do Ministerio da Fazenda dando solução ao mesmo pedido.

Outrosim, cabe-me communicar a Vossa Excellencia que, nesta data, remetto novamente ao referido Ministerio a indicação da lei constante da nota nº 1419, de 5 de Março ultimo que, no seu paiz, assegura em reciprocidade ás companhias de navegação estrangeiras a isenção de pagamento do imposto de que se trata.

Aproveito a opportunidade para reiterar a Vossa Excellencia os protestos da minha mais alta consideração.

OCTAVIO MANGABEIRA.

A SUA EXCELLENCIA O SENHOR EDWIN VERNON MORGAN,
Embaixador dos Estados Unidos da America,
Rio de Janeiro.

[Enclosure—Extract]

The Brazilian Minister of Finance (Oliveira Botelho) to the Brazilian Minister for Foreign Affairs (Mangabeira)

No 33 MINISTERIO DOS NEGOCIOS DA FAZENDA
Em 29 de Maio de 1929

Objecto: Isenção do imposto de renda para companhias estrangeiras de navegação.

SR. MINISTRO:

. . . dignou-se V. Ex. de transmittir os pedidos das Embaixadas da . . . , America do Norte, . . . e das Legações da . . . , no sentido de ser concedida isenção do imposto de renda, de accôrdo com o art. 6º do decreto n. 5.623, de 29 de Dezembro de 1928, ás companhias de navegação daquelles Paizes, em trafego com o Brasil.

Em resposta, tenho a honra de declarar a V. Ex. que em face do dispositivo de lei citado, para que as companhias de navegação com séde no exterior fiquem isentas do referido imposto, basta que esse Ministerio communique ao da Fazenda o recebimento de qualquer acto do Estado interessado assegurando egual favôr ás emprezas nacionaes de navegação, . . .

Cumpre-me informar a V. Ex. que a Delegacia Geral di Imposto sobre a Renda mandou sustar a cobrança desse imposto das companhias de navegação com séde no estrangeiro, aguardando que tenha conhecimento da inexistencia das condições mencionadas em nossa lei no tocante a qualquer Paiz.

Reitero a V. Ex. os meus protestos de alta estima e distincta consideração.

F. C. DE OLIVEIRA BOTELHO.

A SUA EX. O SR. DR. OCTAVIO MANGABEIRA,
M. D. Ministro das Relações Exteriores.

3051°—33—PT 2——64

The Brazilian Minister for Foreign Affairs (Mangabeira) to the American Ambassador (Morgan)

[Translation]

NC/56

MINISTRY OF FOREIGN AFFAIRS
RIO DE JANEIRO, *May 31, 1929.*

MR. AMBASSADOR:

In continuation of my Note NC/29 of last April, regarding the request of this Embassy for an exemption of income tax for American navigation companies, I have the honor to send Your Excellency herewith a copy of the reply from the Ministry of Finance giving an answer to the said request.

Furthermore, I beg to inform Your Excellency that, upon this date, I have again sent to the said Ministry the provisions of the law mentioned in Note No. 1,419 of March 5th last, which, in your country assures reciprocity to foreign navigation companies of the exemption from the tax referred to.

I renew the occasion to reiterate to Your Excellency the assurance of my highest consideration.

OCTAVIO MANGABEIRA

HIS EXCELLENCY MR. EDWIN VERNON MORGAN,
Ambassador of the United States of America,
Rio de Janeiro.

[Enclosure—Translation]

The Brazilian Minister of Finance (Oliveira Botelho) to the Brazilian Minister for Foreign Affairs (Mangabeira)

No. 33.

MINISTRY OF FINANCE
May 29, 1929.

Subject: Exemption from income tax on foreign navigation companies.

MR. MINISTER:

. . . Your Excellency transmitted me requests from the Embassies of . . . , North America, . . . , and from the Legations of . . . for exemption from income tax, in accordance with Art. 6 of decree No. 5,623, of December 29, 1928, for the navigation companies of those countries engaged in traffic with Brazil.

In reply I have the honor to state to Your Excellency that in view of the provisions of the above cited law in order that navigation companies domiciled in foreign countries may be exempted from the taxation referred to it will be sufficient that Your Excellency's Ministry shall state to the Ministry of Finance that such a law exists in the interested State granting similar favors to Brazilian navigation companies . . .

I have to inform Your Excellency that the Income Tax Office has suspended the collection of said tax from the navigation companies domiciled in foreign countries pending information of the non-existence of the conditions mentioned in our law in relation to any country.

I beg to renew to Your Excellency the assurance of my high consideration.

F. C. DE OLIVEIRA BOTELHO.

HIS EXCELLENCY
DR. OCTAVIO MANGABEIRA,
Minister for Foreign Affairs.

The American Chargé d'Affaires (Schoenfeld) to the Brazilian Minister for Foreign Affairs (Mangabeira)

No. 1467

AMERICAN EMBASSY
RIO DE JANEIRO, *Sept. 17, 1929.*

MR. MINISTER:

Referring to Your Excellency's note No. NC/56 under date of May 31 of the current year, regarding exemption from income tax for foreign navigation companies, I have the honor to inform Your Excellency that I have just received the following request for information from the Department of State at Washington regarding the following points:

a) Whether the exemption provided in Decree No. 5623 applies to corporations organized in the United States which maintain a principal office or place of business, agency or branch office in Brazil;
b) Whether under the Brazilian income tax law citizens of the United States are taxable or exempt with respect to the income derived by them from the operation of a ship or ships documented under the laws of the United States;
c) Whether, if exempt, such exemption applies if the citizens of the United States maintain a principal office or place of business, agency or branch office in Brazil, and
d) Whether it can be said that since December 29, 1928, the Brazilian Government has collected any income, war-profits or excess profits taxes from the income of a citizen of the United States or a corporation organized in the United States which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of the United States.

I shall be grateful to Your Excellency for the above information.

Accept, Excellency [etc.]

RUDOLF SCHOENFELD,
Chargé d'Affaires, ad interim.

HIS EXCELLENCY
DR. OCTAVIO MANGABEIRA,
Minister for Foreign Affairs.

The Brazilian Minister for Foreign Affairs (Mangabeira) to the American Ambassador (Morgan)

NC/15

MINISTERIO DAS RELAÇÕES EXTERIORES
RIO DE JANEIRO, *Em 11 de Março de 1930.*

SENHOR EMBAIXADOR:

Em additamento á minha nota n. NC/99, de 28 de Setembro ultimo e de accordo com as informações recebidas do Ministerio dos Negocios da Fazenda, tenho a honra de prestar a Vossa Excellencia os seguintes esclarecimentos:

A isenção de que trata o artigo 6º da lei nº 5.623, de 29 de Dezembro de 1928, aproveita a todas as companhias ou sociedades, estabelecidas na America do Norte, que exploram a industria de navegação e tenham agencias ou filiaes no Brasil ou exerçam aqui actividade, sob condição de reciprocidade para as companhias brasileiras de Navegação.

Nos termos expressos da lei, essa regalia restringe-se ás companhias e não comprehende, portanto, os rendimentos de cidadãos norte-americanos provenientes de um ou mais navios, matriculados sob as leis do seu paiz.

Finalmente, posso declarar a Vossa Excellencia que, a contar de 29 de Dezembro de 1928, não foram cobrados impostos sobre os rendimentos percebidos pelas emprezas de navegação exploradas por cidadãos da America do Norte ou companhias estabelecidas nesse paiz.

Aproveito a opportunidade para reiterar a Vossa Excellencia os protestos da minha mais alta consideração.

OCTAVIO MANGABEIRA.

A SUA EXCELLENCIA O SENHOR EDWIN VERNON MORGAN,
Embaixador dos Estados Unidos da America.

The Brazilian Minister for Foreign Affairs (Mangabeira) to the American Ambassador (Morgan)

[Translation]

NC/15

MINISTRY OF FOREIGN AFFAIRS
RIO DE JANEIRO, *March 11, 1930.*

MR. AMBASSADOR:

In continuation of the subject of my note No. NC/99, of September 28 last, and in accordance with information received from the Ministry of Finance, I have the honor to hand Your Excellency the following explanations:

The exemption mentioned in Article 6 of Law No. 5,623, of December 29, 1928, shall be applied to all companies or associations established in North America, which conduct the industry of navigation and have agencies or branch offices in Brazil or exercise activities here, under conditions of reciprocity for Brazilian navigation companies.

Under the express terms of the law, this privilege is restricted to these companies and therefore does not include the income of North American citizens, derived from the operation of one or more ships, registered under the laws of their country.

Finally, I can inform Your Excellency that from December 29, 1928 onward, no taxes were collected on income derived by navigation companies operated by North American citizens or companies established in that country.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

OCTAVIO MANGABEIRA.

HIS EXCELLENCY
MR. EDWIN VERNON MORGAN,
Ambassador of the United States of America.

The American Ambassador (Morgan) to the Brazilian Minister for Foreign Affairs (Mangabeira)

No. 1526. AMERICAN EMBASSY
RIO DE JANEIRO, *August 21, 1930*

MR. MINISTER:

Agreement by United States.

I take pleasure in informing Your Excellency that after a lengthy correspondence between this Embassy, the Department of State and the United States Treasury Department, regarding a reciprocal exemption from taxes by the Government of the United States on income derived from the operation of ships registered under Brazilian laws and in accordance with the provisions for reciprocal exemption contained in the United States Revenue Act of 1928, the income of Brazilian citizens arising exclusively from profit derived from the operation of ships registered under Brazilian laws will be exempt from taxation by the Government of the United States. This exemption became effective on January 1, 1929.

Accept, Excellency [etc.] EDWIN V. MORGAN.

HIS EXCELLENCY
DR. OCTAVIO MANGABEIRA,
Minister for Foreign Affairs.

The Director of Commercial and Consular Affairs in the Brazilian Ministry of Foreign Affairs (Eulalio) to the American Ambassador (Morgan)

NC/72 MINISTERIO DAS RELAÇÕES EXTERIORES
RIO DE JANEIRO, *Em 1 de Setembro de 1930.*

SENHOR EMBAIXADOR:

Accusando o recebimento da nota N° 1526, de 21 de Agosto do anno corrente, tenho a honra de agradecer a Vossa Excellencia a gentileza, que teve, em communicar a esta Secretaria de Estado a resolução do Governo dos Estados Unidos da America, relativa á isenção de imposto para a renda de nacionaes brasileiros que consista exclusivamente em lucros provenientes da operação de vapores matriculados no Brasil—resolução de que este Ministerio acaba de dar conhecimento ao Ministerio da Fazenda.

Aproveito a opportunidade para renovar a Vossa Excellencia os protestos da minha mais alta consideração.

JM. EULALIO

A SUA EXCELLENCIA O SENHOR EDWIN VERNON MORGAN
Embaixador dos Estados Unidos da America.

The Director of Commercial and Consular Affairs in the Brazilian Ministry of Foreign Affairs (Eulalio) to the American Ambassador (Morgan)

[Translation]

NC/72

MINISTRY OF FOREIGN AFFAIRS
RIO DE JANEIRO, *September 1, 1930.*

MR. AMBASSADOR:

Acknowledging the receipt of your Note No. 1526, of August 21 of the present year, I have the honor to thank Your Excellency for your courtesy in communicating to this Department the decision of the United States of America, regarding the exemption from income tax of Brazilian citizens who derive profit exclusively from the operation of ships registered in Brazil with which decision this Ministry has just acquainted the Ministry of Finance.

Accept, Excellency, [etc.] JM. EULALIO

HIS EXCELLENCY
MR. EDWIN VERNON MORGAN,
Ambassador of the United States of America.

[No. 16]

Arrangement between the United States of America and Germany providing relief from double income tax on shipping profits. Effected by exchange of notes, dated September 5, 1923, October 8, 1923, January 19, 1924, May 5, 1924, September 3, 1924, November 29, 1924, December 11, 1924, and March 20, 1925.

September 5, Oct. 8, 1923. Jan. 19, May 5, Sept. 3, Nov. 29, Dec. 11, 1924; March 20, 1925.

The German Ministry for Foreign Affairs to the American Embassy at Berlin

AUSWÄRTIGES AMT.
Nr. V Steu 1496.

VERBALNOTE.

Double income tax on shipping profits. Reciprocal exemption, United States and Germany.

Das Auswärtige Amt beehrt sich der Botschaft der Vereinigten Staaten von Amerika im Anschluss an die Verbalnote vom 19. März d. J.—III A 522—, betreffend die Befreiung amerikanischer Reedereien von der Körperschaftssteuer mitzuteilen, dass der Herr Reichsminister der Finanzen die Finanzbehörden angewiesen hat, bei Erwerbsgesellschaften, deren Sitz und Ort der Leitung sich in den Vereinigten Staaten von Amerika befindet, das Einkommen, das ausschliesslich aus dem Betriebe von Schiffen herrührt, zur Körperschaftssteuer nicht heranzuziehen und eine Körperschaftssteuererklärung über das vorbezeichnete von den nordamerikanischen Gesellschaften, die in Deutschland eine Zweigniederlassung, eine sonstige Betriebsstätte oder einen ständigen Vertreter unterhalten, nicht anzufordern. Diese Anweisung ist unter der Voraussetzung der Gegenseitigkeit von Seiten der Vereinigten Staaten und unter dem Vorbehalt jederzeitigen Widerrufs erfolgt.

Post, p. 2636.

Der bezeichnete Herr Minister hat sich ferner bereit erklärt, die den nordamerikanischen Schiffahrtsgesellschaften gewährte Steuervergünstigung auch den Bürgern (Einzelpersonen) der Vereinigten Staaten von Amerika, die die Schiffahrt nach Deutschland betreiben, zuzubilligen, wenn die Regierung der Vereinigten Staaten von Amerika auch insoweit die Gegenseitigkeit gewährt.

Das Auswärtige Amt wäre der Botschaft der Vereinigten Staaten von Amerika dankbar, wenn sie Ihrer Regierung von Vorstehendem mit möglichster Beschleunigung Mitteilung machen und eine Nachricht über die Stellungnahme der Regierung zu der Frage der Steuerbefreiung der obenbezeichneten Einzelpersonen hierher gelangen lassen wollte.

BERLIN, *den 5. September 1923.*

An

DIE BOTSCHAFT DER VEREINIGTEN STAATEN VON AMERIKA.

[Translation]

FOREIGN OFFICE
No. V Steu 1496

NOTE VERBALE

Supplementing its Note Verbale No. III A 522 of March 19 last, regarding the exemption of American shipping companies from the corporation tax, the Foreign Office has the honor to inform the Embassy of the United States of America that the Federal Minister of Finance has instructed the financial authorities, in the case of commercial companies whose seat and place of direction is in the United States of America, not to subject to the corporation tax the income which comes exclusively from the operation of ships and not to demand a corporation tax declaration as to the above-mentioned from the North American companies which maintain in Germany a branch office, any other place of operation or a permanent representative. This instruction was issued on condition of reciprocity on the part of the United States and under the reservation that it may be recalled at any time.

Post, p. 2636.

The said Minister has furthermore declared his readiness to grant the favored treatment accorded to North American shipping companies also to citizens (individual persons) of the United States of America who carry on shipping traffic to Germany, if the Government of the United States of America grants reciprocity in the same degree.

The Foreign Office would be grateful to the Embassy of the United States of America if the latter would report the above to its Government with the greatest possible despatch and obtain a statement as to the attitude of the Government toward the question of exemption from taxation of the above-described individual persons.

BERLIN, *September 5, 1923.*

To the
EMBASSY OF THE UNITED STATES OF AMERICA.

October 8, 1923. *The American Embassy at Berlin to the German Ministry for Foreign Affairs*

No. 536

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs and has the honor to refer to the latter's Note Verbale No. V. Steu 1496 of September 5, 1923, in which the Embassy was informed among other things that the Commonwealth Minister of Finance had issued certain instructions not [to] subject to the corporation tax the income derived exclusively from the operation of ships by commercial companies whose seat and place of direction are in the United States of America under certain circumstances mentioned, on condition of reciprocity on the part of the United States.

In accordance with the expressed desire of the Ministry for Foreign Affairs the contents of the note verbale under reply were communicated by cable to the Department of State, which has now sent a telegraphic reply.

In this telegram the Embassy is informed that the Treasury Department states that it is necessary for a foreign government to exempt citizens of the United States not residing in the foreign country concerned as well as domestic corporations from the tax on earnings from sources within such country derived exclusively from the operation of ships in order that such country may satisfy the equivalent exemption provision of the section of the Revenue Act of 1921 communicated to the Ministry for Foreign Affairs in the Embassy's Note No. 91 of June 28, 1922.

The Embassy is informed further by the Treasury Department through the Department of State that, therefore, if the Minister of Commerce [Finance] will issue the same instructions to the financial authorities relative to citizens of the United States not residing in Germany as have been issued relative to domestic corporations Germany will have satisfied the equivalent exemption provision referred to. The Embassy is informed, that as soon as the Treasury Department receives notice through this Embassy that the additional instructions have been issued, it will issue a statement that Germany has satisfied this exemption provision.

If therefore the instructions referred to above are issued and the Ministry for Foreign Affairs will so inform the Embassy, the Embassy will take pleasure in telegraphing to the Department of State the date on which they become effective.

The Department of State would appreciate also being informed whether Germany has ever demanded or collected or under the law may demand any income tax from citizens of the United States not residing in Germany or domestic corporations on earnings derived from the operation of ships from January 1st, 1921, to the date on which the above instructions if issued become effective.

BERLIN, *October 8, 1923.*

To the
MINISTRY FOR FOREIGN AFFAIRS,
Berlin.

The German Ministry for Foreign Affairs to the American Embassy at Berlin — January 19, 1924.

AUSWAERTIGES AMT
No. V. Steu 30
B 2556

Das Auswaertige Amt beehrt sich der Botschaft der Vereinigten Staaten von Amerika auf die Verbalnote vom 27. Oktober 1923—No. 543—im Anschluss an seine Verbalnote vom 5. September 1923—V Steu 1496—mitzuteilen, dass der Herr Reichsminister der Finanzen durch einen Erlass vom 5. Januar 1924 die zustaendigen Finanzbehoerden angewiesen hat, das aus dem Betriebe von Schiffen herruehrende Einkommen von Buergern der Vereinigten Staaten von Amerika (Einzelpersonen), die in Deutschland keinen Wohnsitz haben, ebenso unter der Voraussetzung der Gegenseitigkeit und dem Vorbehalt des jederzeitigen Widerrufs von der Einkommensteuer zu befreien, wie dies bereits durch einen Erlass vom 10. August 1923

Post, p. 2638.

Post, p. 2636.

hinsichtlich der amerikanischen Erwerbsgesellschaften in Ansehung der Koerperschaftssteuer geschehen ist.

Nach den von der Deutschen Regierung angestellten Ermittelungen sind uebrigens Buerger der Vereinigten Staaten, die keinen Wohnsitz in Deutschland haben, und amerikanische Schiffahrtsgesellschaften mit ihrem Einkommen aus dem Betriebe von Schiffen seit dem 1. Januar 1921 in Deutschland nicht zur Einkommen- oder Koerperschaftssteuer herangezogen worden.

Das Auswaertige Amt waere fuer eine gefaellige Mitteilung darueber dankbar, ob nunmehr von der Regierung der Vereinigten Staaten von Amerika den deutschen Schiffahrtsgesellschaften und schiffahrttreibenden Einzelpersonen die gleiche Befreiung von der Besteuerung des Einkommens aus den Betrieben von Schiffen, und zwar ebenfalls mit Rueckwirkung von dem 1. Januar 1921 ab, gewaehrt wird.

BERLIN, *den 19. Januar 1924*

AN DIE BOTSCHAFT DER
VEREINIGTEN STAATEN VON AMERIKA

[Translation]

FOREIGN OFFICE
No. V. Steu 30
B 2556

NOTE VERBALE

The Foreign Office has the honor to imform the Embassy of the United States of America, in reply to the latter's note verbale of October 27, 1923 (No. 543), and supplementing its own note verbale of September 5, 1923 (V Steu 1496), that, by an ordinance dated January 5, 1924, the Federal Minister of Finance has instructed the competent financial authorities that incomes derived from the operation of ships by citizens of the United States of America (individual persons) who have no residence in Germany are likewise to be exempted from the income tax, under the condition of reciprocity and the reservation of repeal at any time, as has already been ordered by a proclamation of August 10, 1923, relating to American commercial companies as affected by the corporation tax.

Post, p. 2638.

Post, p. 2636.

Furthermore, according to the investigations undertaken by the German Government, citizens of the United States who have no residence in Germany, as well as American shipping companies which receive their incomes from the operation of ships, have not been subjected in Germany to either the income or the corporation tax since January 1, 1921.

The Foreign Office would be grateful for a statement as to whether now the Government of the United States of America will grant to German shipping companies and individual persons engaged in shipping the same exemption from taxation of incomes derived from the operation of ships, and particularly so with retroactive effect from January 1, 1921.

BERLIN, *January 19, 1924*

TO THE EMBASSY OF THE
UNITED STATES OF AMERICA

The American Embassy at Berlin to the German Ministry for Foreign Affairs May 5, 1924.

NOTE VERBALE

No. 675

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs, and has the honor to refer to the latter's Note Verbale No. V Steu 30/B 2556 of January 19, 1924, concerning the question of the taxing by Germany of earnings derived from the operation of ships documented under the laws of the United States. As will be remembered, the Embassy, by its Note Verbale No. 299 of March 2, 1923, informed the Ministry for Foreign Affairs that a copy of the Note Verbale above referred to had been duly transmitted to the Department of State.

The Embassy of the United States of America now has the honor to inform the Ministry for Foreign Affairs that an instruction has been received from the Department of State, transmitting a ruling received from the Treasury Department on this subject, with reference to the Foreign Office's note of January 19, 1924, requesting additional information on the following points:

"In the Ordinance of August 10, 1923, it is noted 'that in the case of companies operated for profit, whose domicile and place of management is in the United States of America, the income which is derived exclusively from the operation of ships, shall not be subjected to the corporation tax. A corporation tax return for the aforesaid income is not to be required of North American companies which maintain in this country a branch or other place of operation or a continuous [permanent] representative.'

"Under this provision of the Ordinance of August 10, 1923, it appears that an American corporation whose place of management, for instance, is in London, might possibly be taxed while an American corporation whose place of management is in the United States or Germany, would be exempted. In order for individual Germans and German shipping companies to be entitled, under the provisions of American law, to the benefits of reciprocity in the matter of exemption from taxation, it would be necessary for the Ordinance of August 10, 1923, to apply to all corporations organized in the United States regardless of the place of management.

"Moreover, in order to enable the Government of the United States to pass upon the question as to whether equivalent exemption is applicable from January 1, 1921, the Treasury Department states that it will be necessary for the German Government to show that citizens of the United States non-resident as to Germany and domestic corporations have not been subjected to income and corporation tax since January 1, 1921, and the earnings derived from the operation of ships, and that they are exempt from such taxes and will not be required to pay the income and corporation tax on any income earned since January 1, 1921."

The Embassy of the United States of America begs further, in compliance with the request of the Department of State, that an early consideration of its response be given by the Foreign Office.

BERLIN, *May 5, 1924.*

To the
MINISTRY FOR FOREIGN AFFAIRS,
Berlin.

September 3, 1924. *The German Ministry for Foreign Affairs to the American Embassy at Berlin*

AUSWAERTIGES AMT.
Nr. V Steu 1489
B.34881

VERBALNOTE.

Das Auswaertige Amt beehrt sich der Botschaft der Vereinigten Staaten von Amerika auf die Verbalnote vom 16. Mai d.J.—No. 686—, betreffend die Befreiung der beiderseitigen Schiffseigentuemer von der Steuer vom Einkommen, nachstehendes ergebenst mitzuteilen:

Der Herr Reichsminister der Finanzen ist nunmehr grundsaetzlich bereit, seine Anordnung vom 10. August v.J. entsprechend den in der Verbalnote vom 5. Mai d.J.—No. 675—uebermittelten Wuenschen der Regierung der Vereinigten Staaten abzuaendern und an die unterstellten Finanzbehoerden Weisung ergehen zu lassen, dass die Anordnung vom 10. August v.J. auf alle Gesellschaften anzuwenden ist, die in den Vereinigten Staaten von Amerika ihren Sitz haben, ohne Ruecksicht auf den Ort der Leitung.

Was die in der letztgenannten Verbalnote erwaehnten Voraussetzungen fuer die Nichteinziehung der Steuern vom 1. Januar 1921 ab anlangt, so kann das Auswaertige Amt nur die auf amtliche Feststellungen des Reichsfinanzministeriums beruhende Erklaerung der Verbalnote vom 19. Januar 1924—V Steu 30—wiederholen, dass seit dem 1. Januar 1921 amerikanische Schiffahrtsgesellschaften und Staatsangehoerige, die keinen Wohnsitz in Deutschland haben, mit ihrem Einkommen aus dem Betrieb von Schiffen nicht zur deutschen Einkommensteuer oder Koerperschaftssteuer herangezogen worden sind. Die Deutsche Regierung wird auch eine nachtraegliche Erhebung der Steuern fuer die seit dem 1. Januar 1921 verflossene Zeit nicht vornehmen, falls seitens der Regierung der Vereinigten Staaten Gegenseitigkeit gewaehrt wird. Die vom Auswaertigen Amt seiner-zeit auf dem ueblichen diplomatischen Wege abgegebene Mitteilung stellt eine bindende amtliche Erklaerung der Deutschen Regierung dar.

Das Auswaertige Amt bittet die Botschaft der Vereinigten Staaten von Amerika, ihrer Regierung von vorstehendem Kenntnis geben und deren Stellungnahme tunlichst bald mitteilen zu wollen, damit gegebenenfalls die Finanzbehoerden von dem Herrn Reichsminister der Finanzen mit den entsprechenden Weisungen versehen werden.

BERLIN, *den 3. September 1924.*

An
DIE BOTSCHAFT DER VEREINIGTEN STAATEN VON AMERIKA.

[Translation]

FOREIGN OFFICE.
No. V Steu 1489
B.34881

NOTE VERBALE.

The Foreign Office has the honor to inform the Embassy of the United States of America, in response to the latter's Note No. 686 of May 16 last, relative to exemption from income tax of both German and American shipowners, as follows:

The Federal Minister of Finance is now ready in principle to amend his order of August 10, 1923, in accordance with the wishes of the

Government of the United States of America as conveyed in the Embassy's Note Verbale No. 675 of May 5, 1924, and to cause instructions to be issued to the subordinate financial authorities that the order of August 10,1923, is to be applied to all companies which have their seat in the United States of America regardless of the location of their management.

As concerns the conditions for abstention from collection of taxes from January 1, 1921, referred to in the last-mentioned note verbale, the Foreign Office can only repeat the statement based on the official findings of the Federal Minister of Finance and contained in its Note No. V Steu 30 of January 19, 1924—the statement that since January 1, 1921, the income from the operation of ships of American shipping companies and citizens who have no residence in Germany has not been subjected to the German income tax or corporation tax. Furthermore, the German Government will abstain from a supplementary collection of taxes for the period since January 1, 1921, if the American Government grants reciprocity. The statement previously made by the Foreign Office through the usual diplomatic channels is a binding official declaration of the German Government.

The Foreign Office requests the Embassy of the United States of America to inform its Government of the above and to acquaint the Foreign Office with the American Government's attitude as soon as possible so that, if an agreement is reached between the German and American Governments, the Federal Minister of Finance may issue suitable instructions to the financial authorities.

BERLIN, *September 3, 1924.*

To

THE EMBASSY OF THE UNITED STATES OF AMERICA.

The American Embassy at Berlin to the German Ministry for Foreign Affairs November 29, 1924.

NOTE VERBALE

No. 935

With reference to the Note Verbale No. $\frac{\text{V Steu 1489}}{\text{B34881}}$ dated September 3, 1924, of the Ministry for Foreign Affairs in regard to the taxation by Germany of the earnings derived from the operation of ships documented under the laws of the United States, the Embassy of the United States of America presents its compliments to the Ministry and has the honor to state that it lost no time in transmitting the Note Verbale under reference to the Department of State and is now in receipt of instructions to invite the Ministry's attention to the following observations of the Treasury Department of the United States Government:

After careful consideration, this Department is of the opinion that in view of the categorical statement of the German Government and the proposed amendment by the Commonwealth Minister of Finance to his order of August 10, 1923, Germany will meet the equivalent exemption provision of Section 213 (b) (8) of the Revenue Act of 1924, upon the issuance of the necessary orders referred to in the Note under consideration. The same opinion is herein expressed with respect to the years 1921, 1922 and 1923, under the provision of Section 213(b) (8) of the Revenue Act of 1921.

Accordingly, it is requested that the German Government be apprised that upon completion of the action proposed in the Note of the Foreign Office of September 3, 1924, the equivalent exemption provision of Section 213(b) (8) of both the Revenue Acts of 1921 and 1924 will be satisfied and that the income of a non-resident alien or foreign corporation from sources within the United States which consists exclusively of earnings of a ship or ships documented under the laws of Germany will be exempt from Federal Income tax and that such exemption will be applicable for the year 1921 and subsequent years. In this connection it should be pointed out that certain German shipping concerns have been granted until December 15th to complete their 1923 tax returns and it is desirable that this information be communicated to the German Government as expeditiously as possible. This Department would appreciate prompt advice of the action of the competent German authorities.

It is to be observed from the foregoing that the Treasury Department refers to the categorical statement of the German Foreign Office "That the German Government will abstain from a supplementary collection of taxes for the period since January 1, 1921, if the American Government grants reciprocity" and that this statement is a "binding official declaration of the German Government." It will also be observed that the Treasury Department states that in view of this categorical statement and a proposed amendment by the Commonwealth Minister of Finance to his Order of August 10, 1923, it considers that the German Government will meet the equivalent exemption provision of Section 213(b) (8) of the Revenue Act of 1924 upon the issuance of the necessary orders referred to in the Ministry's Note of September 3, 1924, under reference. The Treasury Department expresses the same opinion with respect to the years 1921, 1922 and 1923 under the provision of Section 213(b) (8) of the Revenue Act of 1921.

In bringing the foregoing to the attention of the Ministry, the Embassy is instructed to point out that upon the completion of the action proposed in the Ministry's Note of September 3, 1924, the equivalent exemption provision of Section 213(b) (8) of both of the Revenue Acts of 1921 and 1924 will be satisfied and that the income of a nonresident alien or foreign corporation from sources within the United States which consists exclusively of earnings of a ship or ships documented under the laws of Germany will be exempt from Federal income tax and that such exemption will be applicable for the year 1921 and subsequent years.

In view of the statement of the Treasury Department that certain German shipping concerns have been granted until December 15th to complete their 1923 tax returns, the Ministry will appreciate the desirability of advising the Embassy as soon as possible with respect to the action taken by the German authorities in the matter of the proposed amendment by the Minister of Finance of his Order of August 10, 1923, so that the Treasury Department of the United States Government may, in turn, be definitely advised in the premises.

BERLIN, *November 29, 1924.*

To the
MINISTRY FOR FOREIGN AFFAIRS,
Berlin.

The German Ministry for Foreign Affairs to the American Embassy at Berlin December 11, 1924.

AUSWAERTIGES AMT
Nr. V Steu. 1998
B. 49423.

VERBALNOTE.

Das Auswaertige Amt beehrt sich, der Botschaft der Vereinigten Staaten von Amerika auf die Verbalnote vom 29. v.M.—Nr. 935—wegen der Besteurung der beiderseitigen Schiffahrtsgesellschaften ergebnst mitzuteilen, dass der Herr Reichsminister der Finanzen entsprechend dem in der Verbalnote des Auswaertigen Amtes vom 3. September d.J.—V Steu 1489—uebermittelten Vorschlag nunmehr durch Erlass vom 9. Dezember d.J. die unterstellten Finanzbehoerden angewiesen hat, die Anordnung vom 10. August 1923 auf alle Gesellschaften anzuwenden, die in den Vereinigten Staaten von Amerika ihren Sitz haben, ohne Ruecksicht auf den Ort der Leitung.

Damit sind nach der Verbalnote der Botschaft der Vereinigten Staaten von Amerika vom 29. v.M. die Voraussetzungen dafuer erfuellt, dass mit Wirkung vom 1. Januar 1921 ab das aus dem Betrieb von Schiffen herruehrende Einkommen deutscher Reichsangehoeriger, die in den Vereinigten Staaten von Amerika keinen Wohnsitz haben, und von Gesellschaften mit dem Sitz in Deutschland in den Vereinigten Staaten von Amerika der Einkommensteuer befreit wird.

Da die zufolge der Verbalnote der Botschaft der Vereinigten Staaten von Amerika vom 29. v.M. gewissen deutschen Schiffahrtsgesellschaften fuer die Einreichung der Steuererklaerungen gewaehrte Frist am 15. Dezember abläuft, waere das Auswaertige Amt der Botschaft der Vereinigten Staaten von Amerika zu besonderem Dank verpflichtet, wenn sie ihrer Regierung die erfolgte Aenderung der Anordnung des Reichsfinanzministeriums vom 10. August 1923 auf *telegraphischem* Wege zur Kenntnis bringen wollte.

BERLIN, *den 11. Dezember 1924*

An die
BOTSCHAFT DER VEREINIGTEN STAATEN VON AMERIKA.

[Translation]

FOREIGN OFFICE
No. V Steu. 1998
B. 49423.

NOTE VERBALE.

Referring to the Note Verbale No. 935, dated November 29, concerning the taxation of shipping companies of both countries, the Foreign Office has the honor to inform the Embassy of the United States of America that, in accordance with the proposal transmitted in the Foreign Office's Note Verbale of September 3, 1924 (V Steu 1489), the Federal Minister of Finance has now, by an order dated December 9, 1924, instructed the subordinate financial authorities to apply the order of August 10, 1923, to all companies which have their seat in the United States of America regardless of the location of their management.

Thus, according to the note verbale of the Embassy of the United States of America of November 29, the conditions are fulfilled in order that, beginning January 1, 1921, the incomes derived from the operation of ships by German citizens who are not residents of the United States of America, and by companies with their seat in Germany, are exempt from the income tax in the United States of America.

Since, according to the note verbale of the Embassy of the United States of America dated November 29, the period granted for the filing of tax declarations expires on December 15 for certain German shipping companies, the Foreign Office would greatly appreciate it if the Embassy of the United States of America would inform its Government *by telegraph* of the change made in the order of the Ministry of Finance of August 10, 1923.

BERLIN, *December 11, 1924*

To the
EMBASSY OF THE UNITED STATES OF AMERICA.

March 20, 1925. *The American Embassy at Berlin to the German Ministry for Foreign Affairs*

No. 1103

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs and has the honor to refer to its note verbale No. $\frac{\text{V Steu 1998}}{\text{B 49423}}$ of December 11, 1924, concerning the taxation by Germany of the earnings derived from the operation of ships documented under the laws of the United States.

The Embassy is in receipt of an instruction from its Government stating that, according to advices received from the Secretary of the Treasury of the United States, Germany is now considered to have satisfied the equivalent exemption provision of Section 213(b)(8) of both the Revenue Acts of 1921 and 1924, and that accordingly the income of a non-resident alien or foreign corporation from sources within the United States which consists exclusively of earnings of a ship or ships documented under the laws of Germany is exempt from Federal income tax and such exemption is applicable for the year 1921 and subsequent years.

BERLIN, *March 20, 1925.*

To the
MINISTRY FOR FOREIGN AFFAIRS,
Berlin.

APPENDIX

Ordinance of August 10, 1923

DER REICHSMINISTER DER FINANZEN.
III C 7412.

BERLIN, *den 10. August 1923.*

August 10, 1923. *Betrifft:* Befreiung nordamerikanischer Reedereien von der Körperschaftssteuer.

Nach Sektion 213 Abs. 8 des Revenue Act von 1921 der Vereinigten Staaten von Amerika ist das ausschliesslich aus dem Betriebe eines oder mehrerer Schiffe herrührende Einkommen einer ausländischen

Gesellschaft von der Einkommensteuer befreit, wenn die Gesellschaft den Gesetzen eines fremden Staates unterworfen ist, der den Vereinigten Staaten die Gegenseitigkeit gewährt. Im Verfolg einer Anregung der Botschaft der Vereinigten Staaten von Amerika erkläre ich mich unter der Voraussetzung der vollen Gegenseitigkeit und unter Vorbehalt jederzeitigen Widerrufs auf Grund des § 108 Abs. 1 der Reichsabgabenordnung damit einverstanden, dass bei den Erwerbsgesellschaften, deren Sitz und Ort der Leitung sich in den Vereinigten Staaten von Amerika befindet, das Einkommen, das ausschliesslich aus dem Betriebe von Schiffen herrührt, zur Körperschaftssteuer nicht herangezogen wird. Eine Körperschaftssteuererklärung über das vorbezeichnete Einkommen ist von nordamerikanischen Gesellschaften, die im Inland eine Zweigniederlassung, eine sonstige Betriebsstätte oder einen ständigen Vertreter unterhalten, nicht anzufordern. Die für die Veranlagung in Betracht kommenden Finanzämter ersuche ich umgehend zu benachrichtigen.

Soweit sich in Einzelfällen Zweifel ergeben sollten, bitte ich hierüber zu berichten.

In Vertretung
gez. ZAPF.

An die Herren Präsidenten der Landesfinanzämter Königsberg, Mecklenburg-Lübeck, Oldenburg, Schleswig-Holstein, Stettin, Unterelbe, Unterweser.

[Translation]

FEDERAL MINISTER OF FINANCE.
III C 7412.

BERLIN, *August 10, 1923.*

Subject: Exemption of North American shipping companies from the corporation tax.

Under section 213, subdivision 8, of the Revenue Act of 1921 of the United States of America, the income derived exclusively from the operation of a ship or ships of a foreign company is exempted from the income tax if the company is subject to the laws of a foreign state which grants reciprocal rights to the United States. At the instance of the Embassy of the United States of America, I declare myself as agreeing, upon the assumption of full reciprocity and with the reservation of the right of revocation at any time, under authority of section 108, subdivision 1, of the Federal Tax Law, that in the case of companies operated for profit, whose domicile and place of management is in the United States of America, the income which is derived exclusively from the operation of ships shall not be subjected to the corporation tax. A corporation-tax return for the aforesaid income is not to be required of North American companies which maintain in this country a branch or other place of operation or a permanent representative. I request that the finance offices charged with making the assessments be notified forthwith.

If in individual cases doubt should arise, I ask that report be made thereof.

Representing the Minister
ZAPF.

To the Presidents of the State Finance Offices of Königsberg, Mecklenburg-Lübeck, Oldenburg, Schleswig-Holstein, Stettin, Unterelbe, Unterweser.

3051°—33—PT 2——65

Ordinance of January 5, 1924

DER REICHSMINISTER DER FINANZEN.

III C 14722
III D 5

January 5, 1924.

BERLIN, *den 5. Januar 1924.*

SOFORT!

Betrifft: Befreiung nordamerikanischer Schiffahrtsgesellschaften und Reeder von der Einkommen- und Koerperschaftssteuer auf Grundlage der Gegenseitigkeit.

Durch Erlass vom 10. August 1923—III C 7412—habe ich unter der Voraussetzung der vollen Gegenseitigkeit und unter Vorbehalt des jederzeitigen Widerrufs auf Grund des §108 Abs. 1 der Reichsabgabenordnung angeordnet, dass bei den Erwerbsgesellschaften (juristische Personen), deren Sitz und Ort der Leitung sich in den Vereinigten Staaten von Amerika befindet, das Einkommen, das ausschliesslich aus dem Betriebe von Schiffen herruehrt, zur Koerperschaftssteuer nicht herangezogen wird. Unter derselben Voraussetzung erklaere ich mich damit einverstanden, dass das ausschliesslich aus dem Betriebe von Schiffen herruehrende Einkommen von Buergern der Vereinigten Staaten (natuerliche Personen), die in Deutschland keinen Wohnsitz haben, von der Einkommensteuer befreit wird. Die fuer die Veranlagung in Betracht kommenden Finanzaemter ersuche ich, hiervon zu benachrichtigen.

Soweit sich in Einzelfaellen Zweifel ergeben sollten, bitte ich hierueber zu berichten.

Im Auftrage
gez. POPITZ.

An die Landesfinanzaemter, Abt. fuer Besitz- und Verkehrssteuern Koenigsberg, Mecklenburg-Luebeck i. Schwerin, Oldenburg, Schleswig-Holstein in Kiel, Stettin, Unterelbe in Hamburg, Unterweser in Bremen.

[Translation]

FEDERAL MINISTER OF FINANCE.

III C 14722
III D 5

BERLIN, *January 5, 1924.*

URGENT!

Subject: Exemption of North American shipping companies and shipowners from the income and corporation tax on the basis of reciprocity.

Through a decree dated August 10, 1923 (III C 7412) I have ordered, on condition of complete reciprocity and with the reservation of cancellation at any time on the basis of section 108, paragraph 1, of the Federal Tax Law, that the income derived exclusively from the operation of ships of companies (juridical persons) whose seat and place of management is in the United States of America shall not be subjected to the corporation tax. On the same condition, I declare myself in agreement that the income derived exclusively from the

operation of ships by citizens of the United States (natural persons), who have no residence in Germany, shall be exempt from the income tax. I request that the financial offices charged with the assessment of taxes be informed thereof.

In case doubt should arise in individual cases, I request that a report be made thereon.

By direction
POPITZ.

Addressed to the State Finance Offices, Section for Property and Traffic Taxes, Koenigsberg, Mecklenburg-Luebeck in Schwerin, Oldenburg, Schleswig-Holstein in Kiel, Stettin, Unterelbe in Hamburg, Unterweser in Bremen.

Ordinance of December 9, 1924

DER REICHSMINISTER DER FINANZEN.
III Dk 11366.

BERLIN, *den 9. Dezember 1924.* December 9, 1924.

Betrifft: Befreiung nordamerikanischer Schiffahrtsgesellschaften und Reeder von der Einkommen- und Körperschaftssteuer.

I. Durch Erlass vom 10. August 1923—III C 7412—habe ich unter der Voraussetzung der vollen Gegenseitigkeit und unter Vorbehalt jederzeitigen Widerrufs auf Grund des § 108 Abs. 1 der Reichsabgabenordnung angeordnet, dass bei den Erwerbsgesellschaften, deren Sitz und Ort der Leitung sich in den Vereinigten Staaten von Amerika befindet, das Einkommen, das ausschliesslich aus dem Betriebe von Schiffen herrührt, zur Körperschaftssteuer nicht herangezogen wird.

Darüber hinaus erkläre ich mich damit einverstanden, dass der Erlass auf alle Gesellschaften Anwendung findet, die in den Vereinigten Staaten nur ihren Sitz haben, ohne Rücksicht darauf, wo sich der Ort der Leitung befindet. Sollte also im dortigen Bezirk bisher eine Gesellschaft zur Körperschaftssteuer herangezogen sein, die zwar ihren Sitz in den Vereinigten Staaten hat, deren Ort der Leitung sich aber nicht in den Vereinigten Staaten befindet, so ist nunmehr auch diese Gesellschaft mit ihrem ausschliesslich aus dem Betriebe von Schiffen herrüherenden Einkommen von der Körperschaftssteuer freizustellen.

II. Zur Klarstellung weise ich ferner darauf hin, dass unter der Voraussetzung der vollen Gegenseitigkeit der Erlass vom 10. August 1923—III. C 7412—mit der aus dem vorhergehenden Absatz sich ergebenden Erweiterung sowie der Erlass vom 5. Januar 1924—III C 14722—mit Wirkung vom 1. Januar 1921 ab zur Anwendung kommen.

Ich ersuche ergebenst, die für die Veranlagung in Betracht kommenden Finanzämter entsprechend zu verständigen.

Im Auftrage
gez. POPITZ.

An die Herren Präsidenten der Landesfinanzämter in Königsberg, Mecklenburg-Lübeck in Schwerin, Oldenburg, Schleswig-Holstein, in Kiel, Stettin, Unterelbe in Hamburg, Unterweser in Bremen.

[Translation]

FEDERAL MINISTER OF FINANCE.
III Dk 11366.

BERLIN, *December 9, 1924.*

Subject: Exemption of North American navigation companies and shipowners from the income and corporation taxes.

I. By official order of August 10, 1923 (III C 7412) I have ordered, on the condition of complete reciprocity and subject to revocation at any time on the basis of section 108, paragraph 1, of the Federal Tax Law, that in the case of companies operated for profits, the domicile and location of the management of which is in the United States of America, income derived exclusively from the operation of ships shall not be subject to a corporation tax.

Moreover, I declare myself as agreeing that the official order shall apply to all companies which have only their domicile in the United States, regardless of the location of the place of management. Therefore, in case a corporation tax should have been imposed on a company in your district which has its domicile in the United States, but the place of management of which is not in the United States, such company shall also hereafter be exempted from the corporation tax, as well as its income derived exclusively from the operation of ships.

II. In explanation, I further point out that, on condition of complete reciprocity, the official order of August 10, 1923 (III C 7412) with the amplification resulting from the preceding paragraph, as well as the official order of January 5, 1924 (III C 14722) shall be applied, effective as of January 1, 1921.

I respectfully request that due notice hereof be given to the finance offices charged with the duty of making assessments.

By direction
POPITZ.

To the Presidents of the State Finance Offices in Königsberg, Mecklenburg-Lübeck in Schwerin, Oldenburg, Schleswig-Holstein in Kiel, Stettin, Unterelbe in Hamburg, Unterweser in Bremen.

[No. 17]

Arrangement between the United States of America and Spain for consideration of claims. Effected by exchange of notes, signed August 24, 1927, May 13, 1929, and June 20, 1929.

August 24, 1927.
May 13, June 20, 1929.

The Secretary of State (Kellogg) to the Spanish Chargé d'Affaires ad interim (De Amoedo)

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.

Reciprocal claims arrangement with Spain.

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.

The Secretary of State (Stimson) to the Spanish Ambassador (Padilla)

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 proteges 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.

Agreement by Spain.

The Spanish Ambassador (Padilla) to the Secretary of State (Stimson)

No. 80/23.

ROYAL SPANISH EMBASSY,
WASHINGTON, *20 de junio de 1929.*

SEÑOR SECRETARIO:

Con referencia a la atenta Nota de Vuestra Excelencia, fechada el 13 de mayo de 1929, relacionada con otra anterior del 24 de agosto de 1927, por las que se expresaba el deseo del Gobierno de los Estados Unidos de llegar a la terminación de las reclamaciones reciprocas pendientes actualmente entre España y Norte America, tengo la honra de participar a Vuestra Excelencia, que he recibido contestación telegráfica de Madrid, comunicándome que el Gobierno de Su Majestad acepta gustoso el empezar dicho estudio y al efecto, y por correo, me remitirán detalladas instrucciones para comenzar dicho trabajo.

Aprovecho esta oportunidad, para reiterar a Vuestra Excelencia, Señor Secretario, las seguridades de mi mas alta consideración.

ALEJANDRO PADILLA

AL HON.
HENRY L. STIMSON.
Secretario de Estado.

[Translation]

No. 80/23.

ROYAL SPANISH EMBASSY,
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.

[No. 18]

May 14, 1928. *Provisional agreement between the United States of America and Persia respecting commercial, etc., relations. Effected by exchange of notes, signed May 14, 1928.*

The American Minister (Philip) to the Persian Acting Minister for Foreign Affairs (Pakrevan)

LEGATION OF THE UNITED STATES OF AMERICA,
TEHERAN, PERSIA, *May 14, 1928.*

EXCELLENCY:

Commercial, etc., agreement with Persia.

I have the honor to inform you that my Government, animated by the sincere desire to terminate as soon as possible the negotiations now in progress with the Imperial Government of Persia in regard to the conclusion of a Treaty of Friendship, as well as Establishment, Consular, Commercial and Tariff Conventions between the United States of America and Persia, has instructed me to communicate to the Imperial Government of Persia in its name the following provisional stipulations:

1) After May 10, 1928, the diplomatic representation of Persia in the United States, its territories and possessions, shall enjoy, on a basis of complete reciprocity, the privileges and immunities derived from generally recognized international law.

The Consular representatives of Persia, duly provided with exequatur, will be permitted to reside in the United States, its territories and possessions, in the districts where they have been formerly admitted.

They shall, on a basis of complete reciprocity, enjoy the honorary privileges and personal immunities in regard to jurisdiction and fiscal matters secured to them by generally recognized international law.

2) After May 10, 1928, Persian nationals in the United States, its territories and possessions, shall, on a basis of complete reciprocity, be received and treated in accordance with the requirements and practices of generally recognized international law.

In respect to their persons and possessions, rights and interests, they shall enjoy the fullest protection of the laws and authorities of the Country, and they shall not be treated, in regard to the above mentioned subjects, in a manner less favorable than the nationals of any other foreign country.

In general, they shall enjoy in every respect the same treatment as the nationals of the Country, without, however, being entitled to the treatment reserved alone to nationals to the exclusion of all foreigners.

Matters of personal status and family law will be dealt with in separate notes to be concluded and exchanged at the earliest possible date.

3) After May 10, 1928, and as long as the present stipulations remain in force, and on a basis of complete reciprocity, the United States will accord to merchandise produced or manufactured in Persia upon entry into the United States, its territories and possessions, the benefits of the tariff accorded to the most favored nation;

from which it follows that the treatment extended to the products of Persia should not be less favorable than that granted to a third country.

In respect to the regime to be applied to the Commerce of Persia in the matter of import, export, and other duties and charges affecting commerce as well as in respect to transit warehousing and the facilities accorded commercial travelers' samples; and also as regards commodities, tariffs and quantities in connection with the licensing or prohibitions of imports and exports, the United States shall accord to Persia, on a basis of complete reciprocity, a treatment not less advantageous than that 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 article, the product or manufacture of Persia, than are or shall be payable on like articles, the product or manufacture of any foreign country; similarly, and on a basis of complete reciprocity, no higher or other duties shall be imposed in the United States, its territories or possessions, on the exportation of any articles to Persia than are payable on the exportation of like articles to any foreign country.

On a basis of complete reciprocity, any lowering of duty of any kind that may be accorded by the United States in favor of the merchandise of any other country will become immediately applicable without request and without compensation to the commerce of Persia with the United States, its territories and possessions.

Providing 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 authorized by the laws and regulations in force in the United States, its territories or possessions, aiming at the protection of the food supply, sanitary administration in regard to human, animal or vegetable life, and the enforcement of police and revenue laws.

The present stipulations shall become operative on the day of signature, and shall remain respectively in effect until the entry in force of the Treaty and Conventions referred to in the first paragraph of this note, or until thirty days after notice of their termination shall have been given by the Government of the United States to the Imperial Government of Persia, but should the Government of the United States be prevented by future action of its legislature from carrying out the terms of these stipulations the obligations thereof shall thereupon lapse.

I shall be glad to have your confirmation of the understanding thus reached.

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

HOFFMAN PHILIP.

HIS EXCELLENCY,
MIRZA FAT'HOLLAH KHAN PAKREVAN,
Acting Minister for Foreign Affairs,
Teheran.

The Persian Acting Minister for Foreign Affairs (Pakrevan) to the American Minister (Philip)

MINISTÉRE DES AFFAIRES ETRANGÉRES,
TÉHÉRAN, *le 14 Mai 1928*

MONSIEUR LE MINISTRE,

J'ai l'honneur, au nom de mon Gouvernement, de vous accuser réception et de prendre acte du contenu de votre note de ce jour, précisant les dispositions provisoires relatives aux relations diplomatiques, consulaires, douanières et autres entre la Perse et les Etats-Unis d'Amérique.

Veuillez agréer, Monsieur le Ministre, l'assurance de ma haute considération.

F. PAKREVAN

SON EXCELLENCE
MONSIEUR HOFFMAN PHILIP
Ministre des Etats-Unis d'Amérique
Téhéran

[Translation]

MINISTRY OF FOREIGN AFFAIRS,
TEHERAN, *May 14, 1928*

MR. MINISTER,

I have the honor, in the name of my Government, to acknowledge receipt of and place on record the contents of your note of to-day's date, specifying the provisional stipulations relative to diplomatic, consular, customs and other relations between Persia and the United States of America.

Please accept, Mr. Minister, the assurance of my high consideration.

F. PAKREVAN

HIS EXCELLENCY,
MR. HOFFMAN PHILIP,
Minister of the United States of America,
Teheran.

The Persian Acting Minister for Foreign Affairs (Pakrevan) to the American Minister (Philip)

TÉHÉRAN, *le 14 Mai 1928*

MONSIEUR LE MINISTRE,

Agreement by Persia.

J'ai l'honneur de vous informer que mon Gouvernement, animé du désir sincère de faire aboutir dans le plus bref délai possible les négociations actuellement en cours avec le Gouvernement des Etats-Unis et relatives à la conclusion d'un traité d'amitié ainsi que de conventions d'établissement, consulaire, douanière et commerciale, m'a chargé de vous communiquer, en son nom, les dispositions provisoires suivantes:

1. A dater du 10 Mai 1928 la représentation diplomatique des Etats-Unis d'Amérique sur le territoire persan jouira, sous condition d'une parfaite réciprocité, des privilèges et immunités consacrés par le droit commun international.

Les représentants consulaires des Etats-Unis d'Amérique sur le territoire persan, régulièrement munis de l'exequatur, pourront, sous condition d'une parfaite réciprocité, y résider dans les localités où ils étaient jusqu'alors admis.

Ils bénéficieront des privilèges honorifiques et immunités personnelles de juridiction et de fiscalité consacrées par le droit commun international et sous condition d'une parfaite réciprocité.

2. A dater du dix Mai 1928, les ressortissants des Etats-Unis d'Amérique en Perse seront admis et traités conformément aux règles et pratiques du droit commun international et sur la base d'une parfaite réciprocité.

Ils y jouiront, quant à leur personne et à leurs biens, droits et intérêts, de la plus entière protection des lois et des autorités territoriales et ils n'auront pas relativement aux questions susmentionnées un traitement moins avantageux que les ressortissants des autres pays étrangers.

Ils y bénéficieront, en toute matière, du même traitement général que les nationaux, sans pouvoir prétendre toutefois au traitement réservé aux seuls nationaux, à l'exclusion de tous autres étrangers.

La question de statut personnel et du droit de famille sera traitée dans des notes spéciales à arrêter et échanger aussitôt que possible.

3. A dater du dix Mai 1928 et pendant la durée des présentes dispositions et sous la condition d'une parfaite réciprocité, les marchandises produites ou manufacturées aux Etats-Unis, leurs Territoires et Possessions, à leur entrée en Perse bénéficieront du tarif accordé à la nation la plus favorisée, de sorte que le traitement accordé aux Etats-Unis pour leurs marchandises ne soit pas moins favorable que le traitement légal accordé à un pays tiers.

Quant au régime applicable au commerce des Etats-Unis d'Amérique, relatif à l'importation, l'exportation et autres droits et charges ayant trait au commerce, aussi bien qu'au transit, à l'emmagasinage, aux facilités accordées aux échantillons des commis-voyageurs; et quant aux facilités, tarifs et quantités relatifs aux licences et prohibitions d'importation et d'exportation la Perse accorde aux Etats-Unis, leurs Territoires et Possessions, sous condition d'une parfaite réciprocité, un traitement non moins avantageux que celui accordé au commerce de tout autre Etat étranger.

Il est entendu que d'autres droits ou des droits plus élevés ne sauraient être appliqués à l'importation ou à l'écoulement en Perse de tous articles, produits ou fabriqués aux Etats-Unis, leurs Territoires et Possessions que ceux qui seraient dus par les articles similaires produits ou fabriqués par tout autre pays étranger.

De même et sous condition d'une parfaite réciprocité, d'autres droits ou des droits plus élevés ne seront pas appliqués en Perse à l'exportation de tous articles à destination des Etats-Unis, leurs Territoires ou possessions que ceux qui seraient dûs à l'exportation de produits similaires à destination de toute autre pays étranger.

Sous condition d'une parfaite réciprocité tous abaissements de droits de toute nature qui seraient consentis par la Perse en faveur des produits de tout autre Etat seront immédiatement applicables, sans qu'il soit besoin de la requérir et sans compensation, au commerce des Etats-Unis, leurs Territoires et Possessions avec la Perse.

Il est entendu que ces dispositions ne se réfèrent pas aux interdictions et restrictions autorisées par les lois et règlements en vigueur en Perse en vue de protéger la vie alimentaire, la police sanitaire humaine, animale, végétale, les intérêts de la sûreté générale et des intérêts fiscaux.

Les dispositions de la présente note entrent en vigueur à dater d'aujourd'hui et elles resteront respectivement en force jusqu'à l'entrée en vigueur des traité et conventions correspondants, dont il est fait mention dans le paragraphe premier de la présente note ou jusqu'à l'expiration d'un délai de trente jours à dater de la notification qui

serait faite au Gouvernement des Etats-Unis par mon Gouvernement de son intention d'y mettre fin, mais dans le cas où mon Gouvernement serait empêché de remplir ses engagements par l'effet d'une mesure législative ces dispositions tomberont en caducité.

Je serais heureux d'avoir confirmation de notre entente sur ces points.

Veuillez agréer, Monsieur le Ministre, l'assurance de ma haute considération.

[SEAL] F. PAKREVAN.

SON EXCELLENCE MONSIEUR HOFFMAN PHILIP
Ministre des Etats-Unis d'Amérique
à Téhéran

[Translation]

TEHERAN, *May 14, 1928*

MR. MINISTER,

I have the honor to advise you that my Government, animated by the sincere desire to terminate as soon as possible the negotiations now in progress with the Government of the United States relative to the conclusion of a treaty of friendship, as well as establishment, consular, customs, and commercial conventions, has directed me to communicate to you, in its name, the following provisional stipulations:

1. On and after May 10, 1928, the diplomatic representation of the United States of America in Persian territory shall enjoy, on condition of complete reciprocity, the privileges and immunities sanctioned by generally recognized international law.

The consular representatives of the United States of America in Persian territory, duly provided with an exequatur, shall be permitted, on condition of complete reciprocity, to reside there in the localities to which they were admitted up to that time.

They shall enjoy, on the condition of complete reciprocity, the honorary privileges and personal immunities in regard to jurisdiction and fiscal matters sanctioned by generally recognized international law.

2. On and after May 10, 1928, the nationals of the United States in Persia shall on the basis of complete reciprocity be admitted and treated in accordance with the rules and practices of generally recognized international law.

In respect of their persons and property, rights and interests, they shall enjoy there the fullest protection of the laws and the territorial authorities of the country, and they shall not be treated in regard to the above-mentioned matters in a manner less favorable than the nationals of other foreign countries.

They shall enjoy, in every respect, the same general treatment as the nationals of the country, without being entitled, however, to the treatment reserved to nationals alone, to the exclusion of all other foreigners.

Matters of personal status and family law shall be treated in special notes to be drawn up and exchanged as soon as possible.

3. On and after May 10, 1928, and as long as the present provisions shall remain in force, and on condition of complete reciprocity, merchandise produced or manufactured in the United States, its territories and possessions, on their entry into Persia, shall enjoy the tariff accorded to the most favored nation, so that the treatment accorded to the United States for its merchandise shall not be less favorable than the legal treatment accorded to a third country.

In respect to the régime applicable to the commerce of the United States of America, in the matter of import and export and other duties and charges relating to commerce, as well as to transit, warehousing, and the facilities accorded to commercial travelers' samples, and as to facilities, tariffs, and quantities in connection with the licensing and prohibition of imports and exports, Persia shall accord to the United States, its territories, and possessions, on condition of complete reciprocity, a treatment not less favorable than that accorded to the commerce of any other foreign country.

It is understood that other or higher duties shall not be applied to the importation into or the sale in Persia of any articles, produced or manufactured in the United States, its territories and possessions, than those which would be payable on like articles produced or manufactured by any other foreign country.

Similarly and on condition of complete reciprocity, no other or higher duties shall be imposed in Persia on the exportation of any articles to the United States, its territories or possessions, than those which would be payable on the exportation of like articles to any other foreign country.

On condition of complete reciprocity, any lowering of duties of any kind that may be granted by Persia in favor of the products of any other country shall be immediately applicable, without request and without compensation, to the commerce of the United States, its territories and possessions, with Persia.

It is understood that these provisions do not refer to the prohibitions and restrictions authorized by the laws and regulations in force in Persia for protection of the food supply, sanitary administration in regard to human, animal, or vegetable life, the interests of public safety and fiscal interests.

The stipulations of the present note shall go into effect to-day and they shall remain respectively in force until the entry into effect of the corresponding treaty and conventions referred to in the first paragraph of this note or until the expiration of a period of thirty days from the notice which may be given to the Government of the United States by my Government of its intention to terminate them, but in case my Government should be prevented from fulfilling its engagements by the effect of a legislative measure, these stipulations shall lapse.

I would be glad to have confirmation of our understanding on these points.

Please accept, Mr. Minister, the assurance of my high consideration.

F. PAKREVAN

HIS EXCELLENCY MR. HOFFMAN PHILIP
Minister of the United States of America
at Teheran

The American Minister (Philip) to the Persian Acting Minister for Foreign Affairs (Pakrevan)

LEGATION OF THE UNITED STATES OF AMERICA,
TEHERAN, PERSIA, *May 14, 1928.*

EXCELLENCY:

I have the honor to inform you, in the name of my Government, that I have received and taken note of the contents of your note of to-day's date setting forth provisional stipulations in regard to

Agreement by United States.

Diplomatic, Consular, tariff and other relations between the United States and Persia.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

HOFFMAN PHILIP.

HIS EXCELLENCY,
MIRZA FAT'HOLLAH KHAN PAKREVAN,
Acting Minister for Foreign Affairs,
Teheran.

The American Minister (Philip) to the Persian Acting Minister for Foreign Affairs (Pakrevan)

LEGATION OF THE UNITED STATES OF AMERICA,
TÉHÉRAN, *le 14 Mai 1928.*

MONSIEUR LE GÉRANT,

Il me serait très agréable de recevoir de Votre Excellence une assurance de la part du Gouvernement Impérial que les Missionnaires Américains en Perse seront autorisés à remplir comme par le passé leurs œuvres de bienfaisance et d'instruction.

Je saisis cette occasion pour vous renouveler, Monsieur le Gérant, les assurances de ma haute considération.

HOFFMAN PHILIP.

SON EXCELLENCE,
MIRZA FAT'HOLLAH KHAN PAKREVAN,
Gérant du Ministére des Affaires Etrangéres,
Téhéran.

[Translation]

LEGATION OF THE UNITED STATES OF AMERICA,
TEHERAN, *May 14, 1928.*

MR. ACTING MINISTER,

Treatment of American missionaries.

I would be very glad to receive from Your Excellency an assurance on the part of the Imperial Government that American Missionaries in Persia will be authorized, as in the past, to carry on their charitable and educational work.

I take this occasion to renew to you, Mr. Acting Minister, the assurances of my high consideration.

HOFFMAN PHILIP.

HIS EXCELLENCY,
MIRZA FAT'HOLLAH KHAN PAKREVAN,
Acting Minister of Foreign Affairs,
Teheran.

The Persian Acting Minister for Foreign Affairs (Pakrevan) to the American Minister (Philip)

TÉHÉRAN, *le 14 Mai 1928.*

MONSIEUR LE MINISTRE,

En réponse à votre demande relative aux Missionnaires Américains, j'ai l'honneur de vous informer qu'ils seront autorisés de remplir leurs œuvres de bienfaisance et d'instruction à condition

de ne porter atteinte ni à l'ordre public ni aux lois et réglements Persans.

Veuillez agréer, Monsieur le Ministre, l'assurance de ma haute considération.

F. PAKREVAN

SON EXCELLENCE
MONSIEUR HOFFMAN PHILIP
Ministre des Etats-Unis d'Amérique
Téhéran

[Translation]

TEHERAN, *May 14, 1928.*

MR. MINISTER,

In reply to your request relative to American Missionaries, I have the honor to inform you that they will be authorized to carry on their charitable and educational work on the condition that it contravenes neither the public order nor the laws and regulations of Persia.

Please accept, Mr. Minister, the assurance of my high consideration.

F. PAKREVAN

HIS EXCELLENCY,
MR. HOFFMAN PHILIP,
Minister of the United States of America,
Teheran.

[No. 19]

July 11, 1928.

Provisional agreement between the United States of America and Persia respecting personal status and family law jurisdiction of American nationals in Persia and of Persian nationals in the United States of America. Effected by exchange of notes, signed July 11, 1928.

The American Minister (Philip) to the Persian Acting Minister of Foreign Affairs (Pakrevan)

LEGATION OF THE UNITED STATES OF AMERICA,
TÉHÉRAN, *Le 11 Juillet, 1928.*

MONSIEUR LE GÉRANT,

Personal status and family law jurisdiction of American nationals in Persia and Persian nationals in the United States.

Me référant aux notes arrêtant les dispositions provisoires relatives aux relations diplomatiques, consulaires, douanières et autres entre les Etats-Unis d'Amérique et la Perse, échangées le 14 mai, 1928, j'ai l'honneur, au nom de mon Gouvernement, de vous faire la déclaration suivante sur la façon dont je conçois les résultats auxquels ont abouti nos conversations concernant la question du statut personnel, tenues conformément à la stipulation précisée dans l'alinéa 4 du paragraphe 2 des dites notes.

Provisional arrangement.

Vu que les ressortissants persans aux Etats-Unis d'Amérique jouissent du traitement de la nation la plus favorisée en matière du statut personnel, et,

Vu que ladite question sera réglée définitivément entre les deux Etats par la convention d'établissement, il est entendu qu'en ladite matière du statut personnel, c'est-à-dire, pour toutes les questions concernant le mariage et la communauté conjugale, le divorce, la séparation de corps, la dot, la paternité, la filiation, l'adoption, la capacité des personnes, la majorité, la tutelle, la curatelle, l'interdiction; en matière mobilière, le droit de succession testamentaire, ou ab intestat, partage et liquidation; et en général, le droit de famille, les ressortissants non-musulmans des Etats-Unis en Perse seront soumis à leurs lois nationales.

Si, toutefois, pour lesdites questions les tribunaux persans étaient saisis par une des parties, lesdits tribunaux seraient tenus d'appliquer les lois américaines.

Pour faciliter la tâche des tribunaux persans dans les cas susmentionnés, les autorités compétentes américaines fourniront, en cas de besoin, les renseignements nécessaires relatifs aux lois américaines.

Je serais heureux d'avoir confirmation de notre entente sur ces points.

Veuillez agréer, Monsieur le Gérant, l'assurance de ma haute considération.

HOFFMAN PHILIP

SON EXCELLENCE,
MIRZA FAT'HOLLAH KHAN PAKREVAN,
Gérant du Ministère des Affaires Etrangères,
Téhéran.

[Translation]

TÉHÉRAN, *July 11, 1928.*

MR. ACTING MINISTER:

Referring to the notes establishing the provisional stipulations relative to diplomatic, consular, customs, and other relations between the

United States of America and Persia, exchanged on May 14, 1928, I have the honor, in the name of my Government, to make the following statement of my understanding of the results attained by our conversations concerning the question of personal status, held in conformity with the stipulation specified in subparagraph 4 of paragraph 2 of the said notes.

Whereas Persian nationals in the United States of America enjoy most-favored-nation treatment in the matter of personal status, and,

Whereas the said question will be definitively settled between the two states by the establishment convention, it is understood that in the said matter of personal status, that is, with regard to all questions concerning marriage and conjugal community rights, divorce, judicial separation, dowry, paternity, affiliation, adoption, capacity of persons, majority, guardianship, trusteeship, and interdiction; in regard to movable property, the right of succession by will or *ab intestato*, distribution, and settlement; and, in general, family law, non-Moslem nationals of the United States in Persia shall be subject to their national laws.

If, however, with respect to the said questions, one of the parties should bring a matter before the Persian courts, the said courts would be obliged to apply American laws.

In order to facilitate the task of the Persian courts in the above-mentioned cases, the competent American authorities shall furnish, in case of need, the necessary information relative to American laws.

I shall be glad to have confirmation of our understanding on these points.

Please accept, Mr. Acting Minister, the assurance of my high consideration.

HOFFMAN PHILIP

HIS EXCELLENCY
MIRZA FAT'HOLLAH KHAN PAKREVAN,
Acting Minister of Foreign Affairs,
Teheran.

The Persian Acting Minister of Foreign Affairs (Pakrevan) to the American Minister (Philip)

TÉHÉRAN, *le 11 Juillet 1928.*

MONSIEUR LE MINISTRE,

Me référant aux notes arrêtant les dispositions provisoires relatives aux relations diplomatiques, consulaires, douanières et autres entre la Perse et les Etats-Unis d'Amérique, échangées le 14 Mai 1928, j'ai l'honneur, au nom de mon Gouvernement, de Vous faire la déclaration suivante sur la façon dont je conçois les résultats auxquels ont abouti nos conversations concernant la question du statut personnel, tenues conformément à la stipulation précisée dans l'alinéa 4 du paragraphe 2 des dites notes.

Vu que les ressortissants persans aux Etats-Unis d'Amérique jouissent du traitement de la nation l plus favorisée en matière du statut personnel, et,

Vu que ladite question sera réglée définitivement entre les deux Etats par la convention d'établissement, il est entendu qu'en ladite matière du statut personnel, c'est-à-dire, pour toutes les questions concernant le mariage et la communauté conjugale, le divorce, la séparation de corps, la dot, la paternité, la filiation, l'adoption, la capacité des personnes, la majorité, la tutelle, la curatelle, l'interdiction; en matière mobiliére, le droit de succession testamentaire, ou ab

intestat, partage et liquidation; et en général, le droit de famille, les ressortissants non-mussulmans des Etats-Unis en Perse seront soumis à leurs lois nationales.

Si, toutefois, pour lesdites questions les tribunaux persans étaient saisis par une des parties, lesdits tribunaux seraient tenus d'appliquer les lois américaines.

Pour faciliter la tâche des tribunaux persans dans les cas susmentionnés, les autorités compétentes américaines fourniront, en cas de besoin, les renseignements nécessaires relatifs aux lois américaines.

Je serais heureux d'avoir confirmation de notre entente sur ces points.

Veuillez agréer, Monsieur le Ministre, l'assurance de ma haute considération.

F. PAKREVAN.

SON EXCELLENCE
MONSIEUR HOFFMAN PHILIP,
Ministre des Etats-Unis d'Amerique,
Téhéran.

[Translation]

TEHERAN, *July 11, 1928.*

MR. MINISTER,

Agreement by Persia.

Referring to the notes establishing the provisional stipulations relative to diplomatic, consular, customs, and other relations between Persia and the United States of America, exchanged on May 14, 1928, I have the honor, in the name of my Government, to make the following statement of my understanding of the results attained by our conversations concerning the question of personal status, held in conformity with the stipulation specified in subparagraph 4 of paragraph 2 of the said notes.

Whereas Persian nationals in the United States of America enjoy most-favored-nation treatment in the matter of personal status, and,

Whereas the said question will be definitively settled between the two states by the establishment convention, it is understood that in the said matter of personal status, that is, with regard to all questions concerning marriage and conjugal community rights, divorce, judicial separation, dowry, paternity, affiliation, adoption, capacity of persons, majority, guardianship, trusteeship, and interdiction; in regard to movable property, the right of succession by will or *ab intestato*, distribution, and settlement; and, in general, family law, non-Moslem nationals of the United States in Persia shall be subject to their national laws.

If, however, with respect to the said questions, one of the parties should bring a matter before the Persian courts, the said courts would be obliged to apply American laws.

In order to facilitate the task of the Persian courts in the abovementioned cases, the competent American authorities shall furnish, in case of need, the necessary information relative to American laws.

I shall be glad to have confirmation of our understanding on these points.

Please accept, Mr. Minister, the assurance of my high consideration.

F. PAKREVAN

HIS EXCELLENCY
MR. HOFFMAN PHILIP,
Minister of the United States,
Teheran.

[No. 20]

Arrangement between the United States of America and Sweden for reciprocal exemption of pleasure yachts from all navigation dues. Effected by exchange of notes, signed October 22 and 29, 1930.

October 22 and 29, 1930.

The Royal Minister for Foreign Affairs (Ramel) to the American Chargé d'Affaires ad interim (Crocker)

MINISTÈRE DES AFFAIRES ETRANGÈRES,
STOCKHOLM, *le 22 octobre 1930.*

MONSIEUR LE CHARGÉ D'AFFAIRES,

Arrangement with Sweden for the reciprocal exemption of pleasure yachts from navigation dues.

Par une lettre, en date du 3 janvier 1930, vous avez bien voulu faire connaître à mon prédécesseur que le Gouvernement des Etats-Unis est disposé à conclure un arrangement avec le Gouvernement Suédois en vue d'exonérer, à titre de réciprocité, les yachts de plaisance des deux pays de tous droits de navigation dans leurs ports.

En me référant à cette lettre, j'ai l'honneur de porter à votre connaisance que, aux termes du §126 du Règlement Douanier Suédois, et du Décret Royal en date du 7 octobre 1927, les yachts appartenant aux yachtclubs des pays où les mêmes facilités sont accordées aux yachts suédois, sont exemptés dans les ports suédois de tous droits de navigation—sauf ceux de pilotage lorsqu'ils ont réellement un pilote à bord—pourvu qu'ils soient munis d'un certificat délivré par les autorités du pays et constatant qu'ils n'ont pas été équipés dans un but commercial.

Si votre Gouvernement consent à accorder, à titre de réciprocité, les mêmes facilités aux yachts de plaisance appartenant aux yachtclubs suédois, je me permets de vous proposer que la présente note et la réponse que vous voudriez bien me faire parvenir, serviront à constater l'entente intervenue entre nos deux pays.

Veuillez agréer, Monsieur le Chargé d'Affaires, les assurances de ma considération la plus distinguée.

RAMEL

MONSIEUR EDWARD SAVAGE CROCKER,
Chargé d'Affaires p. i. des Etats-Unis d'Amérique,
etc. etc.

[Translation]

MINISTRY FOR FOREIGN AFFAIRES,
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 where 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 out 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.

Swedish Customs Regulations.

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 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 domicle, 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 (Crocker) to the Royal Minister for Foreign Affairs (Ramel)

Agreement by United States.

No. 56. LEGATION OF THE UNITED STATES OF AMERICA,
STOCKHOLM, *October 29, 1930.*

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.

[No. 21]

Agreement between the United States of America and Haiti. Signed August 5, 1931. August 5, 1931.
August 5, 1931.

LEGATION OF THE UNITED STATES OF AMERICA,
PORT-AU-PRINCE, HAITI, *August 5, 1931.*

The undersigned plenipotentiaries duly authorized by their respective governments have agreed upon the following Accord: Haitianization Accord.

ARTICLE I.

The services of the Engineers provided for by Article XIII of the Treaty of September 16, 1915, for the sanitation and public improvement of the Republic, and by the Accord of July 17, 1923, regarding the Service Technique d'Agriculture, as well as their foreign aids and employees, shall definitely cease on September 30, 1931, except as provided below in Articles III and IV. Vol. 39, p. 1659.

ARTICLE II.

Accordingly, on October 1, 1931, the Government of Haiti will assume rightfully and definitely the administration and control of the Direction Generale des Travaux Publics, of the Service d'Hygiene, and of the Service Technique d'Agriculture, and the President of the Republic will deliver, in conformity with the Constitution and the laws, commissions to the Haitian engineers, physicians, and employees deemed necessary for the functioning of the above mentioned Services.

ARTICLE III.

In that which concerns the Service National d'Hygiene, it is understood that in conformity with the laws in force it will have, under the direction of the Secretary of State for the Interior, throughout the Republic, the administration, inspection, and supervision of all of the public services of hygiene, sanitation and quarantine of the hospitals, rural dispensaries, poor relief, insane asylums and sanitary garages, of the Medical School, the Health Center, the laboratories, etc.

Nevertheless, in the cities of Port-au-Prince and Cape Haitian, and their immediate environs (that is within a radius of two miles of the cities proper but including also Petionville) where, pending other arrangements and until the conclusion of a protocol for their evacuation, American troops are stationed, an American scientific mission shall be especially charged in accord with the laws and regulations now in force with the control of sanitation and chlorination of water.

The Service Nationale d'Hygiene will be entitled, if it so requests, to receive the advice and recommendations of the above mentioned scientific mission within the restricted field of sanitation.

The Government agrees to leave to the Mission the sanitary garages at Port-au-Prince and Cape Haitian and the motor equipment strictly necessary for its activities but the Service Nationale d'Hygiene may always requisition the material thus loaned by agreement with the Mission if the need therefor should arise.

The Government of Haiti agrees that in case of epidemic or grave danger menacing the public health within the above mentioned cities of Cape Haitian and Port-au-Prince the Mission will cooperate with the National Public Health Service to combat the danger and for this purpose shall be authorized to make all necessary recommendations, and to make use of all the facilities and all of the organizations of the above mentioned Service; and the Haitian Government, under such circumstances, will take the necessary measures and provide the necessary credits.

ARTICLE IV.

The Mission provided for in the preceding article will comprise three American medical officers nominated by the Government of the United States and appointed by the President of Haiti. Their status will be assimilated so far as the salary that they receive from the public treasury is concerned to that of Public Health Officers first class provided for by the law of August 8, 1926. The Mission may also include, in addition, as a maximum six hospital corpsmen of the United States Navy who will be paid in conformity with a budget approved by the Minister of Interior upon the basis of the law of December 5, 1924.

The Mission will have the right to suitable offices at Cape Haitian and Port-au-Prince.

The funds necessary for the payment of the Haitian personnel and for the functioning of the sanitary services in the cities of Cape Haitian and Port-au-Prince will be provided for in a budget which shall be approved in advance by the Minister of Interior.

ARTICLE V.

The Accord of August 24, 1918, regarding the communication of projects of Haitian laws to the Legation of the United States of America at Port-au-Prince, is and remains abrogated from this date.

If, nevertheless, the Government of the United States should deem a given law to be seriously inconsistent with any rights arising from provisions of agreements still in force, it will present its views to the Haitian Government through diplomatic channels for all proper purposes.

ARTICLE VI.

The Accord of December 3, 1918, relating to the visa of the Financial Adviser on orders of payment issued by the Secretary of State for Finance, on the Receiver-General of Customs, or on the National Bank of the Republic of Haiti, is and remains abrogated. The Minister of Finance shall reach an agreement with the Financial Adviser on the procedure governing the service of payments.

The abrogation of the visa implies an obligation on the part of the Government of Haiti until the liquidation of the services of the Financial Adviser-General Receiver to make its expenditures within the limits of laws and credits voted or decreed with the accord of the Financial Adviser. The Haitian Government will reach agreements with the Financial Adviser regarding the measures affecting sources of revenue pending the liquidation of the services of the Financial Adviser-General Receiver.

ARTICLE VII.

The land title registry office (Bureau d'Enregistrement) shall be entirely detached from the Office of the Financial Adviser-General Receiver and will pass under the complete control of the Secretary of Finance upon the signature of this Accord.

ARTICLE VIII.

In view of the difficulties which have arisen with regard to the Law of May 26, 1931, it is understood that the travelling or representation allowances of the Legislative Body as provided for in the above mentioned law, will be paid without delay, starting from April 6, 1931, and up to September 30, 1931, from the general funds of the Treasury. After September 30, 1931, these allowances will be paid in accordance with a balanced budget.

ARTICLE IX.

Since the Government of the United States believes that the discharge of the civilian officials and employees in the Services mentioned above in Articles I and II of the present Accord, will be unduly precipitate and has requested an indemnity for them, the Secretary of State for Finance in accord with the Financial Adviser is authorized to indemnify them upon an equitable basis from the general funds of the Treasury.

Specialists in the Service Technique who, upon the express request of the Government of Haiti, shall desire to remain in their former positions and sign the necessary contracts for this purpose with the Secretary of State for Agriculture shall not have the right to any indemnity by virtue of the liquidation of the Treaty Services.

ARTICLE X.

The two Governments agree to continue their discussions regarding the other problems arising from the Treaty.

ARTICLE XI.

While awaiting the settlement of the question of the Garde, the two Governments agree to maintain the "status quo" established by existing laws and agreements and to respect said laws and agreements.

Signed at Port-au-Prince in duplicate in the English and French languages this fifth day of August 1931.

DANA G. MUNRO
A. N. LEGER

ACCORD

Les plénipotentiaires, soussignés, dûment autorisés par leurs Gouvernements respectifs, ont convenu de l'Arrangement suivant:

ARTICLE I.

Les services des ingénieurs prévus à l'article XIII du Traité du 16 septembre 1915 pour l'Hygiène et le développement matériel de la République et par l'accord du 17 Juillet 1923 sur le Service Technique de l'Agriculture, ainsi que ceux de leurs aides et employés étrangers, prendront définitivement fin le 30 septembre 1931, sauf ce qui est dit aux articles 3 & 4 ci-dessous.

ARTICLE II

En conséquence, et à la date du 1er. octobre 1931, le Gouvernement d'Haiti assumera de plein droit et définitivement l'administration et le contrôle de la Direction Générale des Travaux Publics, du Service d'Hygiène et du Service Technique de l'Agriculture, et le Président de la République délivrera, conformément à la Constitution et aux lois, des commissions aux Ingénieurs, Médecins et fonctionnaires Haitiens reconnus utiles à la marche des susdits services.

ARTICLE III.

En ce qui a trait au Service National d'Hygiène, il est bien convenu que, conformément aux lois en vigueur, il aura, sous la direction du Secrétaire d'Etat de l'Intérieur—et dans toute l'étendue de la République—l'administration, la surveillance et le contrôle de tous les services publics d'Hygiène, de Santé, de Quarantaine, des Hôpitaux, des dispensaires ruraux, d'Assistance publique, d'aliénés et de garages sanitaires, d'Ecole de Médecine, Centre de Santé, de laboratoires, etc.

Toutefois, pour les villes du Cap et de Port-au-Prince et leurs environs immédiats, (soit dans un périmètre de deux milles des dites villes à proprement parler, y compris exceptionnellement Pétionville)—où séjournent jusqu'à nouvel ordre—en attendant la conclusion d'un protocole de désoccupation—les troupes des Etats-Unis d'Amérique, une mission scientifique américaine sera spécialement chargée, conformément aux lois et règlements en vigueur, dans les villes du Cap et de Port-au-Prince, du service d'assainissement et de la chloruration des eaux.

Le Service National d'Hygiène aura droit, s'il le requiert, aux avis et recommandations de la susdite mission scientifique dans le domaine restreint de l'assainissement.

Le Gouvernement convient de lui laisser les garages sanitaires à Port-au-Prince et au Cap-Haitien et le matériel roulant strictement nécessaire à ses activités, mais le Service National d'Hygiène pourra toujours, si besoin s'en fait sentir, réquisitionner le matériel ainsi prêté, d'accord avec la Mission.

Le Gouvernement d'Haiti convient qu'en cas d'épidémie ou de grave danger menaçant la santé publique, dans les deux susdites villes du Cap et de Port-au-Prince, la Mission coopérera avec le Service National d'Hygiène pour la lutte nécessaire, et à ces fins, elle pourra faire toutes recommandations utiles, bénéficier de toutes les facilités et de toutes les organisations du susdit service, et le Gouvernement d'Haiti, en pareille éventualité, prendra les mesures et les crédits nécessaires.

ARTICLE IV.

La Mission prévue à l'article précédent comprendra trois officiers américains du Service Médical, proposés par le Gouvernement des Etats-Unis et nommés par le Président d'Haiti; ils seront assimilés, quant au traitement à leur payer par le Trésor public, aux officiers d'Hygiène publique de 1ère. classe prévus par la loi du 8 août 1926.

La Mission pourra comprendre, en outre, au maximum, six aides d'hôpital tirés de la Marine des Etats-Unis d'Amérique qui seront rétribués, conformément à un Budget approuvé par le Secrétaire d'Etat de l'Intérieur, sur la base de la loi du 5 décembre 1924.

La Mission aura droit à un Office convenable au Cap et à Port-au-Prince.

Les valeurs nécessaires au paiement du personnel Haitien et au fonctionnement des services d'assainissement dans les villes du Cap et de Port-au-Prince devront faire l'objet d'un Budget préalablement approuvé par le Secrétaire d'Etat de l'Intérieur.

ARTICLE V.

L'accord du 24 août 1918 relatif à la Communication des projets de lois haitiennes à la Légation des Etats-Unis d'Amérique à Port-au-Prince, est et demeure résilié à partir de cette date.

Au cas toutefois où le Gouvernement des Etats-Unis jugerait telle loi en sérieuse opposition avec des droits découlant de dispositions d'accords encore en vigueur, il fera parvenir ses observations au Gouvernement d'Haiti, à telles fins que de droit, par les voies diplomatiques.

ARTICLE VI.

L'accord du 3 décembre 1918 relatif au visa du Conseiller Financier sur les mandats de paiement émis par le Secrétaire d'Etat des Finances sur le Receveur Général des Douanes ou sur la Banque Nationale de la République d'Haiti est et demeure résilié.

Le Secrétaire d'Etat des Finances s'entendra avec le Conseiller Financier sur la procédure nécessaire au Service des paiements.

Le retrait du visa implique pour le Gouvernement d'Haiti, jusqu'à la liquidation des services du Conseiller Financier-Receveur Général des Douanes, l'obligation d'effectuer ses dépenses dans les limites des lois et des crédits votés ou pris avec l'avis du Conseiller Financier.

Jusqu'à la liquidation desdits services, le Secrétaire d'Etat des Finances s'entendra avec le Conseiller Financier quant aux mesures affectant les sources de revenus.

ARTICLE VII.

Le Bureau d'Enregistrement, entièrement détaché des services du Conseiller Financier, passera dès la signature des présentes sous la complète direction du Secrétaire d'Etat des Finances.

ARTICLE VIII.

Vu les difficultés qui ont surgi au sujet de la loi du 26 mai 1931, il est entendu que seront payés sans retard, à partir du 6 avril 1931 et jusqu'au 30 septembre 1931 et sur les disponibilités du trésor, les frais de déplacement ou de représentation du Corps Législatif, tels qu'ils résultent de la susdite loi. Au-delà du 30 septembre 1931, ces frais seront payés d'après un budget équilibré.

ARTICLE IX.

Le Gouvernement des Etats-Unis ayant estimé prématurée la cessation des services des officiels et employés civils des services mentionnés aux articles 1 & 2 du présent accord et ayant requis une indemnité en leur faveur, le Secrétaire d'Etat des Finances en accord avec le Conseiller Financier, est autorisé à les indemniser sur une base équitable et sur les disponibilités du Trésor.

N'auront droit à aucune indemnité en raison de la liquidation des services du Traité, les spécialistes du Service Technique qui, sur la demande expresse du Gouvernement d'Haiti, voudraient conserver leurs anciennes fonctions et signer à cet égard les accords nécessaires avec le Secrétaire d'Etat d'Agriculture.

ARTICLE X.

Les parties conviennent de poursuivre leurs pourparlers relativement aux autres problèmes découlant du Traité.

ARTICLE XI.

En attendant le règlement de la question de la "Garde", les parties consentent à garder le statu-quo résultant des lois et accords actuellement en vigueur et à respecter lesdits lois et accords.

Fait de bonne foi en double exemplaire, en français et en anglais, à Port-au-Prince, le 5 Août 1931.

DANA G. MUNRO
A. N. LEGER.

[No. 221

Agreement between the United States of America and Italy for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers. Effected by exchange of notes, signed June 1, 1931, and August 5 and 17, 1931.

June 1, 1931.
August 5 and 17, 1931.

The Acting Secretary of State (Castle) to the Italian Chargé d'Affaires ad interim (Marchetti)

DEPARTMENT OF STATE,
WASHINGTON, *June 1, 1931.*

SIR:

Reciprocal recognition of inspection certificates of passenger-carrying vessels. Agreement with Italy.

I have the honor to refer to previous correspondence with the Italian Embassy concerning an agreement between the United States and Italy for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers. Particular reference is made to the Embassy's note of October 1, 1930, submitting additional data relating to the Italian laws and regulations, regarding the building and classification of vessels and the inspection of their structure and machinery. The laws and regulations of Italy have been found to approximate those of the United States on the subjects mentioned.

Accordingly, I have the honor to inform you that, in consideration of a like courtesy being extended to vessels of the United States in Italian ports, the appropriate agency of this Government will recognize in United States ports the unexpired certificates of inspection of passenger vessels of Italy issued and determined pursuant to the laws of Italy as fulfilling the requirements of the steamboat inspection laws and regulations of the United States, and that it will not be necessary in this regard for vessels of Italy to be reinspected at any port of the United States.

I shall be glad to be informed when appropriate steps under Italian laws and regulations have been taken to give effect to a reciprocal exemption in favor of vessels of the United States.

This Government considers that the existence of the arrangement between the two countries on this subject may appropriately be evidenced by this note and your reply thereto.

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

W. R. CASTLE, Jr.,
Acting Secretary of State.

865.854/20

COUNT ALBERTO MARCHETTI DI MURIAGLIO,
Chargé d'Affaires ad interim of Italy.

The Italian Ambassador (Martino) to the Acting Secretary of State (Castle)

ROYAL ITALIAN EMBASSY,
WASHINGTON, *August 5th 1931.*

SIR,

I have the honor to refer to previous correspondence with the United States Department of State, particularly to your Note No. 865.854/20 dated June 1st, 1931, concerning an agreement between Italy and the United States for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers.

In reply thereto I take pleasure in informing you that the Italian Authorities have assured that, in consideration of the fact that both Governments have now established the equivalence of their laws and regulations regarding the building and classification of vessels and the inspection of their structure and machinery, the unexpired Certificates of Inspection of passenger vessels of the United States will be equally recognized and accepted by the competent Italian Authorities as will the Certificates of Inspection of passenger vessels of Italy be recognized and accepted by the competent American Authorities.

I am glad to state that the Italian Government has expressed the desire that the agreement become effective, if satisfactory to your Government, on August 15th, 1931. This reciprocity in the recognition of certificates of inspection would, in that event, be made effective in Italy by means of a Decree bearing said date.

I shall greatly appreciate to receive your kind advices in this matter at your earliest convenience.

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

G DE MARTINO

No. Uff. Em. 4608.

HONORABLE W. R. CASTLE,
Acting Secretary of State,
Washington, D. C.

The Acting Secretary of State (Castle) to the Italian Ambassador (Martino)

DEPARTMENT OF STATE,
WASHINGTON, *August 17, 1931.*

EXCELLENCY:

I have the honor to acknowledge your note No. Uff. Em. 4608 of August 5, 1931, regarding an agreement between the United States and Italy for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers.

With reference to the Italian Government's desire that the agreement become effective on August 15, 1931, I have pleasure in informing you that this Government will consider the agreement to be effective as of that date. Instructions necessary for this Government to give effect to the agreement have been issued to the inspectors of the Steamboat Inspection Service. Copies of the circular letter containing these instructions will be furnished you for transmittal to the proper Italian authorities as soon as they have been printed.

In order that this Government's record of the agreement may be complete I shall appreciate it if you will furnish the Department with a copy in duplicate of your Government's decree of August 15, 1931, giving effect to the agreement.

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

W. R. CASTLE, Jr.,
Acting Secretary of State

865.854/27

HIS EXCELLENCY
NOBILE GIACOMO DE MARTINO,
Ambassador of Italy.

[No. 23]

October 13 and 14, 1931. *Arrangement between the United States of America and Italy concerning air navigation. Effected by exchange of notes, signed October 13 and 14, 1931, effective October 31, 1931.*

The Secretary of State (Stimson) to the Italian Chargé d'Affaires ad interim (Marchetti)

DEPARTMENT OF STATE,
WASHINGTON, *October 13, 1931.*

SIR:

Reciprocal arrangement with Italy for admission of civil aircraft, etc.

Reference is made to the negotiations which have taken place between this Department and your Embassy for the conclusion of a reciprocal arrangement between the United States and Italy for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates for aircraft and accessories imported as merchandise.

Terms.

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

ARTICLE 1

Subject to the conditions and limitations hereinafter contained and set forth, Italian civil aircraft shall be permitted to operate in the United States of America and, in like manner, civil aircraft of the United States of America shall be permitted to operate in Italy.

Wherever either country is referred to herein it shall be understood to include its territories and possessions.

The right of aircraft of either country to enter the territory of the other country shall be understood to include the right of transit across such territory.

ARTICLE 2

All state aircraft other than military, naval, customs and police aircraft, shall be treated as civil aircraft and as such shall be subject to the requirements hereinafter provided for civil aircraft.

ARTICLE 3

Italian aircraft, before entering the United States, must be registered and passed as airworthy by the Italian Ministry of Aeronautics and must bear the registration markings allotted to them by that Ministry, preceded by the letter "I", placed on them in accordance with the Air Navigation Regulations of the Ministry of Aeronautics.

Aircraft of the United States, before entering Italy, must be registered and passed as airworthy by the United States Department of Commerce, and must bear the registration markings allotted to them by that Department, preceded by the letter "N", placed on them in accordance with the Air Commerce Regulations of the Department of Commerce.

ARTICLE 4

Italian aircraft making flights into the United States must carry:
(a) The Journey Log (compulsory for all aircraft, regardless of the purpose for which used);
(b) The Aircraft Log;
(c) The Engine Log (both compulsory only for aircraft assigned to public transportation of passengers and cargo).
United States aircraft making flights into Italy must carry:
(a) The Journey Log (compulsory for all aircraft, regardless of the purpose for which used);
(b) The Aircraft Log;
(c) The Engine Log (both compulsory only for aircraft assigned to public transportation of passengers and cargo).
Italian aircraft making flights into the United States must also carry the certificates of registration and airworthiness issued by the Italian Ministry of Aeronautics or by the authority recognized for the purpose by the said Ministry. The pilots shall bear a license issued by the said Italian Ministry of Aeronautics, as well as such permit as may be prescribed by that Ministry. Like requirements shall be applicable in Italy with respect to aircraft of the United States and American pilots making flights into Italy. The certificates and licenses in the latter case shall be those issued by the United States Department of Commerce, and the permits shall be such as may be prescribed by that Department.

ARTICLE 5

Pilots who are nationals of the one country shall be licensed by the other under the following conditions:
(a) The Italian Ministry of Aeronautics will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Ministry covering the licensing of pilots; and the United States Department of Commerce will issue pilots' licenses to Italian nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.
(b) The pilots' licenses issued by the Italian Ministry of Aeronautics to American nationals and those issued by the United States Department of Commerce to Italian nationals pursuant to the provisions of the preceding paragraph shall be valid in each instance for a period of six months. At the expiration of a period for which a license has been issued the holder may make application for a renewal to the authority issuing the license.
(c) Pilots' licenses issued by the United States Department of Commerce to Italian nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals, and pilots' licenses issued by the Italian Ministry of Aeronautics to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Italian nationals.
(d) Pilots' licenses granted to nationals of the one country by the other country shall not be construed to accord to them the right to register aircraft in such other country.
(e) Pilots' licenses granted to nationals of the one country by the other country shall not be construed to accord to them the right to operate aircraft in air commerce unless the aircraft is registered in such other country in accordance with its registration requirements except as provided for in Paragraphs (a) and (b) of Article 7, with respect to discharging and taking on passengers and/or cargo.

(f) Italian nationals holding unexpired pilot licenses issued by the Italian Ministry of Aeronautics shall be permitted to operate in the United States, for non-industrial or non-commercial purposes for a period of six months from the time of entering that country, any civil aircraft registered by the Italian Ministry of Aeronautics or by the authority recognized for the purpose by the said Ministry, and/or any civil aircraft registered by the United States Department of Commerce; provided, however, that if the license issued by the said Ministry expires before the expiration of such six month period, the period for which the Italian pilot may operate civil aircraft of Italian registry and/or civil aircraft registered by the United States Department of Commerce, for non-industrial or non-commercial purposes, in the United States shall be limited to the period for which the Italian license is still valid. No pilot to whom this provision applies shall be allowed to operate civil aircraft in the United States for non-industrial or non-commercial purposes after the expiration of the period for which he may operate by virtue of this provision unless he shall, prior to the expiration of such period, have obtained a pilot's license from the United States Department of Commerce in the manner provided for in this article.

American nationals holding unexpired pilot licenses issued by the Department of Commerce of the United States shall be permitted to operate in Italy for non-industrial or non-commercial purposes for a period of six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Italian Ministry of Aeronautics or by the authority recognized for the purpose by the said Ministry; provided, however, that if the license issued by the said Department expires before the expiration of such six month period, the period for which the American pilot may operate civil aircraft of United States registry and/or civil aircraft of Italian registry, for non-industrial or non-commercial purposes, in Italy shall be limited to the period for which the American license is still valid. No pilot to whom this provision applies shall be allowed to operate civil aircraft in Italy for non-industrial or non-commercial purposes after the expiration of the period for which he may operate by virtue of this provision unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Italian Ministry of Aeronautics in the manner provided for in this article.

ARTICLE 6

No Italian aircraft in which photographic apparatus has been installed shall be permitted to operate in the United States, nor shall any photographs be taken from Italian aircraft while operating in or over United States territory, except in cases where the entrance of such aircraft or the taking of photographs is specifically authorized by the Department of Commerce of the United States.

Like restrictions shall be applicable to aircraft of the United States with respect to their operation in or over Italian territory, and in such cases the entrance of aircraft in which photographic apparatus has been installed, and the taking of photographs shall not be permissible without the specific authorization of the Italian Ministry of Aeronautics.

ARTICLE 7

(a) If the Italian aircraft and pilots are licensed to carry passengers and/or cargo in Italy, they may do so between Italy and the United States in the operation of a regular Italian air transport line; provided, however, that the establishment of such lines shall

be subject to the prior consent of the United States Government given on the principle of reciprocity. Such lines, if established, may not engage in air commerce between points in the United States, except that subject to compliance with customs, quarantine and immigration requirements, such aircraft shall be permitted to discharge passengers and/or cargo destined to the United States from points beyond the boundaries of United States territory at one airport in the United States, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in the United States, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on at different airports in United States territory passengers and/or cargo destined to points beyond the boundaries of that territory.

(b) If the United States aircraft and pilots are licensed to carry passengers and/or cargo in the United States, they may do so between the United States and Italy in the operation of a regular American air transport line; provided, however, that the establishment of such lines shall be subject to the prior consent of the Italian Government given on the principle of reciprocity. Such lines, if established, may not engage in air commerce between points in Italy, except that subject to compliance with customs, quarantine, and immigration requirements such aircraft shall be permitted to discharge passengers and/or cargo destined to Italy from points beyond the boundaries of Italian territory at one airport in Italy, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in Italy, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on at different airports in Italian territory passengers and/or cargo destined to points beyond the boundaries of that territory.

(c) Each of the parties to this arrangement shall, with respect to all matters concerning the operation of civil aircraft and so far as the executive branch of the Government shall possess authority under the provisions of legislation on this subject, accord to the civil aircraft of the other party, subject to the foregoing provisions of this Article, and on condition of reciprocity, most favored nation treatment.

ARTICLE 8

The right accorded to Italian pilots and aircraft to make flights over United States territory under the conditions provided for in the present arrangement shall be subject to compliance with the laws, rules and regulations in effect in the United States and its territories and possessions governing the operation of civil aircraft.

The right accorded to American pilots and aircraft of the United States to make flights over Italian territory, under the conditions herein provided for, shall be subject to compliance with the laws, rules and regulations in effect in Italy and its territories and possessions governing the operation of civil aircraft.

ARTICLE 9

Certificates of airworthiness issued in connection with aircraft, and acceptance test certificates issued in connection with aircraft engines and spare parts of aircraft and engines, built in Italy and imported into the United States from Italy as merchandise, will be accepted by the Department of Commerce of the United States if

issued by the Italian Ministry of Aeronautics or by the authority designated for the purpose by the said Ministry in accordance with their requirements as to airworthiness. Certificates of airworthiness for export issued in connection with aircraft, aircraft engines, and spare parts of aircraft and engines, built in the United States and imported into Italy from the United States as merchandise, will, in like manner, be accepted by the Italian Ministry of Aeronautics, if issued by the Department of Commerce of the United States in accordance with its requirements as to airworthiness.

The competent authority of Italy will have the right periodically to check and test the materials of the classes specified in the preceding paragraph after being brought into Italy for the purpose of ascertaining their proper condition as to preservation and maintenance, according to the rules and regulations in force in Italy. Likewise, the United States Department of Commerce will have the right periodically to check and test such materials after being brought into the United States, for the purpose of ascertaining their proper condition as to preservation and maintenance, according to the rules and regulations in force in the United States.

ARTICLE 10

It shall be understood that this arrangement shall be subject to termination by either Government on sixty days' notice given to the other Government, or by a further arrangement between the two Governments dealing with the same subject.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on October 31, 1931.

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

HENRY L. STIMSON

COUNT ALBERTO MARCHETTI DI MURIAGLIO,
Chargé d'Affaires ad interim of Italy.

The Italian Chargé d'Affaires ad interim (Marchetti) to the Secretary of State (Stimson)

ROYAL ITALIAN EMBASSY
14 ottobre 1931, anno IX.

SIGNOR SEGRETARIO DI STATO,

Ho l'onore di accusare ricevuta della nota del 13 corrente con la quale Vostra Eccellenza mi ha communicato il testo concordato dell'Accordo reciproco tra l'Italia e gli Stati Uniti per l'ammissione di aeromobili civili nei rispettivi Paesi, il rilascio di brevetti di piloti, e l'accettazione di certificati per aeromobili ed accessori importati come merci. Tale testo risponde, a giudizio di Vostra Eccellenza, alle intese raggiunte durante i negoziati, ora terminati, tra i due Paesi.

Il testo comunicatomi dall'Eccellenza Vostra è qui appresso riprodotto in italiano:

ARTICOLO 1°

Subordinatamente alle condizioni e alle limitazioni qui appresso contenute e stabilite, è consentito agli aeromobili civili italiani di circolare negli Stati Uniti d'America e, nello stesso modo, si permette agli aeromobili civili degli Stati Uniti d'America di circolare in Italia.

Ovunque, nel presente accordo, si citi uno dei due Stati, s'intende includere i suoi territori ed i suoi possedimenti.

Il diritto degli aeromobili di ciascuno dei due Stati, di entrare nel territorio dell'altro Stato, include altresì il diritto di transito attraverso tale territorio.

ARTICOLO 2°

Tutti gli aeromobili di Stato, eccetto quelli militari, navali, doganali e di polizia, saranno trattati come aeromobili civili, e come tali saranno soggetti alle condizioni stabilite, nel presente accordo, per gli aeromobili civili.

ARTICOLO 3°

Gli aeromobili italiani, prima di entrare negli Stati Uniti, devono essere immatricolati e riconosciuti atti alla navigazione aerea dal Ministero dell'Aeronautica italiano; devono inoltre portare la marca di immatricolazione ad essi assegnata dal detto Ministero, preceduta dalla lettera "I", posta su di essi giusta i regolamenti sulla navigazione aerea del Ministero dell'Aeronautica.

Gli aeromobili degli Stati Uniti, prima di entrare in Italia, devono essere immatricolati e riconosciuti atti alla navigazione aerea dal Dipartimento del Commercio degli Stati Uniti, e devono inoltre portare la marca di immatricolazione ad essi assegnata da quel Dipartimento, preceduta dalla lettera "N", posta su di essi giusta i regolamenti del Commercio Aereo del Dipartimento del Commercio.

ARTICOLO 4°

Gli aeromobili italiani che entrano in volo negli Stati Uniti debbono portare:

(a) Il giornale di rotta (obbligatorio per tutti gli aeromobili, a prescindere dallo scopo al quale essi sono adibiti);

(b) Il libretto dell'aeromobile;

(c) Il libretto del motore (ambedue obbligatori solo per gli aeromobili adibiti al trasporto pubblico di passeggeri e di merci).

Gli aeromobili degli Stati Uniti che entrano in volo in Italia debbono portare:

(a) Il giornale di rotta (obbligatorio per tutti gli aeromobili, a prescindere dallo scopo al quale essi sono adibiti);

(b) Il libretto dell'aeromobile;

(c) Il libretto del motore (ambedue obbligatori solo per gli aeromobili adibiti al traffico pubblico di passeggeri e di merci).

Gli aeromobili italiani che entrano in volo negli Stati Uniti debbono anche portare i certificati di immatricolazione e di navigabilità, rilasciati dal Ministero dell'Aeronautica italiano o dalla Autorità a tal uopo riconosciuta da detto Ministero. I piloti porteranno un brevetto rilasciato dal detto Ministero dell'Aeronautica italiano, unitamente a quelle licenze che possono essere prescritte dal Ministero stesso. Analoghe disposizioni saranno applicate in Italia per quanto concerne gli aeromobili degli Stati Uniti ed i piloti americani che entrano in volo in Italia. In quest'ultimo caso, i certificati e le licenze saranno quelle rilasciate dal Dipartimento del Commercio degli Stati Uniti e le licenze saranno quelle che potranno essere prescritte dal detto Dipartimento.

ARTICOLO 5°

I piloti appartenenti ad una delle due Nazioni saranno brevettati dall'altra alle seguenti condizioni:

(a) Il Ministero Italiano dell'Aeronautica concederà brevetti di pilota ai sudditi americani, dopo che essi abbiano dimostrato di

possedere le qualità richieste dai regolamenti di detto Ministero relativi alla concessione dei brevetti di pilota; e il Dipartimento del Commercio degli Stati Uniti concederà brevetti di pilota ai sudditi italiani, dopo che essi abbiano dimostrato di possedere le qualità richieste dai regolamenti di detto Dipartimento relativi alla concessione dei brevetti di pilota.

(b) I brevetti di pilota concessi dal Ministero Italiano dell'Aeronautica a sudditi americani e quelli concessi dal Dipartimento del Commercio degli Stati Uniti a sudditi italiani, a norma del precedente paragrafo, saranno validi in ciascun caso per un periodo di mesi sei. Al termine del periodo per cui è stato concesso il brevetto, il possessore può fare domanda di rinnovo all'Autorità che lo ha rilasciato.

(c) I brevetti di pilota concessi dal Dipartimento del Commercio degli Stati Uniti a sudditi italiani conferiscono loro gli stessi diritti accordati dai brevetti di pilota concessi ai sudditi americani, e i brevetti di pilota concessi dal Ministero Italiano della Aeronautica a sudditi americani conferiscono loro gli stessi diritti accordati dai brevetti di pilota concessi ai sudditi italiani.

(d) I brevetti di pilota accordati ai sudditi di uno dei due Stati dall'altro Stato non devono essere interpretati in modo da accordare loro il diritto di immatricolare aeromobili nell'altro Paese.

(e) I brevetti di pilota concessi ai sudditi di uno dei due Stati dall'altro Stato non devono essere interpretati in modo da accordare loro il diritto di usare aeromobili per scopi commerciali, a meno che gli aeromobili non siano immatricolati in detto altro Paese conformemente ai suoi requisiti di immatricolazione, salvo quanto è contemplato nei paragrafi (a) e (b) dell'articolo 7° in merito all'imbarco e allo sbarco dei passeggeri, o delle merci, o degli uni e delle altre.

(f) I sudditi italiani detentori di brevetti di pilotaggio non scaduti, rilasciati dal Ministero Italiano dell'Aeronautica, potranno pilotare negli Stati Uniti, per scopi non industriali o non commerciali e per un periodo di 6 mesi dal momento del loro ingresso in detto Paese, qualunque aeromobile civile immatricolato dal Ministero Italiano dell'Aeronautica o dalla Autorità la cui competenza al riguardo è stata riconosciuta da tale Ministero, oppure qualunque aeromobile civile immatricolato dal Dipartimento del Commercio degli Stati Uniti. Nel caso, però, che il brevetto concesso da detto Ministero scada prima dello scadere di tale periodo di 6 mesi, il periodo di tempo per il quale il pilota italiano potrà pilotare negli Stati Uniti, per scopi non industriali o non commerciali, gli aeromobili civili immatricolati in Italia oppure gli aeromobili civili immatricolati negli Stati Uniti, sarà limitato al periodo di validità del brevetto italiano. Nessun pilota cui tale concessione è applicabile potrà pilotare aeromobili civili negli Stati Uniti per scopi non industriali o non commerciali dopo trascorso il periodo di tempo per il quale ha diritto di pilotare in virtù di detta concessione, salvo che egli abbia ottenuto, prima dello scadere di tale periodo, un brevetto di pilotaggio dal Dipartimento del Commercio degli Stati Uniti, nei modi previsti dal presente articolo.

I sudditi americani detentori di brevetti di pilotaggio non scaduti, rilasciati dal Dipartimento del Commercio degli Stati Uniti, potranno pilotare in Italia, per scopi non industriali o non commerciali e per un periodo di 6 mesi dal momento del loro ingresso in detto Paese, qualunque aeromobile civile immatricolato dal Dipartimento del Commercio degli Stati Uniti oppure qualunque aeromobile civile immatricolato dal Ministero dell'Aeronautica o dalla Autorità la cui competenza al riguardo è stata riconosciuta. Nel caso,

però, che il brevetto concesso da detto Dipartimento scada prima dello scadere di tale periodo di 6 mesi, il periodo di tempo per il quale il pilota americano potrà pilotare in Italia, per scopi non industriali o non commerciali, gli aeromobili civili immatricolati negli Stati Uniti oppure gli aeromobili civili immatricolati in Italia sarà limitato al periodo di validità del brevetto americano. Nessun pilota cui tale concessione è applicabile potrà pilotare aeromobili civili in Italia per scopi non industriali o non commerciali, dopo trascorso il periodo di tempo per il quale ha diritto di pilotare in virtu di detta concessione, salvo che egli abbia ottenuto, prima dello scadere di tale periodo, un brevetto di pilotaggio dal Ministero Italiano dell'Aeronautica, nei modi previsti dal presente articolo.

ARTICOLO 6°

Nessun aeromobile italiano, nel quale sia stato installato un apparecchio fotografico potrà volare negli Stati Uniti, nè potrà ritrarre fotografie mentre circola nel territorio degli Stati Uniti o al disopra di esso, eccetto i casi in cui l'entrata di tale aeromobile o l'esecuzione di fotografie siano espressamente autorizzate dal Dipartimento del Commercio degli Stati Uniti.

Analoghe restrizioni si applicano agli aeromobili degli Stati Uniti per quanto riguarda la loro circolazione nel territorio italiano o al disopra di esso; in tali casi, l'entrata dell'aeromobile sul quale sia stato installato l'apparecchio fotografico e l'esecuzione di fotografie non saranno permesse senza espressa autorizzazione del Ministero Italiano dell'Aeronautica.

ARTICOLO 7°

(a) Se gli aeromobili ed i piloti italiani sono muniti di brevetti per trasporto di passeggeri o merci in Italia, essi potranno effettuare tale trasporto fra l'Italia e gli Stati Uniti nell'esercizio di una linea di trasporto aereo regolare italiana. Tuttavia, lo stabilimento di tali linee sarà soggetto al consenso preventivo del Governo degli Stati Uniti che sarà dato sulla base della reciprocità. Tali linee, se stabilite, non potranno esercitare trasporto commerciale fra punti degli Stati Uniti; potranno tuttavia, purchè ottemperino alle disposizioni concernenti le dogane, la quarantena, e l'immigrazione, sbarcare passeggeri e merci destinati agli Stati Uniti, provenienti da località poste al di là delle frontiere del territorio degli Stati Uniti, in un aeroporto degli Stati Uniti aperto al traffico degli aeromobili esteri, e proseguire con il rimanente carico di passeggeri e di merci alla volta di qualsiasi altro aeroporto degli Stati Uniti aperto al traffico degli aeromobili stranieri, per sbarcarvi i passeggeri o il carico rimanenti; similmente essi avranno il permesso di imbarcare presso i diversi aeroporti situati nel territorio degli Stati Uniti i passeggeri e le merci, destinati a località poste al di là delle frontiere di tale territorio.

(b) Se gli aeromobili ed i piloti americani sono muniti di brevetti per trasporto di passeggeri o merci negli Stati Uniti, essi potranno effettuare tale trasporto fra gli Stati Uniti e l'Italia nell'esercizio di una linea di trasporto aereo regolare americana. Tuttavia, lo stabilimento di tali linee sarà soggetto al consenso preventivo del Governo Italiano che sarà dato sulla base della reciprocità. Tali linee, se stabilite, non potranno esercitare trasporto commerciale fra punti del territorio italiano; potranno tuttavia, purchè ottemperino alle disposizioni concernenti le dogane, la quarantena e l'immigrazione, sbarcare passeggeri e merci destinati all'Italia, provenienti da località poste al di là delle frontiere del territorio italiano, in un

aeroporto italiano aperto al traffico degli aeromobili esteri, e procedere con il rimanente carico di passeggeri e di merci alla volta di qualsiasi altro aeroporto italiano aperto al traffico degli aeromobili stranieri, per sbarcarvi i passeggeri e il carico rimanenti; similmente essi avranno il permesso di imbarcare presso i diversi aeroporti situati nel territorio italiano i passeggeri e le merci destinati a località poste al di là delle frontiere di tale territorio.

(c) Ognuna delle due parti contraenti, per quanto concerne tutte le questioni riflettenti l'attività degli aeromobili civili, e nei limiti consentiti al potere esecutivo dalla legislazione all'uopo vigente, accorderà agli aeromobili civili dell'altra parte contraente, subordinatamente a quanto è precedentemente stipulato nel presente articolo, ed a condizioni di reciprocità, il trattamento della Nazione più favorita.

ARTICOLO 8°

Il diritto ai piloti e agli aeromobili italiani di effettuare voli sul territorio degli Stati Uniti, alle condizioni previste nel presente accordo, è subordinato alla osservanza delle leggi, delle norme e dei regolamenti vigenti negli Stati Uniti e nei suoi territori e possedimenti circa il volo degli aeromobili civili.

Il diritto ai piloti ed agli aeromobili americani di effettuare voli sul territorio italiano, alle condizioni previste nel presente accordo, è subordinato all'osservanza delle leggi, delle norme e dei regolamenti vigenti in Italia e nei suoi territori e possedimenti circa il volo degli aeromobili civili.

ARTICOLO 9°

I certificati di navigabilità rilasciati per gli aeromobili e i certificati di collaudo rilasciati per i motori di aviazione e per le parti di ricambio degli aeromobili e dei motori, costruiti in Italia ed importati negli Stati Uniti dall'Italia come merci, saranno riconosciuti validi dal Dipartimento del Commercio degli Stati Uniti, se concessi dal Ministero Italiano dell'Aeronautica o dall'Ente all'uopo designato dal Ministero stesso in base alle condizioni da essi stabilite circa l'idoneità alla navigazione. Ugualmente i certificati di navigabilità per l'esportazione rilasciati per gli aeromobili, per i motori d'aviazione e per le parti di ricambio di aeromobili e di motori costruiti negli Stati Uniti ed importati in Italia dagli Stati Uniti come merci, saranno parimenti riconosciuti validi dal Ministero Italiano dell'Aeronautica, se concessi dal Dipartimento del Commercio degli Stati Uniti in base alle condizioni da esso stabilite circa l'idoneità alla navigazione.

La competente Autorità Italiana avrà il diritto di verificare e provare periodicamente i materiali delle classi specificate nel paragrafo precedente, dopo la loro importazione in Italia, allo scopo di accertarne le buone condizioni di conservazione e di manutenzione, conformemente alle norme ed ai regolamenti in vigore in Italia. Ugualmente, il Dipartimento del Commercio degli Stati Uniti avrà il diritto di verificare e provare periodicamente tali materiali, dopo la loro importazione negli Stati Uniti, allo scopo di accertarne le buone condizioni di conservazione e di manutenzione, conformemente alle norme ed ai regolamenti in vigore negli Stati Uniti.

ARTICOLO 10°

È inteso che il presente accordo potrà decadere qualora uno dei due Governi ne dia preavviso di sessanta giorni all'altro Governo, o in seguito ad un ulteriore accordo fra i due Governi concernente la stessa materia.

Sono lieto di assicurare Vostra Eccellenza che il testo che precede è quale è stato accettato dal mio Governo nel corso dei negoziati ed è da esso approvato.

Conforme al suggerimento dell'Eccellenza Vostra rimane inteso che l'Accordo entrera in vigore il 31 ottobre 1931.

Voglia gradire, Signor Segretario di Stato, gli atti della mia piu alta considerazione.

A. MARCHETTI
Regio Incaricato d'Affari.

THE HONORABLE
HENRY L. STIMSON,
Secretary of State,
Washington, D. C.

[Translation]

ROYAL ITALIAN EMBASSY,
October 14, 1931, Year IX.

MR. SECRETARY OF STATE:

Acceptance by Italy.

I have the honor to acknowledge the receipt of the note of the 13th instant in which Your Excellency communicated to me the text, agreed upon, of the reciprocal arrangement between Italy and the United States for the admission of civil aircraft into the respective countries, the issuance of pilot licenses, and the acceptance of certificates for aircraft and accessories imported as merchandise. This text, in the opinion of Your Excellency, is in accord with the understandings reached during the negotiations, now terminated, between the two countries.

The text communicated to me by Your Excellency is reproduced in Italian below:

[Here follows the Italian text of the arrangement, articles 1 to 10 inclusive, which is the equivalent of the English text communicated to the Royal Italian Embassy by the Department of State in its note of October 13, 1931, *ante*, page 2672.]

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

In accordance with the suggestion of Your Excellency, it is understood that the arrangement will come into force on the 31st of October, 1931.

Please accept, Mr. Secretary of State, the assurances of my high consideration.

A. MARCHETTI
Royal Chargé d'Affaires.

THE HONORABLE
HENRY L. STIMSON,
Secretary of State,
Washington, D. C.

[No. 24]

February 13, March 19 and 30, August 25, September 7, 1931.

Arrangement between the United States of America and Japan for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed February 13, 1931, March 19 and 30, 1931, August 25, 1931, and September 7, 1931.

The American Chargé d'Affaires ad interim (Dooman) to the Japanese Minister for Foreign Affairs (Shidehara)

No. 46. EMBASSY OF THE UNITED STATES OF AMERICA
TOKYO, *February 13, 1931.*

EXCELLENCY:

Arrangement with Japan for the reciprocal recognition of load-line certificates.

I have the honor to advert to the Embassy's note No. 194, dated August 24, 1922, proposing an arrangement between the Governments of the United States and Japan for the reciprocal recognition of ship load-line certificates pending the enactment of suitable legislation by the United States, and to the note No. 147, dated October 25, 1922, of Your Excellency's predecessor, Count Uchida, expressing the readiness of the Imperial Government to recognize certificates of this nature issued to American vessels. I now have the honor to inform Your Excellency that a law, entitled "An Act to Establish load-lines for American vessels, and for other purposes," was enacted by the Congress of the United States, and became effective September 2, 1930.

Vol. 45, p. 1492.

Your Excellency will recall that our respective Governments, together with other interested Governments, entered into an international load-line convention, which was signed at London on July 5, 1930. I am now instructed to inquire whether Your Excellency's Government would be willing to continue the arrangement in respect of ship load-line certificates made between our two Governments in 1922, pending the coming into force of the above-mentioned convention of July 5, 1930.

In transmitting herewith a copy of the "Regulations for the Establishment of Load-lines for Merchant Vessels of 250 Gross Tons or Over When Engaged in a Foreign voyage by Sea", I have the honor to request Your Excellency to be so kind as to supply me with a copy of the Japanese laws and regulations (with official English translations if they be available), pertaining to load-lines of merchant vessels.

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

EUGENE H. DOOMAN.

HIS EXCELLENCY
BARON KIJURO SHIDEHARA,
His Imperial Japanese Majesty's
Minister for Foreign Affairs.

etc., *etc.,* *etc.*

The Japanese Minister for Foreign Affairs (Shidehara) to the American Chargé d'Affaires ad interim (Neville)

[Translation]

No. 30/C1 DEPARTMENT OF FOREIGN AFFAIRS,
TOKYO, *March 19, 1931.*

MONSIEUR LE CHARGÉ D'AFFAIRES:

I have the honor to acknowledge the receipt of the Embassy's note dated February 13, 1931, informing me, with reference to the arrangement made between our two Governments in 1922 in respect of ship load-line certificates, that a law entitled "An Act to Establish Load-lines for American vessels, and for other purposes" has been enacted, and became effective September 2, 1930, and inquiring whether or not the Japanese Government would be willing to continue the above-mentioned arrangement of 1922 pending the coming into force of the International Ship Load-line Convention, which was signed at London on July 5, 1930.

When the notes were exchanged between the Japanese and American Governments in 1922, no ship load-line law had been enacted in the United States, and the question of the recognition by the United States of load-line certificates of Japanese ships was not raised. Consequently, no definite arrangement was made regarding this matter, the Japanese Government merely undertaking unilaterally to recognize certificates issued by the American Bureau of Shipping, pending the enactment in the United States of a law regulating ship load-lines.

I wish to be assured, and request that you indicate in reply, that you have no objection to my interpreting your note, above-mentioned, to mean that pending the coming into force of the International Ship Load-line Convention, the Japanese Government will continue the arrangement of 1922 while the American Government will also recognize as valid load-line certificates duly issued by the competent Japanese authorities or by officially designated shipping associations, and their corresponding marks.

Pending the receipt of your reply, the Japanese Government will continue to regard the arrangement of 1922 as effective, and I trust that the American Government will also recognize as valid the ship load-line certificates issued by the competent Japanese authorities or by officially designated shipping associations, and their corresponding marks.

In compliance with your request, I have the honor to transmit herewith a copy of the laws and ordinances, together with a copy in translation, relating to ship load-lines.

I avail myself of this opportunity to renew to you, Monsieur le Chargé d'Affaires, the assurances of my high consideration.

BARON KIJURO SHIDEHARA,
Minister for Foreign Affairs (SEAL)

EDWIN L. NEVILLE, Esquire,
Chargé d'Affaires ad interim,
of the Embassy of the United States of America,
Tokyo.

The American Ambassador (Forbes) to the Japanese Minister for Foreign Affairs (Shidehara)

No. 59. EMBASSY OF THE UNITED STATES OF AMERICA
TOKYO, *March 30, 1931.*

EXCELLENCY:

Recognition by United States.

In reply to Your Excellency's note No. 30, dated March 19, 1931, informing me that the Japanese Government will continue to recognize certificates of load-line issued by the American Bureau of Shipping to American vessels, pending the coming into force of the International Ship Load-line Convention signed at London on July 5, 1930, I have the honor to inform Your Excellency that the United States is recognizing the load-line marks approved by the Japanese Government.

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

W. CAMERON FORBES.

His EXCELLENCY
BARON KIJURO SHIDEHARA,
His Imperial Japanese Majesty's
Minister for Foreign Affairs.

etc., *etc.,* *etc.*

The American Ambassador (Forbes) to the Japanese Minister for Foreign Affairs (Shidehara)

No. 136 EMBASSY OF THE UNITED STATES OF AMERICA
TOKYO, *August 25, 1931.*

EXCELLENCY:

With reference to my Note No. 59, of March 30, 1931, informing Your Excellency that the Government of the United States will recognize as valid load-line certificates duly issued by the competent Japanese authorities or by officially designated shipping associations, and their corresponding marks, I have the honor to inform Your Excellency that I have received a communication from my Government confirming the assurances already given in my Note No. 59, of March 30, 1931.

I am further directed to inform Your Excellency that my Government has accepted the proposal of the Japanese Government to continue the present arrangement whereby load-lines of American vessels assigned by the American Bureau of Shipping are accepted by Japanese authorities as complying with their load-line requirements. I am also instructed to inform Your Excellency that my Government has authorized in particular cases the marking of load-lines and the issuance of certificates therefor, on American vessels, by the American Committee of Lloyds' Register of Shipping and by the American representatives of the Bureau Veritas, which my Government would desire to have the Japanese authorities recognize.

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

W. CAMERON FORBES

His EXCELLENCY
BARON KIJURO SHIDEHARA,
His Imperial Japanese Majesty's
Minister for Foreign Affairs,

etc., *etc.,* *etc.*

The Japanese Minister for Foreign Affairs (Shidehara) to the American Ambassador (Forbes)

[Translation]

No. 97/Cl

DEPARTMENT OF FOREIGN AFFAIRS
TOKYO, *September 7, 1931.*

Recognition by Japan.

EXCELLENCY:

I have the honor to acknowledge the receipt of your notes of March 30 and August 25, 1931, regarding mutual recognition between Japan and the United States of load-line certificates.

Besides recognizing the load-line certificates issued by the American Bureau of Shipping to American ships, the Imperial Government has no objection to recognizing the load-line certificates issued to American ships by the American committee of Lloyds' Registry of Shipping and the American representative of the Bureau Veritas in so far only as they are issued under authority granted by Your Excellency's Government.

For purposes of reference it is desired to have at hand forms of the certificates issued by the American committee of Lloyds' Registry of Shipping and by the American representatives of the Bureau Veritas, and I have therefore the honor to request that copies be transmitted to me as soon as possible.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

BARON KIJURO SHIDEHARA
Minister for Foreign Affairs (SEAL)

THE HONORABLE
W. CAMERON FORBES,
American Ambassador, etc.

[No. 25]

September 28, 1931. *Provisional agreement between the United States of America and Chile respecting commercial, etc., relations. Effected by exchange of notes, signed September 28, 1931.*

The American Ambassador (Culbertson) to the Chilean Minister for Foreign Affairs (Izquierdo)

No. 693. EMBASSY OF THE UNITED STATES OF AMERICA,
SANTIAGO, CHILE, *September 28, 1931.*

EXCELLENCY:

Commercial agreement with Chile.

I have the honor to confirm to Your Excellency the terms of the provisional commercial agreement which our respective Governments have agreed to establish while a definite treaty is being studied. They are:

(1) The United States of America will extend to the commerce of Chile the same advantages which it gives to any other State, except the special treatment which the United States accords to its territories and possessions, to Cuba and to the Panama Canal Zone. These advantages will include the customs duties and other fiscal imposts as well as import licenses and measures of customs restrictions.

(2) The Republic of Chile will concede to the commerce of the United States the treatment which it applies to the most-favored-nation and will give it, from May 22nd last, the reduced tariffs which are applied to merchandise produced in France by virtue of the *modus vivendi* signed on that date.

(3) This provisional arrangement will last while the above-mentioned *modus vivendi* remains in force, without prejudice to either of the Parties terminating it by expressing its desire to do so fifteen days in advance.

In reply I have the honor to advise Your Excellency that the Government of the United States of America accepts the foregoing conditions and will be disposed to enter into negotiations for the purpose of concluding a new commercial treaty to replace the former one.

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

W. S. CULBERTSON

HIS EXCELLENCY
SEÑOR DON LUIS IZQUIERDO,
Minister for Foreign Affairs,
Santiago.

The Chilean Minister for Foreign Affairs (Izquierdo) to the American Ambassador (Culbertson)

REPUBLICA DE CHILE
MINISTERIO
DE RELACIONES EXTERIORES
FIB.

DPTO. DIPLOMATICO.
No. 8457

SANTIAGO, *28 de Setiembre de 1931.*

SEÑOR EMBAJADOR:

Acceptance by Chile.

He recibido la nota, fechada hoy, en que V.E. conforme a las instrucciones de su Gobierno, confirma los términos del arreglo provisional de comercio que desea celebrar con el Gobierno de la República, mientras se estudia un Tratado definitivo, a saber:

1.—Los Estados Unidos de América extenderán al comercio de Chile las mismas ventajas que otorguen a cualquier otro Estado, excepto el tratamiento especial que los Estados Unidos conceden a sus territorios y sus posesiones, a Cuba y a la zona del Canal de Panamá. Estas ventajas comprenderán tanto los derechos de aduana y otros impuestos fiscales como las licencias de internación y medidas de restricción aduanera;

2.—La República de Chile concederá al comercio de los Estados Unidos el tratamiento que aplica a la nación más favorecida y le otorgará, a contar desde el 22 de Mayo último, las tarifas reducidas que se aplican a las mercaderías producidas en Francia, en virtud del modus-vivendi suscrito en esa fecha;

3.—El arreglo provisorio a que se hace referencia, durará mientras esté vigente el modus-vivendi citado, sin perjuicio de que cualquiera de las Partes pueda ponerle término, manifestando su voluntad con 15 días de anticipación.

En respuesta, tengo el honor de expresar a V.E. que el Gobierno de Chile acepta las condiciones anteriores y que estará dispuesto a entrar en negociaciones para celebrar un nuevo Tratado de Comercio, en reemplazo del anterior, tan pronto como lo permita la situación interna del país.

Aprovecho la oportunidad para reiterar a V.E. las seguridades de mi más alta y distinguida consideración.

L. IZQUIERDO

EXCMO. SEÑOR WILLIAM S. CULBERTSON
Embajador Extraordinario y Plenipotenciario de Estados Unidos.

[Translation]

REPUBLIC OF CHILE
MINISTRY
OF FOREIGN RELATIONS
FIB.

DIPLOMATIC DIVISION.
No. 8457

SANTIAGO, *September 28, 1931.*

MR. AMBASSADOR:

I have received the note, dated to-day, in which Your Excellency, in accordance with the instruction of your Government, confirms the terms of the provisional commercial agreement which it wishes to conclude with the Government of the Republic, while a final treaty is being studied. They are:

1. The United States of America will extend to the commerce of Chile the same advantages which it gives to any other state, except the special treatment which the United States accords to its territories and possessions, to Cuba and to the Panama Canal Zone. These advantages will include the customs duties and other fiscal imposts as well as import licenses and customs restriction measures.

2. The Republic of Chile will concede to the commerce of the United States the treatment which it applies to the most favored nation and will give it, from May 22 last, the reduced tariffs which are applied to merchandise produced in France by virtue of the *modus vivendi* signed on that date.

3. The provisional arrangement referred to will last while the above mentioned *modus vivendi* remains in force, without prejudice to either of the parties terminating it by expressing its desire to do so fifteen days in advance.

In reply, I have the honor to advise Your Excellency that the Government of Chile accepts the foregoing conditions and will be disposed to enter into negotiations with the object of concluding a new treaty of commerce, to replace the former one, as soon as the domestic situation of the country permits.

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

L. IZQUIERDO

HIS EXCELLENCY
MR. WILLIAM S. CULBERTSON,
Ambassador Extraordinary and Plenipotentiary of the United States.

[No. 26]

Arrangement between the United States of America and the Irish Free State for the reciprocal recognition of load-line certificates. Effective by exchange of notes, signed September 21 and November 18, 1931.

September 21, 1931.
November 18, 1931.

The American Chargé d'Affaires (Denby) to the Minister for External Affairs of the Irish Free State (McGilligan)

No. 380 DUBLIN, *September 21, 1931.*

YOUR EXCELLENCY:

Arrangement with Irish Free State for the reciprocal recognition of load-line certificates.

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

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

My Government accordingly is prepared to agree that, pending the coming into force in the United States and in the Irish Free State of the International Load Line Convention signed in London on July 5, 1930, the competent authorities of the Governments of the United States and the Irish Free State, respectively, will recognize as equivalent the load line marks and the certificate of such marking of merchant vessels of the other country made pursuant to the regulations in force in the respective countries: provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of the vessel certificated have not been so materially altered since the issuance of the certificate as to effect the calculations on which the load line was based, and that alterations have not been made so that the—

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

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

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

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

JAMES ORR DENBY,
Chargé d'Affaires ad interim.

HIS EXCELLENCY
PATRICK MCGILLIGAN,
Minister for External Affairs,
Dublin

3051°—33—PT 2——68

The Minister for External Affairs of the Irish Free State (McGilligan) to the American Minister (Sterling)

ROINN GNOTHAI COIGRICHE SAORSTAT EIREANN
DEPARTMENT OF EXTERNAL AFFAIRS IRISH FREE STATE

18th November, 1931.

YOUR EXCELLENCY,

Agreement by Irish Free State.

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

I have accordingly the honour to inform you that the Government of the Irish Free State on the advice of the Minister for Industry and Commerce hereby concur in the terms of the agreement as set out in Your Excellency's Note, that is to say, that pending the coming into force in the United States and in the Irish Free State of the International Load Line Convention signed in London on July 5, 1930, the competent authorities of the Governments of the United States and the Irish Free State, respectively, will recognize as equivalent the load line marks and the certificate of such marking of merchant vessels of the other country made pursuant to the regulations in force in the respective countries: provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of the vessel certificated have not been so materially altered since the issue of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the—

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

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

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

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

SEAN MURPHY
For the Minister.

HIS EXCELLENCY
F. A. STERLING,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America,
American Legation,
Phoenix Park,
Dublin.

[No. 27]

Arrangement between the United States of America and the Union of South Africa for the reciprocal recognition of certificates of airworthiness for imported aircraft. Effected by exchange of notes, signed October 12 and December 1, 1931, effective December 1, 1931.

October 12, 1931.
December 1, 1931.

The American Minister (Totten) to the Minister for External Affairs of the Union of South Africa (Hertzog)

No. 68. LEGATION OF THE UNITED STATES OF AMERICA,
PRETORIA, *October 12, 1931.*

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.

Arrangement with Union of South Africa for reciprocal recognition of certificates of airworthiness for imported aircraft.

"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 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 of the Union of South Africa (Hertzog) to the American Minister (Totten)

P. M. 66/80.
DEPARTMENT OF EXTERNAL AFFAIRS,
PRETORIA, *1, Dec 1931*

SIR,

Agreement by Union of South Africa.

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:

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 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."

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.

[No. 28]

January 16, 1932. *Arrangement between the United States of America and Denmark for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed January 16, 1932.*

The Danish Minister (Wadsted) to the Secretary of State (Stimson)

No. 4. ROYAL DANISH LEGATION
Washington, D. C., January 16, 1932.

SIR,

Arrangement with Denmark for the reciprocal recognition of load-line certificates.

By a note of November 4, 1930, my predecessor had the honor to address himself to you with an inquiry as to whether the United States Government would be ready to enter into a reciprocal load line agreement with the Danish Government which should remain effective pending the coming into force in the two countries of the International Load Line Convention concluded at London on July 5, 1930, and whereby the Governments of Denmark and the United States would each recognize as equivalent the load line laws and regulations of the other and, therefore, their respective freeboard certificates of the marking of merchant vessels.

In reply you have by a note of August 25, 1931, informed this Legation that the Government of the United States is ready to conclude such a reciprocal agreement. You have further added that the Government of the United States understands that the load line marks made under authority of the two Governments will be in accordance with load line certificates; that the hull and superstructures of the vessel certificated will not have been so materially altered since the issuance of the certificates as to affect the calculations on which the load line was based, and that alterations will not have been made so that the

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

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

Having submitted this reply to my Government, I am now instructed to convey to you the following information: The Danish Government is ready to give full recognition, for the time until the International Load Line Convention mentioned above shall come into force in both countries, to the load line rules and regulations of the Government of the United States and to the certificates and load line marks made on American merchant vessels pursuant thereto. In giving such recognition the Danish Government concurs, subject to reciprocity, in the foregoing understandings. I am, however, instructed to draw your attention to the fact that since the beginning of the negotiations regarding this temporary agreement the Danish rules concerning freeboard have undergone the following modification:

A provisional notification dealing with the application to Danish Ships of the International Load Line Convention of July 5, 1930,

has been issued by the Danish Ministry of Shipping and Fisheries on July 8, 1931. Pursuant to this Notification of which this Legation had the honor to forward to you a copy by a note of August 13, 1931, Danish ships in international trade have already been permitted to obtain freeboard and load line certificates in accordance with the above quoted International Load Line Convention, which has been ratified by Denmark on July 30, 1931. The Danish Government assumes that also such certificates issued in accordance with the said Convention will be recognized in the United States pending the coming into force in both countries of the Convention.

I have the honor to request that you will be good enough to confirm the full recognition of the Government of the United States for the period mentioned above of the Danish load line laws and regulations and the Danish freeboard certificates of the marking of merchant vessels, including the certificates issued pursuant to the foregoing Provisional Notification of July 8, 1931, and of load line marks made on Danish vessels pursuant thereto.

It is understood that upon the receipt of a note to that effect the proposed agreement will become effective as from the date of such note.

I have the honor to be, Sir, with the highest consideration

Your most obedient and humble servant,

OTTO WADSTED

THE HONORABLE
HENRY L. STIMSON,
Secretary of State,
Department of State, Washington, D. C.

The Secretary of State (Stimson) to the Danish Minister (Wadsted)

DEPARTMENT OF STATE,
Washington, January 16, 1932.

SIR:

I have the honor to acknowledge the receipt of your note of this date in which reference is made to your predecessor's note of November 4, 1930, proposing an arrangement between the Governments of the United States and Denmark for the reciprocal recognition of load line certificates for merchant vessels which arrangement would remain effective pending the coming into force in the two countries of the International Load Line Convention of July 5, 1930. Agreement by United States.

You made the proposal that if the Government of the United States agreed to the terms as outlined in your note of this date, that note and the reply which might be made thereto would serve as the agreement between our two countries.

Inasmuch as the Danish rules and tables for determining freeboards have been examined by the competent executive authorities of this Government and have been found to be as effective as the United States load line regulations; and inasmuch as the Government of the United States agrees to recognize the certificates issued by the Government of Denmark pursuant to the Provisional Notification of July 8, 1931, which gives ship owners the privilege of having

freeboard and load lines assigned in accordance with the provisions contained in the International Load Line Convention of July 5, 1930, I have the honor to inform you that the Government of the United States hereby concurs in the terms of the arrangement as set out in your note under acknowledgment.

The Government of the United States accordingly understands that the agreement has been completed by this exchange of notes and is effective from this date.

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

For the Secretary of State:

JAMES GRAFTON ROGERS

MR. OTTO WADSTED,
Minister of Denmark.

APPENDIX

Denmark.

Provisional Notification dealing with the application to Danish ships of the International Load Line Convention of 5th July, 1930.

In pursuance of the 3rd Part of the Merchant Shipping (Inspection of Ships) Act of March 29th 1920 with subsequent amendments the following provisions are hereby laid down:—

SECTION 1.

In accordance with application to be made in each particular case by the shipowner concerned to the Ministry of Shipping and Fisheries, every Danish ship to which the provisions of the International Load Line Convention of 5th July, 1930, apply, will, after a survey having been held by the Government Ships Inspection Staff, be given freeboard and assigned load lines under the provisions of, and on the conditions contained in, the said Convention of 5th July, 1930.

Every ship to which freeboard is assigned and which is marked with load lines in accordance with the Convention of 5th July, 1930, shall henceforth be subject to the provisions of the said Convention, more particularly those dealing with zones and seasonal areas and the stowing of the cargo. The intervals between the periodical surveys dealt with in Article 14, 3 C of the Convention will be fixed at a later date.

SECTION 2.

Ships to which freeboard is assigned in accordance with the foregoing rules shall have on board a copy of this present Notification and of the Convention of 5th July, 1930.

SECTION 3.

This Notification shall come into force immediately.
The above is hereby made known to all whom it may concern.

THE MINISTRY OF SHIPPING AND FISHERIES. 8TH JULY 1931.
TH. STAUNING.

Emil Krogh.

Arrangement between the United States of America and Iceland for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed January 16, 1932.

January 16, 1932.

The Danish Minister (Wadsted) to the Secretary of State (Stimson)

No. 5.

ROYAL DANISH LEGATION,
Washington, January 16, 1932.

SIR,

Arrangement with Iceland for reciprocal recognition of load-line certificates.

In a note of November 24, 1930, to the Danish Minister for Foreign Affairs the American Chargé d'Affaires in Copenhagen has inquired whether the Icelandic Government would be willing to enter into negotiations for a reciprocal agreement regarding load lines of vessels.

In reply the Minister for Foreign Affairs has informed the American Minister by a note of March 12, 1931, that the Government of Iceland would view with pleasure the conclusion of an agreement such as proposed by the Government of the United States. It was further stated in the latter note that there do not exist any special Icelandic laws and regulations concerning load lines of vessels, such lines being fixed for Icelandic vessels in conformity with the Danish provisions in force regarding load lines.

With reference to the above, I had the honor by my note of April 20, 1931, to inquire whether the Government of the United States would be ready for the intervening time until the International Convention regarding Load Lines concluded at London on July 5, 1930, shall come into force in both Iceland and the United States, to enter into an agreement to the effect of reciprocally recognizing the Danish load line laws and rules as applied to Icelandic vessels and the load line laws and rules of the United States to be equivalent and therefore until then also reciprocally to recognize the freeboard certificates of Iceland and the United States.

In reply you have informed this Legation by your note of August 25, 1931, that the United States' Government is ready to enter into a reciprocal agreement as proposed. You have further added that the United States' Government understands that the load line marks on the vessels of the United States and Iceland will be in accordance with the load line certificates; that the hull and superstructures of the vessel certificated will not have been so materially altered since the issuance of the certificates as to affect the calculations on which the load line was based, and that alterations will not have been made so that the

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

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

After having communicated this reply to the Danish Minister for Foreign Affairs, I now have the honor, according to instructions received, on behalf of the Governmnt of Iceland to convey to you the following information:

The Icelandic Government is ready to give full recognition, for the time until the International Load Line Convention mentioned above shall come into force in both countries, to the load line rules and regulations of the Government of the United States and to the certificates and load line marks made on American merchant vessels pursuant thereto. In giving such recognition the Icelandic Government concurs, subject to reciprocity, in the foregoing understandings.

I have the honor to request that you will be good enough to confirm the full recognition of the Government of the United States for the period mentioned above of the Danish load line laws and rules as applied to Icelandic vessels and of the Icelandic freeboard certificates, and load line marks made on Icelandic vessels pursuant thereto.

It is understood that upon receipt of a note to that effect the proposed agreement will become effective as from the date of such note.

I have the honor to be, Sir, with the highest consideration

Your most obedient and humble servant

OTTO WADSTED

THE HONORABLE
HENRY L. STIMSON,
Secretary of State,
Department of State, Washington, D. C.

The Secretary of State (Stimson) to the Danish Minister (Wadsted)

DEPARTMENT OF STATE,
Washington, January 16, 1932.

SIR:

Agreement by Iceland.

I have the honor to reply to your note of this date in which the provisions of the proposed agreement between the Governments of the United States and Iceland for the mutual recognition of load line certificates for merchant ships are set forth.

Inasmuch as Iceland has no laws or regulations governing load lines of vessels, such lines being fixed in conformity with the Danish provisions in force, and as the Danish rules and tables for determining freeboard have been examined by the competent executive authorities of this Government and have been found to be as effective as the United States load line regulations, I have the honor to inform you that the Government of the United States hereby concurs in the terms of the agreement as set out in your note under acknowledgment. In this connection it is understood that the note under acknowledgment and this reply will constitute the agreement between the United States and Iceland.

The Government of the United States accordingly understands that the agreement has been completed by this exchange of notes and is effective from this date.

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

For the Secretary of State:

JAMES GRAFTON ROGERS

MR. OTTO WADSTED,
Minister of Denmark.

[No. 30]

Arrangement between the United States of America and Germany for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed September 11 and December 16, 1931.

September 11, December 16, 1931.

The American Ambassador (Sackett) to the German Minister for Foreign Affairs (Curtius)

No. 585 EMBASSY OF THE UNITED STATES OF AMERICA,
Berlin, September 11, 1931.

EXCELLENCY:

Arrangement with Germany for the reciprocal recognition of load-line certificates.

I have the honor to refer to previous correspondence and in particular to Note Verbale 5 845/31, of March 4, 1931, from the Ministry of Foreign Affairs wherein the statement was made that the Government of Germany was prepared to accept the American "Regulations for the Establishment of Load Lines for Merchant Vessels of 250 Gross Tons or over when engaged in a Foreign Voyage by Sea" as equally effective with the German regulations similar thereto and to conclude a reciprocal agreement as well as a temporary reciprocal agreement governing the acceptance by each Government of the regulations of the other.

I now beg to inform Your Excellency that the competent executive authorities of the Government of the United States have examined the German rules and tables of freeboard, which were submitted with the Note under reference, and have found them to be as effective as the United States load line regulations. I am further directed to state, in regard to the reciprocal agreement concerning the acceptance of the mutual regulations, which agreement will remain effective pending the coming into force of the international load line convention in the two countries, that my Government understands that the Governments of the United States and Germany will each recognize as equivalent the load line marks and the certificates of such marking of merchant vessels of the other: provided, that the load line marks are in accordance with the load line certificates; that the hull or superstructure of the vessel certificated has not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the—

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

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

I have the further honor to inform Your Excellency that it will be understood by the Government of the United States that, upon receipt of a note from Your Excellency expressing the German Gov-

ernment's concurrence in my Government's understanding, as above set forth, the agreement will become effective.

I avail myself of this opportunity to extend to Your Excellency the renewed assurance of my highest consideration.

FREDERIC M. SACKETT

HIS EXCELLENCY,
DR. JULIUS CURTIUS,
Minister for Foreign Affairs,
Berlin.

Ther German Under Secretary of State for Foreign Affairs (Bülow) to the American Ambassador (Sackett)

AUSWÄRTIGES AMT
S 5270.

BERLIN, *den 16. Dezember 1931.*

HERR BOTSCHAFTER!

Recognition by Germany.

Auf das gefällige Schreiben vom 11. September d.J.—No. 585—, betreffend Abschluss einer Vereinbarung zwischen Deutschland und den Vereinigten Staaten von Amerika über die gegenseitige Anerkennung der beiderseitigen Landelinienvorschriften, beehre ich mich Euerer Exzellenz folgendes mitzuteilen:

Nachdem die deutschen "Vorschriften der See-Berufsgenossenschaft über den Freibord der Dampfer und Segelschiffe in der langen und atlantischen Fahrt sowie in der grossen Küstenfahrt" und die entsprechenden "Regulations for the Establishment of Load Lines for Merchant Vessels of 250 Gross Tons or over when engaged in a Foreign Voyage by Sea" der Vereinigten Staaten von Amerika gegenseitig geprüft und für gleichwertig erkannt worden sind, erklärt sich die Reichsregierung mit dem Abschluss einer Gegenseitigkeitsvereinbarung über die Anerkennung der beiderseitigen Freibordvorschriften, der Lademarken und der Bescheinigungen über die Markierung von Kauffahrteischiffen—welche Vereinbarung mit Wirkung vom heutigen Tage bis zum Inkrafttreten des Internationalen Übereinkommens über den Freibord der Kauffahrteischiffe in beiden Ländern gelten soll—unter der Voraussetzung einverstanden, dass die Lademarken mit den Ladelinienbescheinigungen übereinstimmen, dass der Schiffsrumpf oder Oberbau des Schiffes, auf das die Bescheinigung lautet, seit der Ausstellung der Bescheinigung nicht so wesentlich verändert worden ist, dass die Berechnungen, die der Ladelinie zugrunde gelegt worden sind, davon berührt werden, und dass keine Veränderungen vorgenommen worden sind, die

1. den Schutz der Öffnungen,
2. die Schutzgeländer,
3. die Wasserpforten und
4. die Zugänge zu den Quartieren der Besatzung

in einen Zustand versetzt haben, der das Schiff offenbar untüchtig macht, ohne Gefährdung menschlichen Lebens in See zu gehen.

Ich benutze auch diesen Anlass, um Ihnen, Herr Botschafter, den Ausdruck meiner ausgezeichnetsten Hochachtung zu erneuern.

BÜLOW

SEINER EXZELLENZ
DEM BOTSCHAFTER DER VEREINIGTEN
STAATEN VON AMERIKA
HERRN FREDERIC M. SACKETT.

[Translation]

FOREIGN OFFICE BERLIN, *December 16, 1931.*

S 5270.

MR. AMBASSADOR:

In reply to your communication No. 585 of September 11, 1931, relative to the conclusion of an agreement between Germany and the United States of America concerning mutual recognition of the loadline regulations of the other country, I have the honor to inform Your Excellency as follows:

Since the German "Regulations of the See-Berufsgenossenschaft (Maritime Cooperative Association) Governing the Freeboard of Steamers and Sailing Vessels on Long Voyages and Atlantic Voyages as well as Extended Coasting Navigation" and the corresponding "Regulations for the Establishment of Load Lines for Merchant Vessels of 250 Gross Tons or over when engaged in a Foreign Voyage by Sea" of the United States of America, have been examined by both parties and recognized as equivalent, the Government of the Reich agrees to the conclusion of a reciprocal agreement governing the acceptance by each Government of the freeboard regulations of the other, the loadline marks, and the certificates of such marking of merchant vessels—this agreement to be effective beginning today until the international convention governing the freeboard of merchant vessels becomes effective in both countries:—provided, that the loadline marks are in accordance with the loadline certificates; that the hull or superstructure of the vessel certificated has not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the

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

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

I take this opportunity to express to you, Mr. Ambassador, my highest consideration.

BÜLOW

HIS EXCELLENCY,
THE AMBASSADOR OF THE UNITED STATES OF AMERICA
MR. FREDERIC M. SACKETT.

[No. 31]

January 20, 1932. *Arrangement between the United States of America and Norway respecting customs treatment of importations for consular offices and officers. Effected by exchange of notes, signed January 20, 1932.*

The Secretary of State (Stimson) to the Norwegian Minister (Bachke)

DEPARTMENT OF STATE,
Washington, January 20, 1932.

SIR:

Arrangement with Norway with reference to customs treatment of importations for consular offices and officers.

I have the honor to make the following statement of my understanding of the agreement that has been reached with reference to the treatment which shall be accorded by the Government of the United States of America and the Government of Norway, respectively, to official supplies for the consular offices of the other country, and the personal property of its consular officers on the entry of such supplies and property into their respective territories:

It is agreed between the Government of the United States of America and the Government of Norway to permit the entry free of duty of all furniture, equipment and supplies intended for official use in the consular offices of the other and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property whether accompanying the officer to his post or imported at any time during his incumbency thereof, provided, nevertheless, that no article the importation of which is prohibited by the law of either of the two countries may be brought into its territories.

It is understood, however, that this privilege shall not be extended to unsalaried consular officers (honorary consuls) or 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.

This agreement shall become operative on February 1, 1932.

Upon receipt of your confirmation of this understanding, the agreement will be understood as completed.

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

For the Secretary of State:
W. R. CASTLE, Jr.

MR. HALVARD H. BACHKE,
Minister of Norway.

The Norwegian Minister (Bachke) to the Secretary of State (Stimson)

ROYAL NORWEGIAN LEGATION,
Washington, D. C., January 20th, 1932.

SIR:

Agreement by Norway.

With reference to your note of to-day, I have the honor, acting under instructions of the Norwegian Government to declare that it is agreed between the Norwegian Government and the Government of the United States of America to permit the entry free of duty of all furniture, equipment and supplies intended for official use in the consular offices of the other and to extend to such consular officers of the other and their families and suites as are its nationals,

the privilege of entry free of duty of their baggage and all other personal property whether accompanying the officer to his post or imported at any time during his incumbency thereof, provided, nevertheless, that no article the importation of which is prohibited by the law of either of the two countries may be brought into its territories.

It is understood, however, that this privilege shall not be extended to unsalaried consular officers (honorary consuls) or 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.

This agreement shall become operative on February 1st, 1932.

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

H. H. BACHKE

HONORABLE HENRY L. STIMSON,
Secretary of State,
Washington, D. C.

[No. 32]

January 20, 1931. *Agreement between the United States of America and Egypt for arbitration of the claim of George J. Salem. Signed January 20, 1931.*

Claim agreement with Egypt. Preamble.

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,

Plenipotentiaries.

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.

Claim of George J. Salem referred to Arbitral Tribunal.

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.

Acceptance of decision.

Attendu que le Gouvernement des Etats-Unis d'Amérique a présenté au Gouvernement Royal d'Egypte une réclamation au nom de Georges J. Salem pour dommage résultant d'actes des autorités égyptiennes;

Attendu que le Gouvernement Royal d'Egypte a décliné sa responsabilité à cet égard; et

Attendu que les deux Gouvernements ont l'un et l'autre adhéré au principe de soumettre à la décision d'un tribunal compétent tous les litiges d'ordre juridique qui pourraient s'élever entre eux et qui ne se prêteraient pas à un règlement par la voie de négociation diplomatique.

En conséquence les soussignés, Son Excellence M. William M. Jardine, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats-Unis, et Son Excellence Abdel Fattah Yehia Pacha, Ministre des Affaires Etrangères du Royaume d'Egypte munis de pouvoirs réguliers à cet effet par leurs Gouvernements respectifs, sont convenus des stipulations contenues dans les articles suivants:

ARTICLE 1er.

La réclamation des Etats-Unis contre le Gouvernement Royal d'Egypte en raison du traitement fait à Georges J. Salem citoyen américain par les autorités égyptiennes, sera déférée à un tribunal arbitral conformément aux conditions exprimées ci-après, la décision du dit tribunal devant être acceptée par l'un et l'autre gouvernement comme un règlement final, conclusif et sans appel de cette réclamation.

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 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 2.

Composition of Tribunal.

Le tribunal sera composé de trois membres choisis l'un par le Gouvernement Egyptien, l'autre par le Gouvernement des Etats-Unis et le troisième, qui présidera la commission, par accord mutuel entre les deux Gouvernements. Si dans le délai d'un mois à partir de la signature du présent acte, les deux Gouvernements ne parviennent pas à s'entendre sur la nomination du troisième membre, ce dernier sera désigné par le Président du Conseil administratif permanent de la Cour Permanente d'Arbitrage de La Haye.

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 3.

Questions to be decided.

Les questions à décider par le tribunal sont les suivantes: premièrement, le Gouvernement Royal d'Egypte est-il tenu, en vertu des principes de droit et d'équité, à des dommages-intérêts envers le Gouvernement des Etats Unis d'Amérique en raison du traitement fait au citoyen américain Georges J. Salem? deuxièmement, au cas où le tribunal arbitral jugerait qu'une telle responsabilité existe, quelle est la somme que le Gouvernement Royal d'Egypte devrait, en toute justice, payer au Gouvernement des Etats-Unis en règlement total des dits dommages?

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.

ARTICLE 4.

Procedure.

La procédure à suivre par les deux Gouvernements et par le Tribunal sera la suivante: Dans les quatre-vingt-dix jours qui suivront la signature du présent acte, le Gouvernement Egyptien et le Gouvernement des Etats-Unis rémettront respectivement au Tribunal et au Ministère des Affaires Etrangères de l'autre Gouvernement un mémoire de leur cause avec preuves à l'appui.

Evidence.

Counter-cases.

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.

Dans les quatre-vingt-dix jours qui suivront l'expiration du délai ci-dessus, les deux Gouvernements remettront de la même façon un mémoire en défense avec preuves à l'appui, au Tribunal et au Ministère des Affaires Etrangères de l'autre Gouvernement.

Replies thereto.

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.

Dans les soixante jours qui suivront l'expiration de ce dernier délai, chacun des Gouvernements remettra de la même façon une réplique au mémoire en défense de l'autre Gouvernement, ou une note informant qu'aucune réplique ne sera présentée. Ces répliques, si elles sont présentées, devront se limiter à traiter les questions déjà exposées dans les premiers mémoires ou les mémoires en défense et aucun nouveau moyen ne devra y être soulevé ni discuté.

ARTICLE 5.

Arguments admitted.

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 5.

Les deux Gouvernements auront le droit de soumettre au Tribunal, à la fois oralement et par écrit, tous arguments qu'ils désireraient présenter, mais les notes exposant tous arguments écrits seront remises au Tribunal et à l'agent de l'autre Gouvernement dix jours au moins avant la date fixée pour la discussion orale.

Il sera accordé aux représentants de l'un et l'autre Gouvernement un temps amplement suffisant pour la discussion orale de la cause devant le Tribunal. Cette discussion aura lieu à Vienne et commencera soixante jours au plus tard après l'expiration de la date fixée pour la remise des répliques ou des notes informant qu'il n'y aura pas de répliques présentées.

ARTICLE 6.

Agent and counsel.

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 6.

Chaque Gouvernement désignera un agent et toute personne qu'il désirera choisir comme conseil pour le représenter dans la présentation de la cause au Tribunal et autrement.

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 7.

Le Tribunal rendra sa décision dans les deux mois qui suivront la date de la clôture de la discussion orale et au cas où il y aurait une sentence accordant des dommages-intérêts à l'encontre du Gouvernement Royal d'Egypte, le montant alloué sera payé au Gouvernement des Etats-Unis dans les quatre-vingt-dix jours qui suivront cette sentence. Decision, payment, etc.

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 8.

Toute la procédure écrite relative à l'arbitrage sera faite à la fois dans les langues française et anglaise. La discussion orale devant la Commission arbitrale pourra avoir lieu soit en français soit en anglais, mais traduction devra être donnée au Tribunal et à l'agent de l'autre Gouvernement à la fin de chaque argument. Language employed.

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

ARTICLE 9.

Chaque Gouvernement supportera ses propres dépenses y compris l'indemnité de l'arbitre qu'il aura nommé. Expenses.

L'indemnité du troisième arbitre ainsi que les frais généraux de l'arbitrage seront supportés par les deux Gouvernements en proportions égales.

Fait en double en français et en anglais au Caire le vingtième jour du mois de janvier 1931. Signatures.

A. YEHIA
[SEAL]
WILLIAM M JARDINE
[SEAL]

[No. 33]

May 5, 1932. *Arrangement between the United States of America and the Dominion of Canada concerning radio broadcasting. Effected by exchange of notes, signed May 5, 1932.*

The Minister of the Dominion of Canada (Herridge) to the Acting Secretary of State (Castle)

No. 81. CANADIAN LEGATION,
Washington, May 5th, 1932.

SIR:

Arrangement with Canada concerning radio broadcasting.

I have the honour to inform you that the Canadian House of Commons recently appointed a committee to enquire into the whole position of radio broadcasting in Canada. This committee has under consideration a technical scheme for broadcasting in Canada which it is considered will provide satisfactory coverage in the chief population areas throughout the Dominion and at the same time make provision for the community service that may be desired. This scheme is divided into two distinct parts:

(a) A chain of high-power stations, operating on clear channels, and located at suitable intervals across Canada;
(b) A number of low-power stations of very limited range, operating on shared channels, and located as required for community service.

If this scheme receives the approval of Parliament, it is proposed to use 50 K.W. stations, one in each of the Provinces of British Columbia, Manitoba, Ontario, Quebec, and eventually one in the Maritime Provinces. In Saskatchewan and Alberta it is proposed to use 5 K.W. stations at present, two being used in each Province, synchronized on a common channel. In Ontario there will be, in addition, two 10 K.W. stations, one in Western Ontario and one in Northern Ontario. Four smaller stations of one K.W. capacity each are provided for the Port Arthur-Fort William area, and for Ottawa, Montreal, and Quebec. In the Maritimes, three 500-watt stations are provided for the present, one in each Province. The scheme also includes a 500-watt station on the shared channels for the city of Toronto for local service.

In adopting this plan, Canada would reserve the right to increase the power of the stations in Alberta, Saskatchewan, Northern and Western Ontario to 50 K.W. each, should such increase become necessary.

The committee, in addition to considering the power required, propose the following channels as suitable for the main stations:

Prince Edward Island	630 K.C.
New Brunswick	1, 030 K.C.
Nova Scotia	1, 050 K.C.
Quebec	930 K.C.
Montreal area (1 K.W.)	600 K.C.
" " (50 K.W.)	730 K.C.
Ottawa	880 K.C.

Toronto area (500 Watt)	1, 120 K.C.
" " (50 K.W.)	690 K.C.
Western Ontario	840 K.C.
Northern Ontario	960 K.C.
Port Arthur-Fort William area	780 K.C.
Manitoba	910 K.C.
Saskatchewan	540 K.C.
Alberta	1, 030 K.C.
British Columbia	1, 100 K.C.

In order to ensure satisfactory local broadcast service throughout Canada, it is proposed that stations, limited to a maximum power of 100 watts, be erected where necessary, and that they should be operated on shared channels. It is considered that one hundred or more such stations may eventually be required in Canada, and that twenty channels should be available for this type of service. In establishing such stations, it is proposed to maintain the same geographical separation between Canadian and United States stations as is maintained between United States stations of the same power.

Due notification would, of course, be given of the effective dates of any changes in the present operation to conform with the above plan.

In the event of the adoption of the above arrangement, it is understood that if, as the result of the Madrid Conference, any additional channels are made available for broadcasting, a further allocation will be made, as between the United States and Canada, on an equitable basis.

I shall be obliged if you will inform me at your early convenience whether the United States authorities can make the necessary readjustments so that these channels will be available for effective use in Canada.

I have the honour to be, with the highest consideration, Sir,
Your most obedient, humble servant,

W. D. HERRIDGE

THE HON. W. R. CASTLE, Jr.,
Acting Secretary of State,
Washington, D. C.

The Acting Secretary of State (Castle) to the Minister of the Dominion of Canada (Herridge)

DEPARTMENT OF STATE,
Washington, May 5, 1932.

SIR:

Response by United States.

I am grateful for your courtesy in informing me by your note of May 5, 1932, of the technical plan which is being considered by the committee of the Canadian House of Commons as a means of providing Canada with satisfactory radio broadcasting coverage. You inquire whether the authorities of the United States can make the readjustment necessary to render certain channels available for effective use in Canada.

In reply, I am glad to inform you that as notice is given from time to time of the dates of changes to be made in the present operations of Canadian broadcasting stations to conform to the plan set out, this Government will be glad to make the necessary readjustments.

It is understood that, if as the result of the Madrid Conference, any additional channels are made available for broadcasting, a further allocation will be made, as between the United States and Canada, on an equitable basis.

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

W. R. CASTLE, Jr.
Acting Secretary of State.

THE HONORABLE
WILLIAM DUNCAN HERRIDGE,
K.C., D.S.O., M.C.,
Minister of the Dominion of Canada.

[No. 34]

Arrangement between the United States of America and Sweden for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed January 27 and June 1, 1932.

January 27, 1932.
June 1, 1932.

The American Minister (Morehead) to the Swedish Minister for Foreign Affairs (Ramel)

No. 140 LEGATION OF THE UNITED STATES OF AMERICA,
Stockholm, January 27, 1932.

EXCELLENCY:

Arrangement with Sweden for the reciprocal recognition of load-line certificates.

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

(1) Protection of openings,
(2) Guard rails,
(3) Freeing ports,
(4) Means of access to crews quarters,

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

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 Swedish Minister for Foreign Affairs (Ramel) to the American Chargé d'Affaires (Crocker)

MINISTÈRE DES AFFAIRES ETRANGÈRES,
Stockholm, le 1 juin 1932.

MONSIEUR LE CHARGÉ D'AFFAIRES,

Concurrence by Sweden.

Par lettre du 27 janvier dernier, M. Morehead a bien voulu me faire savoir que—en attendant la mise en vigueur entre la Suède et les Etats Unis d'Amerique de la Convention internationale du 5 juillet 1930 sur les lignes de charge—le Gouvernement des Etats Unis d'Amerique est disposé à convenir avec le Gouvernement du Roi que les autorités compétentes suédoises et américaines reconnaîtront réciproquement les marques de franc-bord des navires de commerce de l'autre pays, déterminées conformément aux dispositions en vigueur dans les pays respectifs, ainsi que les certificats des marques delivrés conformément aux mêmes dispositions, à condition toutefois que les marques correspondent aux indications portées sur les certificats de franc-bord, que la coque et les superstructures certifiées n'aient pas subi, après la délivrance du certificat, de modifications de quelque importance affectant le calcul sur lequel le franc-bord a été basé et qu'il n'ait pas été fait de modifications telles que

1) la protection des ouvertures,
2) les garde-corps,
3) les sabords de décharge, et
4) les moyens d'accés aux logements de l'équipage

rendent manifestement le navire hors d'état de prendre la mer sans danger pour la vie humaine. M. Morehead m'a fait connaître en même temps, que son Gouvernement est également prêt à convenir avec le Gouvernement Royal que les autorités compétentes suédoises et américaines reconnaîtront réciproquement les marques de franc-bord pour les navires à citernes et les navires de types spéciaux déterminées en conformité des dispositions énoncées par la Convention susmentionnée pour les navires desdites espèces; il m'a informé, en outre, du désir de son Gouvernement de voir les certificats de franc-bord délivrés dans ces cas par les autorités suédoises porter l'indication que les marques de franc-bord sont déterminées en conformité desdites règles.

En réponse à cette obligeante communication, j'ai l'honneur de Vous faire savoir que la Gouvernement du Roi approuve l'arrangement ci-dessus indiqué et qu'il est prêt à satisfaire au désir exprimé par Votre Gouvernement concernant l'indication à porter aux certificats de franc-bord délivrés pour les navires à citerne et les navires de types spéciaux marqués conformément aux dispositions de la Convention internationale du 5 juillet 1930 sur les lignes de charge.

Il est entendu que le présent échange de la note précitée de M. Morehead et de la présente note sera considéré comme constatant l'entente intervenue entre nos deux pays à ce sujet.

Veuillez agréer, Monsieur le Chargé d'Affaires, les assurances de ma considération la plus distinguée.

RAMEL

MONSIEUR EDWARD SAVAGE CROCKER,
Chargé d'Affaires des Etats Unis d'Amerique, etc., etc.,
Stockholm.

[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.,
Stockholm.

[No. 35]

Arrangement between the United States of America and Italy for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed September 8, 1931, and June 1, 1932.

September 8, 1931.
June 1, 1932.

The American Chargé d'Affaires ad interim (Kirk) to the Italian Minister for Foreign Affairs (Grandi)

F. O. No. 693. EMBASSY OF THE UNITED STATES OF AMERICA,
Rome, September 8, 1931.

EXCELLENCY:

Arrangement with Italy for the reciprocal recognition of load-line certificates.

I have the honor to inform Your Excellency that I have been instructed by my Government to notify Your Excellency that the competent executive authorities of the Government of the United States have examined the Italian rules and tables of freeboard, which were enclosed in the esteemed *Note Verbale* No. 11196–22 of February 7, 1931, and have found them to be as effective as the United States load line regulations.

I have also been instructed to notify Your Excellency in regard to the reciprocal agreement relating to this matter, which was referred to in the abovementioned *Note Verbale,* that my Government understands that the Governments of the United States and of Italy will each recognize as equivalent the load line marks and the certificates of such marking of merchant vessels of the other country pending the coming into force of the international load line convention in the United States and Italy; provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of the vessel certificated have not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the—

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

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

I have the honor to add that it will be understood by my Government that on the receipt of a communication signed by Your Excellency expressing the concurrence of the Royal Italian Government in the understanding of the Government of the United States as above set forth, the agreement in question will become effective.

Accept, Excellency, the assurance of my highest consideration.

ALEXANDER KIRK,
Chargé d'Affaires ad interim.

HIS EXCELLENCY
MR. DINO GRANDI,
Minister for Foreign Affairs,
Rome.

The Italian Ministry of Foreign Affairs to the American Embassy at Rome

MINISTERO DEGLI AFFARI ESTERI
21281–72

NOTA-VERBALE

Concurrence by Italy.

Il R. Ministero degli Affari Esteri ha l'onore di informare la Ambasciata degli Stati Uniti d'America che i competenti uffici italiano hanno preso in attento esame le comunicazioni che formarono oggetto della Nota Verbale F.O. n. 673 dell'8 settembre 1931 in merito al riconoscimento reciproco tra Italia e Stati Uniti dei certificati di bordo libero durante il periodo di attesa per l'entrata in vigore della Convenzione per il limite di massimo carico firmata a Londra il 5 luglio 1930.

Il R. Ministero degli Affari Esteri pertanto ha l'onore di assicurare che il Governo italiano pienamente concorda nell'ordine di idee manifestato dal Governo americano e prega l'Ambasciata degli Stati Uniti di America di voler fare le relative comunicazioni al Dipartimento di Stato di Washington agli effetti dell'effettiva entrata in vigore del presente accordo.

ROMA, 1 *Giu. 1932 Anno X*

All'AMBASCIATA DEGLI STATI UNITI D'AMERICA
Roma

[Translation]

MINISTRY OF FOREIGN AFFAIRS
21281–72

NOTE VERBALE

The Royal Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that the competent Italian offices have carefully examined the communications referred to in *Note Verbale* No. 693 of September 8, 1931, regarding reciprocal recognition by Italy and the United States of freeboard certificates until such time as the load line convention signed at London on July 5, 1930, goes into effect.

The Royal Ministry of Foreign Affairs accordingly has the honor to assure the Embassy that the Italian Government fully agrees with the ideas manifested by the American Government and begs the Embassy of the United States of America kindly to communicate with the Department of State at Washington for the purposes of the entrance into effect of the present agreement.

ROME, *June 1, 1932.*

To the EMBASSY OF THE UNITED STATES OF AMERICA.
Rome.

[No. 36]

Agreement by diplomatic representatives in China of the United States of America, Brazil, France, Great Britain, Netherlands, and Norway, with the Minister for Foreign Affairs of China for Chinese courts in the International Settlement at Shanghai, with attached notes and a unilateral declaration. Signed February 17, 1930.

February 17, 1930.

AGREEMENT RELATING TO THE CHINESE COURTS IN THE INTERNATIONAL SETTLEMENT AT SHANGHAI.

Agreement relating to the Chinese Courts in the International Settlement at Shanghai.

ARTICLE I

From the date on which the present Agreement comes into force, all former rules, agreements, exchanges of notes *et cetera* having special reference to the establishment of a Chinese court in the International Settlement at Shanghai shall be abolished.

Former rules, agreements, etc., abolished.

ARTICLE II

The Chinese Government shall, in accordance with Chinese laws and regulations relating to the judiciary and subject to the terms of the present Agreement, establish in the International Settlement at Shanghai a District Court (Ti Fang Fa Yuan) and a Branch High Court (Kao Teng Fa Yuan Fen Yuan). All Chinese laws and regulations, substantive as well as procedural, which are now in force, or which may hereafter be duly enacted and promulgated shall be applicable in the Courts, due account being taken of the Land Regulations and Bye-Laws of the International Settlement, which are applicable pending their adoption and promulgation by the Chinese Government, and of the terms of the present Agreement.

District Court and Branch High Court established.

Chinese laws applicable.

Judgments, decisions and rulings of the Branch High Court are subject to appeal, according to Chinese law, to the Supreme Court of China.

Appeals.

ARTICLE III

The former practice of Consular deputies or Consular officials appearing to watch proceedings or to sit jointly in the Chinese court now functioning in the International Settlement shall be discontinued in the Courts established under the present Agreement.

Consular observers, etc., abolished.

ARTICLE IV

When any person is arrested by the municipal or judicial police, he shall, within twenty-four hours, exclusive of holidays, be sent to the Courts established under the present Agreement to be dealt with, failing which he shall be released.

Prompt trials.

ARTICLE V

The Courts established under the present Agreement shall each have a certain number of procurators to be appointed by the Chinese Government, who shall hold inquests and autopsies (Chien Yen) within the jurisdiction of these Courts and shall otherwise perform

Procurators, appointment, duties, etc.

their functions in accordance with Chinese law in all cases involving the application of Articles 103 to 186 of the Chinese Criminal Code, except where the Municipal Police of the International Settlement or the party concerned has already initiated prosecution, provided that all preliminary investigations conducted by the procurator shall be held publicly and counsel for the accused shall have the right to be present and heard.

Preliminary investigations.

In other cases arising within the jurisdiction of the Courts, the Municipal Police or the party concerned shall prosecute. The procurator shall have the right to express his views in court in all criminal cases in which the prosecution is initiated by the Municipal Police or the party concerned.

ARTICLE VI

Judicial processes.

All judicial processes, such as summonses, warrants, orders, *et cetera*, shall be valid only after they have been signed by a judge of the Courts established under the present Agreement, whereupon they shall be served or executed by the judicial police or, as provided below, by the process-servers thereof.

No person found in the International Settlement shall be handed over to the extra-Settlement authorities without a preliminary investigation in court at which counsel for the accused shall have the right to be present and heard, except in the case of requests emanating from other modern law courts when the accused may be handed over after his identity has been established by the Court.

All judgments, decisions and rulings of the Courts shall be executed as soon as they become final as a result of the judicial procedure in force in the said Courts. Whenever necessary, the Municipal Police shall render any assistance within their power as may be requested of them.

The process-servers of the Courts shall be appointed by the Presidents of the Courts respectively and their duties shall be to serve all summonses and deliver other documents of the Courts in connection with civil cases. For the execution of judgments in civil cases, the process-servers shall be accompanied by the judicial police. The officers and members of the judicial police of the Courts shall be appointed by the President of the Branch High Court upon the recommendation of the Municipal Council and shall be subject to dismissal by the President of that Court upon cause shown. Their services will also be terminated by the President at the request of the Municipal Council upon cause shown. They shall wear the uniform designed by the Chinese judicial authorities, and shall be subject to the orders and direction of the Courts and faithful to their duties.

ARTICLE VII

House of Detention and Women's Prison. Jurisdiction transferred.

The House of Detention for civil cases and the Women's Prison attached to the Chinese court now functioning in the International Settlement at Shanghai shall be transferred from that court to the Courts established under the present Agreement and shall be supervised and administered by the Chinese authorities.

Sentences.

All prisoners now serving sentences in the prisons attached to the Chinese court now functioning in the International Settlement and those sentenced by the Courts established under the pres-

ent Agreement shall, at the discretion of the said Courts, serve their sentences either in such prisons in the Settlement or in Chinese prisons outside the Settlement, except that offenders against the Police Offences Code and the Land Regulations and Bye-Laws and persons under arrest awaiting trial shall serve their periods of detention in the Settlement. The prisons in the Settlement shall be operated, as far as practicable, in conformity with Chinese prison regulations and shall be subject to inspection, from time to time, by officers appointed by the Chinese judicial authorities.

Persons sentenced to death by the Courts established under the present Agreement shall be sent to the Chinese authorities outside of the Settlement for execution of such sentence.

Article VIII

Foreign lawyers.

Foreign lawyers duly qualified will be admitted to practice in the Courts established under the present Agreement in all cases in which a foreigner is a party, provided such foreign lawyer can only represent the foreign party concerned. The Municipal Council may also be represented in the same manner by duly qualified lawyers, Chinese or foreign, in any proceedings in which the Council is complainant or plaintiff or the Municipal Police is the prosecutor.

In other cases or proceedings in which the Council considers the interests of the Settlement to be involved, it may be represented by a duly qualified lawyer, Chinese or foreign, who may submit to the Court his views in writing during the proceedings and who may, if he deems necessary, file a petition in intervention in accordance with the provisions of the Code of Civil Procedure.

Foreign lawyers who are entitled to practice under this Article in the above-mentioned Courts shall apply to the Ministry of Justice for lawyers' certificates and shall be subject to Chinese laws and regulations applicable to lawyers, including those governing their disciplinary punishment.

Article IX

Representatives, to reconcile differences of opinion, to be appointed.

Four permanent representatives shall be appointed, two by the Chinese Government and two by the Governments of the other Powers signatory to the present Agreement, who together shall seek to reconcile such differences of opinion regarding the interpretation or application of the present Agreement as may be referred to them by the President of the Branch High Court or by the authorities of the signatory foreign Powers, provided that their Report shall have no binding force upon either party except by mutual consent, it being understood that no judgments, decisions, rulings or orders of the Courts, as such, shall be referred to the aforesaid representatives for consideration.

Discretionary acceptance.

Article X

Effective date and duration.

The present Agreement and the attached Notes shall enter into effect on April 1st, 1930 and shall continue in force for a period of

three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto.

Signatures.

NANKING,
February 17, 19th Year R.C. (1930).

HSU MO
on behalf of the Minister for Foreign Affairs
J. DE PINTO DIAZ
on behalf of the Brazilian Chargé d'Affaires
In the name of the American Minister,
JOSEPH E. JACOBS
W. MEYRICK HEWLETT
on behalf of His Britannic Majesty's Minister
L GRONVOLD
on behalf of the Norwegian Chargé d'Affaires
F E H GROENMAN
on behalf of the Netherlands chargé d'affaires
In the name of the French Minister:
E. KOECHLIN

[SEAL OF THE MINISTRY OF FOREIGN AFFAIRS]

The Foreign Signatories to the Chinese Minister for Foreign Affairs

NANKING, *February 17, 1930.*

SIR,

Submission of agreement to China.

With reference to the Agreement which we have signed to-day concerning the establishment of a District Court and a Branch High Court in the International Settlement at Shanghai, we have the honour to request your confirmation of our understanding on the following points:

1. It is understood that the Courts established under the present Agreement shall exercise jurisdiction over civil and criminal cases as well as police offences and inquests in the International Settlement at Shanghai, provided that the jurisdiction of the said courts over persons shall be the same as that of other Chinese Courts and provided that their territorial jurisdiction shall be the same as that of the Chinese court now functioning in the International Settlement at Shanghai, except (a) mixed criminal cases arising on private foreign property outside the limits of the Settlement and (b) mixed civil cases arising in areas surrounding the Settlement.

2. It is understood that the present practice regarding the respective jurisdictions of the Chinese court now functioning in the International Settlement and the Court existing in the French Concession shall be followed, pending a definite arrangement between the Chinese Government and the authorities concerned.

3. It is understood that as far as practicable Chinese shall be recommended by the Municipal Council to serve as officers and members of the judicial police of the Courts established under the present Agreement. It is further understood that among the officers of the judicial police appointed by the President of the Branch High Court under Article VI of the present Agreement, there will be one to be designated by the Municipal Council, to whom will be allotted by the President an office on the Court premises and who will make an

entry of all judicial processes of the Courts, such as summonses, warrants, orders and judgments, for the purpose of service or execution in accordance with the provisions of the above-mentioned Article.

4. It is understood that the establishment of the Courts provided for in the present Agreement in no way affects the validity of judgments rendered by the Chinese court now functioning in the International Settlement and its predecessor, and that such judgments shall be considered as final and valid except where an appeal has been lawfully taken or reserved. It is further understood that the judgments of the Courts established under the present Agreement shall be on the same footing as regards validity as the judgments of all other Chinese Courts.

5. It is understood that the present Agreement does not in any way affect or prejudice any future negotiations regarding the status of extra-Settlement roads.

6. It is understood that the sum of sixty thousand dollars ($60,000) now on deposit with the Bank of China to the credit of the present Chinese court in the International Settlement shall be maintained by the Chinese Government to the credit of the new Courts established under the present Agreement.

7. It is agreed that in accordance with Chinese law, there shall be maintained by the Courts established under the present Agreement, a storage room for articles confiscated by the Courts, which remain the property of the Chinese Government, it being understood that confiscated opium and instruments for the smoking and preparation thereof shall be burned publicly in the International Settlement every three months and that the Municipal Council may present to the Presidents of the Courts for transmission to the Ministry of Justice such suggestions as it may desire to make regarding the disposal of confiscated arms.

8. It is understood that upon the coming into force of the present Agreement, all cases pending in the Chinese court now functioning in the International Settlement shall be dealt with in the Courts established under the present Agreement in accordance with the procedure in force in the latter Courts, provided that the proceedings in mixed cases shall, as far as practicable, be continued from the point where they are taken over and concluded within a period of twelve months which period may be extended at the discretion of the Courts when the circumstances in any case so warrant.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

J. DE PINTO DIAZ
on behalf of the Brazilian Chargé d'Affaires

In the name of the American Minister,
JOSEPH E. JACOBS

W. MEYRICK HEWLETT
on behalf of His Britannic Majesty's Minister

L GRONVOLD
on behalf of the Norwegian Chargé d'Affaires

F E H GROENMAN
on behalf of the Netherlands chargé d'affaires

In the name of the French Minister:
E. KOECHLIN

HIS EXCELLENCY,
DR. CHENGTING T. WANG,
Minister for Foreign Affairs,
Nanking.

The Chinese Minister for Foreign Affairs to Each of the Foreign Signatories

NANKING, *February 17, 1930.*

SIR,

Confirmation by China.

I have the honour to acknowledge the receipt of your Note referring to the Agreement which we have signed to-day concerning the establishment of a District Court and a Branch High Court in the International Settlement at Shanghai, in which you request my confirmation of the following points:

"1. It is understood that the Courts established under the present Agreement shall exercise jurisdiction over civil and criminal cases as well as police offences and inquests in the International Settlement at Shanghai, provided that the jurisdiction of the said Courts over persons shall be the same as that of other Chinese Courts and provided that their territorial jurisdiction shall be the same as that of the Chinese court now functioning in the International Settlement at Shanghai, except (a) mixed criminal cases arising on private foreign property outside the limits of the Settlement and (b) mixed civil cases arising in areas surrounding the Settlement.

"2. It is understood that the present practice regarding the respective jurisdictions of the Chinese court now functioning in the International Settlement and the Court existing in the French Concession shall be followed, pending a definite arrangement between the Chinese Government and the authorities concerned.

"3. It is understood that as far as practicable Chinese shall be recommended by the Municipal Council to serve as officers and members of the judicial police of the Courts established under the present Agreement. It is further understood that among the officers of the judicial police appointed by the President of the Branch High Court under Article VI of the present Agreement, there will be one to be designated by the Municipal Council, to whom will be allotted by the President an office on the Court premises and who will make an entry of all judicial processes of the Courts, such as summonses, warrants, orders and judgments, for the purpose of service or execution in accordance with the provisions of the above-mentioned Article.

"4. It is understood that the establishment of the Courts provided for in the present Agreement in no way affects the validity of judgments rendered by the Chinese court now functioning in the International Settlement and its predecessor, and that such judgments shall be considered as final and valid except where an appeal has been lawfully taken or reserved. It is further understood that the judgments of the Courts established under the present Agreement shall be on the same footings as regards validity as the judgments of all other Chinese Courts.

"5. It is understood that the present Agreement does not in any way affect or prejudice any future negotiations regarding the status of extra-Settlement roads.

"6. It is understood that the sum of sixty thousand dollars ($60,000) now on desposit with the Bank of China to the credit of the present Chinese court in the International Settlement shall be maintained by the Chinese Government to the credit of the new Courts established under the present Agreement.

"7. It is agreed that in accordance with Chinese law, there shall be maintained by the Courts established under the present Agreement, a storage room for articles confiscated by the Courts, which remain the property of the Chinese Government, it being understood that confiscated opium and instruments for the smoking and preparation thereof shall be burned publicly in the International Settlement every three months and that the Municipal Council may present to the Presidents of the Courts for transmission to the Ministry of Justice such suggestions as it may desire to make regarding the disposal of confiscated arms.

"8. It is understood that upon the coming into force of the present Agreement, all cases pending in the Chinese court now functioning in the International Settlement shall be dealt with in the Courts established under the present Agreement in accordance with the procedure in force in the latter Courts, provided that the proceedings in mixed cases shall, as far as practicable, be continued from the point where they are taken over and concluded within a period of twelve months which period may be extended at the discretion of the Courts when the circumstances in any case so warrant."

In reply I have the honour to confirm the understanding of the points as quoted above.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

HSU MO
on behalf of the Minister for Foreign Affairs

HIS EXCELLENCY
MR. NELSON T. JOHNSON,
American Minister to China,
Nanking.

Unilateral Declaration of the Foreign Signatories to the Chinese Minister for Foreign Affairs

NANKING, CHINA. *February 17, 1930.*

EXCELLENCY:

Existing rights of signatories reserved.

With reference to the Agreement which we have signed today establishing a new Chinese judicial system in the International Settlement at Shanghai, we desire to point out that such Agreement cannot in any way affect or invalidate rights guaranteed to the Powers concerned and to their nationals under existing treaties between such Powers and China and we accordingly reserve our full rights in this regard.

Further reservations.

We further reserve the right to object to the enforcement in the International Settlement of any future Chinese laws that affect or in any way invalidate the Land Regulations or Bye-Laws of the International Settlement or that may be considered prejudicial to the maintenance of peace and order within this area.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

Signatures.

J. DE PINTO DIAZ
on behalf of the Brazilian Chargé d'Affaires
In the name of the American Minister
JOSEPH E. JACOBS
W. MEYRICK HEWLETT
on behalf of His Britannic Majesty's Minister
L GRONVOLD
on behalf of the Norwegian Chargé d'Affaires
F E H GROENMAN
on behalf of the Netherlands chargé d'affaires
In the name of the French Minister:
E. KOECHLIN

HIS EXCELLENCY
DR. C. T. WANG,
Minister for Foreign Affairs,
Nanking, China.

[No. 37]

Arrangement between the United States of America and Germany for air navigation. Effected by exchange of notes, signed May 27, 30, and 31, 1932, effective June 1, 1932.

May 27, 30, 31, 1932.

The American Ambassador (Sackett) to the German Minister of Foreign Affairs (Brüning)

No. 797 EMBASSY OF THE UNITED STATES OF AMERICA,
Berlin, May 27, 1932.

EXCELLENCY:

I have the honor to communicate to Your Excellency the text of the arrangement between the United States of America and Germany, on the subject of air navigation, as understood by me to have been agreed to in the negotiations which have just been concluded between the Embassy and your Ministry, as follows:

Arrangement with Germany governing air navigation.

AIR NAVIGATION ARRANGEMENT BETWEEN GERMANY AND THE UNITED STATES OF AMERICA.

ARTICLE 1

Pending the conclusion of a convention between Germany and the United States of America 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.

Tentative provisions.

ARTICLE 2

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

Area affected.

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.

Aircraft construed.

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.

Freedom of passage.

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.

Regular air routes by transport company. Consent required.

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,

Internal legislation to govern.

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

Restricted areas.

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

Procedure of aircraft on entering restricted area accidentally.

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 areas.

ARTICLE 8

Distinctive, etc., marks.

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.

Certificates required.

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.

Aircraft's papers.

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.

Crew requirements.

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

Validity of certificates.

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.

Rights reserved.

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

Radio regulations.

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

War material restrictions.

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

Inspection, etc.

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, etc.

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

Landings, etc.

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

Flight restrictions.

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 7, the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

ARTICLE 15

Ballast.

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

ARTICLE 16

Permission required to unload, etc., articles.

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

Registry.

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

Exchange of regulations.

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. Duration.

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 be understood that the arrangement will come into force on June 1, 1932. Ratification. Effective date.

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

FREDERICK M. SACKETT

HIS EXCELLENCY
DR. HEINRICH BRÜNING,
Minister of Foreign Affairs,
Berlin.

The German Under Secretary of State for Foreign Affairs (von Bülow) to the American Ambassador (Sackett)

AUSWÄRTIGES AMT
II F 1049

BERLIN, *den 27. Mai 1932.*

HERR BOTSCHAFTER!

Ich habe die Ehre, Euerer Exzellenz nachstehend den Wortlaut der Vereinbarung zwischen dem Deutschen Reich und den Vereinigten Staaten von Amerika über den Luftverkehr mitzuteilen, wie er in den Verhandlungen zwischen der Botschaft der Vereinigten Staaten von Amerika und dem Auswärtigen Amt zustande gekommen ist. Er lautet: Acceptance by Germany.

VEREINBARUNG ÜBER LUFTVERKEHR ZWISCHEN DEUTSCHLAND UND DEN VEREINIGTEN STAATEN VON AMERIKA.

ARTIKEL 1.

Bis zum Abschluss eines Abkommens zwischen Deutschland und den Vereinigten Staaten von Amerika über den Luftverkehr soll der Betrieb von Zivilluftfahrzeugen des einen Landes in dem anderen Lande durch folgende Vorschriften geregelt werden.

ARTIKEL 2.

Diese Vereinbarung soll Anwendung finden auf Deutschland und auf das Festland der Vereinigten Staaten von Amerika, ausschliesslich Alaska, einschliesslich der zugehörigen Territorialgewässer beider Länder.

ARTIKEL 3.

Als Luftfahrzeuge der beiden Vertragsteile gelten die in jedem Vertragsstaat ordnungsmässig eingetragenen Zivilluftfahrzeuge und die ausschliesslich für Handelszwecke benutzten staatlichen Luftfahrzeuge.

ARTIKEL 4.

Jeder Vertragsteil gewährt in Friedenszeiten den Luftfahrzeugen des anderen Vertragsteils das Recht zum Luftverkehr über seinem Gebeit unter der Voraussetzung, dass die Bestimmungen dieser Vereinbarung beachtet werden.

Es besteht jedoch Einverständnis darüber, dass die Einrichtung und der Betrieb von regelmässigen Luftverkehrslinien eines Luftfahrtunternehmens des einen Vertragsteils im Gebiet des anderen Vertragsteils oder über dieses Gebiet hinweg, mit oder ohne Zwischenlandung, an die vorherige Genehmigung des anderen Vertragsteils gebunden sein soll, die nach dem Grundsatze der Gegenseitigkeit und auf Antrag des Vertragsteils erteilt wird, dessen Staatsangehörigkeit das Luftverkehrsunternehmen besitzt.

ARTIKEL 5.

Die Luftfahrzeuge jedes Vertragsteils, ihre Besatzungen und Fluggäste unterliegen, während sie sich im Gebiet des anderen Vertragsteils befinden, der allgemeinen in diesem Gebiet geltenden Gesetzgebung sowie auch den dort geltenden Vorschriften über den Luftverkehr im allgemeinen, über die Beförderung von Fluggästen und Gütern und über die öffentliche Sicherheit und Ordnung, insoweit als diese Vorschriften auf alle ausländischen Luftfahrzeuge, ihre Besatzungen und Fluggäste Anwendung finden.

Jeder der beiden Vertragsteile wird die Einfuhr und Ausfuhr aller Güter, die nach den gesetzlichen Bestimmungen ein- oder ausgeführt werden können, sowie die Beförderung von Fluggästen vorbehaltlich etwaiger Zoll-, Einwanderungs- und Quarantänebeschränkungen, nach oder aus ihrem Gebiet mit Luftfahrzeugen des anderen Vertragsteils gestatten. Solche Luftfahrzeuge, ihre Passagiere und Ladungen sollen Anspruch auf dieselben Vorrechte haben und keinen anderen oder höheren Abgaben oder Gebühren unterworfen sein, wie die im internationalen gewerbsmässigen Luftverkehr eingesetzten Luftfahrzeuge des Landes, das solche Abgaben oder Gebühren erhebt, sowie deren Passagiere und Ladungen, und ebenso wie die im internationalen gewerbsmässigen Luftverkehr eingesetzten Luftfahrzeuge irgend eines fremden Landes und deren Passagiere und Ladungen.

Jeder der beiden Vertragsteile kann seinen eigenen Luftfahrzeugen den gewerbsmässigen Luftverkehr zwischen zwei Punkten im eigenen Lande vorbehalten. Indes können die Luftfahrzeuge jedes Vertragsteils im Gebiete des anderen Vertragsteils von einem Flughafen, zu dessen Benutzung sie berechtigt sind, nach einem anderen solchen Flughafen weiterfliegen, um dort ihre Ladungen im Ganzen oder in Teilen und die Fluggäste im Ganzen oder einzeln abzusetzen oder aufzunehmen. Voraussetzung ist hierbei, dass die Güter mit durchgehenden Frachturkunden und die Fluggäste mit durchgehenden Flugscheinen für Beförderungsstrekken versehen sind, deren Anfangs- und Endpunkt nicht beides solche Punkte sind, zwischen denen der gewerbsmässige Luftverkehr ordnungsmässig den einheimischen Luftfahrzeugen vorbehalten worden ist. Bei Weiterflügen der vorerwähnten Art von einem Flughafen nach einem anderen sollen die Luftfahrzeuge alle durch diese Vereinbarung eingeräumten Vorrechte geniessen, auch wenn es sich um Flughäfen handelt, zwischen denen der gewerbsmässige Luftverkehr ordnungsmässig vorbehalten worden ist.

ARTIKEL 6.

Jeder der beiden Vertragsteile soll das Recht haben, den Luftverkehr über bestimmten Zonen seines Gebiets unter der Voraussetzung zu verbieten, dass in dieser Beziehung kein Unterschied gemacht wird zwischen den einheimischen im internationalen Verkehr verwendeten Luftfahrzeugen und den ebenso verwendeten Luftfahrzeu-

gen des anderen Vertragsteils. Die Gebiete, über denen der Luftverkehr hiernach von dem einen Vertragsteil verboten ist, müssen dem anderen Vertragsteil mitgeteilt werden.

Jeder der beiden Vertragsteile behält sich das Recht vor, unter aussergewöhnlichen Umständen in Friedenszeiten den Luftverkehr über seinem Gebiet mit sofortiger Wirkung vorübergehend einzuschränken oder zu verbieten, unter der Voraussetzung, dass in dieser Beziehung kein Unterschied gemacht wird zwischen den Luftfahrzeugen des anderen Vertragsteils und den Luftfahrzeugen irgend eines fremden Staates.

ARTIKEL 7.

Jedes Luftfahrzeug, das über eine verbotene Zone gerät, soll, sobald der Führer sich dieser Tatsache bewusst wird, das Notsignal geben, das nach den Luftverkehrsregeln des überflogenen Staates vorgeschrieben ist, und soll so bald und so nahe wie möglich auf einem ausserhalb des verbotenen Zone gelegenen Flughafen dieses Staates landen.

ARTIKEL 8.

Alle Luftfahrzeuge müssen deutliche und gut sichtbare Hoheits- und Eintragungszeichen haben, die ihre Feststellung während des Fluges ermöglichen. Ausserdem müssen sie den Namen und den Wohnsitz des Eigentümers tragen.

Alle Luftfahrzeuge müssen mit Bescheinigungen über die Eintragung und die Lufttüchtigkeit sowie mit allen übrigen Urkunden versehen sein, die in dem Lande, in dem sie eingetragen sind, für den Luftverkehr vorgeschrieben sind.

Die Mitglieder der Besatzung, die an Bord eines Luftfahrzeugs Tätigkeiten ausüben, für die in dem Lande, in welchem das Luftfahrzeug eingetragen ist, eine besondere Erlaubnis verlangt wird, müssen mit allen Urkunden und insbesondere mit den Zeugnissen und Zulassungen versehen sein, die nach den geltenden Bestimmungen des Landes vorgeschrieben sind.

Die übrigen Mitglieder der Besatzung müssen mit Ausweisen über ihre Beschäftigung an Bord des Luftfahrzeugs, ihren Beruf, ihre Identität und ihre Staatsangehörigkeit versehen sein.

Die Lufttüchtigkeitsscheine, Befähigungszeugnisse und Zulassungsscheine, die von einem der Vertragsteile für die in seinem Gebiet eingetragenen Luftfahrzeuge oder deren Besatzungen ausgestellt oder als gültig anerkannt worden sind, sollen im Gebiet des anderen Vertragsteils dieselbe Gültigkeit haben, wie die entsprechenden in diesem Staat ausgestellten oder als gültig anerkannten Urkunden.

Jeder der beiden Vertragsteile behält sich das Recht vor, für Flüge innerhalb seines Gebiets den seinen Staatsangehörigen vom anderen Vertragsteil erteilten Befähigungszeugnissen und Zulassungsscheinen die Anerkennung zu versagen.

ARTIKEL 9.

Die Luftfahrzeuge jedes Vertragsteils dürfen Funkgerät im Gebiet des anderen Vertragsteils nur dann mitführen, wenn eine Zulassung zum Einbau und zum Betrieb solchen Geräts von der zuständigen Behörde des Vertragsteils erteilt worden ist, in dessen Gebiet das Luftfahrzeug eingetragen ist. Für die Benutzung solchen Geräts sind die Vorschriften massgebend, die von den zuständigen Behörden des Staatsgebiets erlassen worden sind, in dessen Luftraum das Luftfahrzeug sich befindet.

Solches Gerät darf nur von Mitgliedern der Besatzung bedient werden, die eine besondere Erlaubnis der Regierung des Staates besitzen, in dem das Luftfahrzeug eingetragen ist.

Beide Vertragsteile behalten sich das Recht vor, aus Sicherheitsgründen Vorschriften über die Verpflichtung zur Ausstattung von Luftfahrzeugen mit Funkgerät zu erlassen.

ARTIKEL 10.

Die Luftfahrzeuge, ihre Besatzung und die Fluggäste dürfen Kriegswaffen, Kriegssprengmittel oder Kriegsschiessbedarf über dem Gebiet des anderen Vertragsteils nur mit besonderer Erlaubnis der zuständigen Behörden des Staates mit sich führen, in dessen Luftraum das Luftfahrzeug sich befindet.

ARTIKEL 11.

Jeder Vertragsteil kann auf seinem Gebiet die Luftfahrzeuge des anderen Vertragsteils beim Abflug oder bei der Landung durch seine zuständigen Behörden untersuchen und die vorgeschriebenen Zeugnisse und sonstigen Urkunden prüfen lassen.

ARTIKEL 12.

Die Flughäfen des öffentlichen Verkehrs im Gebiet des einen Vertragsteils sollen, sofern sie unter der Kontrolle des Vetragsteils stehen, in dessen Gebiet sie gelegen sind, allen Luftfahrzeugen des anderen Vertragsteils zugänglich sein. Diese Luftfahrzeuge können auch den meteorologischen Nachrichtendienst, den Funk- und Beleuchtungsdienst sowie den Tages- und Nachtsignaldienst benutzen, sofern diese verschiedenen Arten von Dientsen unter der Kontrolle des Vertragsteils stehen, in dessen Gebiet sie ausgeübt werden. Die etwaigen Gebühren für Landung, Unterbringung oder sonstige Leistungen sollen, sofern diese Gebühren der Kontrolle des Vertragsteils unterliegen, in dessen Gebeit sie erhoben werden, für die Luftfahrzeuge der beiden Vertragsteile die gleichen sein.

ARTIKEL 13.

Der Einflug nach und der Ausflug von einem der beiden Vertragsstaaten darf nur nach oder von einem dem öffentlichen Verkehr dienenden Flughafen vorgenommen werden, der ein Zollflughafen mit Einrichtungen zur Durchführung der Einreisebestimmungen und zur Abfertigung von Luftfahrzeugen ist. Zwischen der Grenze und dem Flughafen darf eine Zwischenlandung nicht vorgenommen werden. In einzelnen Fällen können die zuständigen Behorden den Einflug nach oder den Ausflug von anderen Flughäfen gestatten, auf denen die Zoll- und Einreiseabfertigung vorzunehmen ist. Das Verbot von Zwischenlandungen gilt auch in diesen besonderen Fällen.

Im Falle einer Notlandung ausserhalb der im ersten Absatz dieses Artikels erwähnten Flughäfen haben sich der Führer des Luftfahrzeugs, seine Besatzung und Fluggäste nach den Zoll- und Einreisevorschriften zu richten, die in dem Gebiet gelten, in dem die Landung erfolgte.

Die Luftfahrzeuge jedes Vertragsteils müssen beim Einflug in das Gebiet des anderen Vertragsteils die dort geltenden Quarantänevorschriften erfüllen.

Die beiden Vertragsteile werden Listen der in ihrem Gebiet gelegenen Flughäfen austauschen, die von ihnen als Einreise- oder Ausreiseflughäfen bestimmt worden sind.

ARTIKEL 14.

Jeder der beiden Vertragsteile behält sich das Recht vor, zu verlangen, dass die Luftfahrzeuge die Grenzen seines Gebiets nur zwischen den von ihm bestimmten Punkten überfliegen. Vorbehaltlich der Mitteilung eines solchen Verlangens durch den einen Vertragsteil an den anderen und vorbehaltlich des Rechts, den Luftverkehr über bestimmten Zonen nach Artikel 7 zu verbieten können die Grenzen des Gebiets der beiden Vertragsteile an beliebigen Punkten überflogen werden.

ARTIKEL 15.

Als Ballast darf nur feiner Sand und Wasser abgeworfen werden.

ARTIKEL 16.

Unterwegs dürfen Gegenstände oder Stoffe ausser Ballast nur abgeworfen oder sonst entfernt werden, wenn die Behörden des Staates, dessen Hoheitsgebiet betroffen wird, die Erlaubnis hierfür besonders erteilt haben.

ARTIKEL 17.

Soweit bei Ausführung dieser Vereinbarung Fragen der Nationalität zu berücksichtigen sind, besteht Einverständnis darüber, dass die Luftfahrzeuge die Nationalität des Vertragsteils besitzen, in dessen Register sie ordnungsmässig eingetragen sind.

ARTIKEL 18.

Die Vertragsteile werden sich gegenseitig die für den Luftverkehr in ihrem Gebiete geltenden Vorschriften mitteilen.

ARTIKEL 19.

Diese Vereinbarung kann dem anderen Vertragsteil gegenüber mit 60tägiger Frist gekündigt werden. Sie endigt ferner mit dem Erlass von gesetzlichen Bestimmungen durch einen der beiden Vertragsteile, die im Widerspruch mit dieser Vereinbarung stehen.

Ich wäre Euerer Exzellenz für eine Mitteilung dankbar, ob der Wortlaut der Vereinbarung in der obigen Form die Zustimmung Ihrer Regierung findet. Bejahendenfalls darf ich das Einverständnis damit voraussetzen, dass die Vereinbarung mit dem 1. Juni 1932 in Kraft gesetzt wird.

Gern benutze ich diesen Anlass, um Ihnen, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern.

VON BÜLOW

SEINER EXZELLENZ
DEM BOTSCHAFTER DER VEREINIGTEN STAATEN VON AMERIKA
HERRN SACKETT.

[Translation]

FOREIGN OFFICE
II F 1049

BERLIN, *May 27, 1932.*

MR. AMBASSADOR:

I have the honor to communicate to Your Excellency herewith the text of the arrangement between the German Reich and the United States of America governing air navigation as it was arrived at in the negotiations between the Embassy of the United States of America and the Foreign Office. It reads:

ARRANGEMENT GOVERNING AIR NAVIGATION BETWEEN GERMANY AND THE UNITED STATES OF AMERICA.

[Here follows the German text of the arrangement, articles 1 to 19 inclusive, which is the equivalent of the English text communicated to the German Foreign Office by the American Ambassador in his note of May 27, 1932, *ante*, page 2725.]

I would be grateful if Your Excellency would inform me whether the text of the arrangement in the above form meets with the approval of your Government. If so, I venture to assume concurrence that the arrangement shall go into effect on June 1, 1932.

I avail myself of this opportunity to renew to you, Mr. Ambassador, the assurance of my highest consideration.

VON BÜLOW

HIS EXCELLENCY
THE AMBASSADOR OF THE UNITED STATES OF AMERICA
MR. SACKETT

The German Under Secretary of State for Foreign Affairs (von Bülow) to the American Ambassador (Sackett)

AUSWÄRTIGES AMT
II F 1269, I

BERLIN, *den 30. Mai 1932.*

HERR BOTSCHAFTER!

Ich habe die Ehre, Euerer Exzellenz den Empfang der beiden Schreiben vom 27.d.M.—Nr. 797 und 798—zu bestätigen und mitzuteilen, dass der darin weidergegebene Wortlaut der Vereinbarungen zwischen Deutschland und den Vereinigten Staaten von Amerika über den Luftverkehr und über die gegenseitige Anerkennung von Lufttüchtigkeitszeugnissen von Luftfahrzeugen, die als Handelsware aus dem anderen Lande eingeführt werden, die Zustimmung der Deutschen Regierung findet. Es besteht Einverständnis darüber, dass die beiden Vereinbarungen mit dem 1. Juni 1932 in Kraft treten.

Gern benutze ich diesen Anlass, um Ihnen, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern

B. W. VON BÜLOW

SEINER EXZELLENZ
DEM BOTSCHAFTER DER VEREINIGTEN STAATEN VON AMERIKA
HERRN SACKETT.

[Translation]

FOREIGN OFFICE
II F 1269, I

BERLIN, *May 30, 1932.*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's two communications of May 27—Nos. 797 and 798—and to state that the text given therein of the arrangements between Germany and the United States of America governing air traffic and the reciprocal acceptance of certificates of airworthiness for aircraft imported from the other country as merchandise, meets with the approval of the German Government. There is agreement in opinion that the two arrangements shall go into effect on June 1, 1932.

I avail myself of this occasion to renew to you, Mr. Ambassador, the assurance of my highest consideration.

B. W. VON BÜLOW

HIS EXCELLENCY
THE AMBASSADOR OF THE UNITED STATES OF AMERICA
MR. SACKETT.

The American Ambassador (Sackett) to the German Minister of Foreign Affairs (Brüning)

No. 800

BERLIN, *May 31, 1932.*

EXCELLENCY:

Adverting to your two Notes, both numbered II F 1049, of May 27, 1932, communicating to me the texts of the arrangements between the United States of America and Germany, on the subjects of air navigation and the acceptance by the one country of certificates of airworthiness for aircraft imported from the other country as merchandise, I have the honor to advise you that the texts of the arrangements therein set forth are as agreed to by my Government and that it is understood that the arrangements will come into force on June 1, 1932.

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

FREDERIC M. SACKETT

HIS EXCELLENCY
DR. HEINRICH BRÜNING,
Minister of Foreign Affairs,
Berlin.

[No. 38]

May 27, 30, 31, 1932. *Arrangement between the United States of America and Germany for the reciprocal recognition of certificates of airworthiness for imported aircraft. Effected by exchange of notes, signed May 27, 30, and 31, 1932, effective June 1, 1932*

The American Ambassador (Sackett) to the German Minister of Foreign Affairs (Brüning)

No. 798 EMBASSY OF THE UNITED STATES OF AMERICA,

Berlin, May 27, 1932.

EXCELLENCY:

Arrangement with Germany for the reciprocal recognition of certificates of airworthiness for imported aircraft.

I have the honor to communicate to Your Excellency the text of the arrangement between the United States of America and Germany, 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 Embassy and your Ministry, as follows:

An Arrangement between Germany and the United States of America Providing for the Acceptance by the One Country of Certificates of Airworthiness for Aircraft imported from the Other Country as Merchandise.

1. The present arrangement applies to civil aircraft constructed in Germany and exported to Continental United States of America, exclusive of Alaska; and to civil aircraft constructed in Continental United States of America, exclusive of Alaska, and exported to Germany.

2. The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the German Government for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that in each case a certificate of airworthiness for export has also been issued by the authorities of the German Government for the individual aircraft and provided that certificates of airworthiness issued by the competent authorities in the United States for aircraft subsequently to be registered in Germany are similarly given the same validity as if they had been issued under the regulations in force on the subject in Germany.

3. The above arrangement shall 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.

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 be understood that the arrangement will come into force on June 1, 1932.

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

FREDERIC M. SACKETT

HIS EXCELLENCY
DR. HEINRICH BRÜNING,
Minister of Foreign Affairs,
Berlin.

The German Under Secretary of State for Foreign Affairs (von Bülow) to the American Ambassador (Sackett)

AUSWÄRTIGES AMT
II F 1049

BERLIN, *den 27. Mai 1932.*

HERR BOTSCHAFTER!

Agreement by Germany.

Ich habe die Ehre, Euerer Exzellenz nachstehend den Wortlaut der Vereinbarung zwischen Deutschland und den Vereinigten Staaten von Amerika über die gegenseitige Anerkennung von Lufttüchtigkeitszeugnissen von Luftfahrzeugen, die als Handelsware aus dem anderen Lande eingeführt werden, mitzuteilen, wie er in den Verhandlungen zwischen der Botschaft der Vereinigten Staaten von Amerika und dem Auswärtigen Amt zustande gekommen ist. Er lautet:

Vereinbarung zwischen Deutschland und den Vereinigten Staaten von Amerika über die gegenseitige Anerkennung von Lufttüchtigkeitszeugnissen von Luftfahrzeugen, die als Handelsware aus dem anderen Lande eingeführt werden.

---

1. Diese Vereinbarung bezieht sich auf Zivilluftfahrzeuge, die in Deutschland hergestellt und nach dem Festland der Vereinigten Staaten von Amerika, mit Ausnahme von Alaska ausgeführt werden, sowie auf Zivilluftfahrzeuge, die auf dem Festland der Vereinigten Staaten von Amerika, mit Ausnahme von Alaska, hergestellt und nach Deutschland ausgeführt werden.

2. Den Lufttüchtigkeitsscheinen, die von den zuständigen Behörden der Deutschen Regierung für diejenigen Luftfahrzeuge ausgestellt sind, die später in den Vereinigten Staaten eingetragen werden sollen, soll die gleiche Gültigkeit beigelegt werden, als ob sie nach den hierfür in den Vereinigten Staaten geltenden Bestimmungen ausgestellt worden wären. Voraussetzung hierfür ist, dass auch ein Lufttüchtigkeitsschen für Ausfuhrzwecke von den Behörden der Deutschen Regierung für das einzelne Luftfahrzeug erteilt worden ist und dass die von den zuständigen Behörden in den Vereinigten Staaten ausgestellten Lufttüchtigkeitsscheine für diejenigen Luftfahrzeuge, die später in Deutschland eingetragen werden, dort in gleicher Weise Gültigkeit haben, als wenn sie nach den in Deutschland geltenden Vorschriften ausgestellt worden wären.

3. Die vorstehende Vereinbarung soll sich auf die Zivilluftfahrzeuge aller Arten erstrecken, einschliesslich derjenigen des öffentlichen Verkehrs und derjenigen, die zu privaten Zwecken verwendet werden.

4. Diese Vereinbarung kann von jeder der beiden Regierungen der anderen gegenüber mit 60tägiger Frist gekündigt werden. Falls indes eine der beiden Regierungen durch einen späteren gesetzgeberischen Akt daran verhindert sein sollte, die Bestimmungen dieser Vereinbarung voll durchzuführen, so soll sie automatisch hinfällig werden.

Ich wäre Euerer Exzellenz für eine Mitteilung dankbar, ob der Wortlaut der Vereinbarung in der obigen Form die Zustimmung Ihrer Regierung findet. Bejahendenfalls darf ich das Einverständnis damit voraussetzen, dass die Vereinbarung mit dem 1. Juni 1932 in Kraft gesetzt wird.

Gern benutze ich diesen Anlass, um Ihnen, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern.

VON BÜLOW

SEINER EXZELLENZ
DEM BOTSCHAFTER DER VEREINIGTEN STAATEN VON AMERIKA
HERRN SACKETT

[Translation]

FOREIGN OFFICE
II F 1049

BERLIN, *May 27, 1932.*

MR. AMBASSADOR:

I have the honor to communicate to Your Excellency herewith the text of the arrangement between Germany and the United States of America governing the acceptance by the one country of certificates of airworthiness for aircraft imported from the other country as merchandise, as it was arrived at in the negotiations between the Embassy of the United States of America and the Foreign Office. It reads:

Arrangement between Germany and the United States of America Providing for the Acceptance by the One Country of Certificates of Airworthiness for Aircraft Imported from the Other Country as Merchandise.

[Here follows the German text of the arrangement, articles 1 to 4, inclusive, which is the equivalent of the English text communicated by the American Ambassador in his note of May 27, 1932, *ante*, page 160.]

I would be grateful if Your Excellency would inform me whether the text of the arrangement in the above form meets with the approval of your Government. If so, I venture to assume concurrence that the arrangement shall go into effect on June 1, 1932.

I avail myself of this opportunity to renew to you, Mr. Ambassador, the assurance of my highest consideration.

VON BÜLOW

HIS EXCELLENCY
THE AMBASSADOR OF THE UNITED STATES OF AMERICA
MR. SACKETT

The German Under Secretary of State for Foreign Affairs (von Bülow) to the American Ambassador (Sackett)

AUSWÄRTIGES AMT
II F 1269, I

BERLIN, *den 30. Mai 1932.*

HERR BOTSCHAFTER!

Ich habe die Ehre, Euerer Exzellenz den Empfang der beiden Schreiben vom 27.d.M.—Nr. 797 und 798—zu bestätigen und mitzuteilen, dass der darin wiedergegebene Wortlaut der Vereinbarungen zwischen Deutschland und den Vereinigten Staaten von Amerika über den Luftverkehr und über die gegenseitige Anerkennung von

Lufttüchtigkeitszeugnissen von Luftfahrzeugen, die als Handelsware aus dem anderen Lande eingeführt werden, die Zustimmung der Deutschen Regierung findet. Es besteht Einverständnis darüber, dass die beiden Vereinbarungen mit dem 1. Juni 1932 in Kraft treten.

Gern benutze ich diesen Anlass, um Ihnen, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern.

B. W. VON BÜLOW

SEINER EXZELLENZ
DEN BOTSCHAFTER DER VEREINIGTEN STAATEN VON AMERIKA
HERRN SACKETT.

[Translation]

FOREIGN OFFICE
II F 1269, I

BERLIN, *May 30, 1932.*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's two communications of May 27—Nos. 797 and 798—and to state that the text given therein of the arrangements between Germany and the United States of America governing air traffic and the reciprocal acceptance of certificates of airworthiness for aircraft imported from the other country as merchandise, meets with the approval of the German Government. There is agreement in opinion that the two arrangements shall go into effect on June 1, 1932.

Ante, pp. 2721, 2732.

I avail myself of this occasion to renew to you, Mr. Ambassador, the assurance of my highest consideration.

B. W. VON BÜLOW

HIS EXCELLENCY
THE AMBASSADOR OF THE UNITED STATES OF AMERICA
MR. SACKETT.

The American Ambassador (Sackett) to the German Minister of Foreign Affairs (Brüning)

No. 800 EMBASSY OF THE UNITED STATES OF AMERICA,
Berlin, May 31, 1932.

EXCELLENCY:

Adverting to your two Notes, both numbered II F 1049, of May 27, 1932, communicating to me the texts of the arrangements between the United States of America and Germany, on the subjects of air navigation and the acceptance by the one country of certificates of airworthiness for aircraft imported from the other country as merchandise, I have the honor to advise you that the texts of the arrangements therein set forth are as agreed to by my Government and that it is understood that the arrangements will come into force on June 1, 1932.

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

FREDERIC M. SACKETT

HIS EXCELLENCY
DR. HEINRICH BRÜNING,
Minister of Foreign Affairs,
Berlin.

October 7, 1931.
February 4 and April 19, 1932.

Arrangement between the United States of America and Belgium for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed October 7, 1931, February 4, 1932, and April 19, 1932.

The American Ambassador (Gibson) to the Belgian Minister of Foreign Affairs (Hymans)

No. 708 EMBASSY OF THE UNITED STATES OF AMERICA,
Brussels, October 7, 1931

MR. MINISTER,

Arrangement with Belgium for the reciprocal recogniton of load-line certificates.

I have the honor to refer to your Excellency's note of March 31, 1931, (Direction Générale B., Section I.B./Communications, No. C.24/1081) pertaining to the conclusion between the Governments of Belgium and the United States of a reciprocal agreement concerning ship load lines.

Pursuant to instructions from my Government, I now have the honor to inform Your Excellency that the substance of this note and the text of the excerpt of the Belgian law of August 25, 1920, submitted therewith, have been examined by the competent authorities of my Government.

In answer to the inquiry whether the American Government does not share the view of the Belgian Minister of Transports that the reciprocal agreement concerning the inspection of vessels, existing between the two countries since June 1, 1922, would be applicable to the control of load lines, I have the honor to inform Your Excellency that the competent authorities of my Government do not believe that this agreement could be interpreted to cover load lines, and that they consider it would be preferable to negotiate a separate arrangement.

The Government of the United States has taken due notice of the Belgian law which provides that "the freeboard of vessels shall be determined in accordance with the rules and freeboard tables of the French Bureau Veritas or of Lloyds Registry of Shipping, or in accordance with rules and tables recognized as equivalent thereto."

In connection with this provision, my Government is willing to conclude a reciprocal agreement in regard to load lines with the Government of Belgium with the understanding that the rules and freeboard tables employed by the French Bureau Veritas and by Lloyds Registry of Shipping are the freeboard rules and tables of the French Government and the 1906 rules of the British Board of Trade, respectively.

Subject to the above understanding the Government of the United States is prepared to agree that pending the coming into force of the International Load Line Convention of 1930, in the United States and Belgium, the competent authorities of the Government of the United States will recognize the load line marks and the certificate of such marking on the merchant vessels of Belgium made in accordance with either of the foregoing systems of rules and tables as equivalent to load line marks and certificates of such markings made pursuant to the laws and regulations of the United States; provided, that the load line marks are in accordance with the load line certificates; that

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

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

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

It will be understood by this Government that on the receipt by the Embassy of a note from Your Excellency to the effect that the competent authorities of the Belgian Government will recognize the load line marks and certificates thereof on merchant vessels of the United States, executed pursuant to the laws and regulations of this Government, as equivalent to load line marks and certificates made in accordance with the laws and regulations in force in Belgium, and expressing the Belgian Government's concurrence in this Government's understanding as above set forth, the agreement will become effective.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

HUGH GIBSON

HIS EXCELLENCY
MONSIEUR PAUL HYMANS,
Minister of Foreign Affairs.

The Belgian Minister of Foreign Affairs (Hymans) to the American Charge d'Affaires ad interim (Mayer)

Recognition by Belgium.

MINISTÈRE DES AFFAIRES ETRANGÈRES,
Bruxelles, le 4 février 1932

Direction Générale B.
Section I. B., Comm.
No. C.24/354

MONSIEUR LE CHARGÉ D'AFFAIRES,

Je n'avais pas manqué de porter à la connaissance de M. le Ministre des Transports les termes de la lettre de l'Ambassade en date du 7 octobre dernier, No. 708, au sujet de la conclusion entre les deux pays d'un accord provisoire concernant la limite de charge des navires.

J'ai l'honneur de vous faire connaître que les règles et tables de franc-bord que rappelle l'art. 161 de l'arrêté royal du 8 novembre 1920, formant règlement d'application de la loi sur la sécurité des navires, sont bien les règles et tables de franc-bord du Gouvernement français, appliquées par la Bureau Veritas et les règles de 1906 du Board of Trade britannique appliquées par le "Lloyd's Register of Shipping."

Etant donné que le Gouvernement des Etats-Unis estime ne pas pouvoir se rallier à la proposition qui lui a été présentée, d'appliquer en matière de franc-bord l'accord de réciprocité concernant la sécurité des navires, conclu en 1922, le Gouvernement du Roi accepte l'arrangement proposé par le Gouvernement des Etats-Unis.

Celui-ci aura donc un caractère provisoire et est destiné à prendre fin dès que les deux Gouvernements auront ratifié la Convention internationale sur les lignes de charge et que celle-ci aura été mise en vigueur.

Le Gouvernement du Roi déclare, en conséquence, que, par mesure de réciprocité répondant aux mesures annoncées par le Gouvernement américain, le Gouvernement belge admettra, qu'en attendant l'entrée en vigueur aux Etats-Unis et en Belgique de la Convention Internationale sur les lignes de charge du 5 juillet 1930, et sous réserve des conditions énoncées ci-dessous, les autorités compétentes du Gouvernement belge reconnaîtront les marques de ligne de charge et le certificat de démarcation des navires de commerce sous pavillon des Etats-Unis établis conformément aux lois et règlements en vigueur aux Etats-Unis, comme étant équivalents aux marques de lignes de charge et certificats de ces démarcations établis conformément à la loi belge.

Cette reconnaissance est subordonnée aux conditions suivantes:

1) les marques de lignes de charge seront conformes aux certificats de lignes de charge;

2) la coque et les superstructures du navire auquel le certificat est délivré n'auront pas subi, depuis la délivrance du certificat, des modifications d'une importance telle qu'elles affectent les calculs sur lesquels la ligne de charge a été basée;

3) les modifications apportées ne seront pas de nature telle que la protection des ouvertures, les maincourantes, les sabords de décharge, les moyens d'accès aux postes de l'équipage aient manifestement rendu le navire impropre à se rendre en mer sans danger pour la vie humaine.

Connaissance est donnée du présent arrangement aux services belges d'inspection maritime qui reçoivent pour instructions de l'observer dès à présent.

Il convient de remarquer que la correspondance qui a été échangée au sujet de la question traitée ci-dessus est antérieure à l'arrêté royal du 14 septembre 1931 qui permet aux propriétaires belges d'obtenir pour leurs navires le franc-bord établi conformément au règlement annexé à la Convention Internationale sur les lignes de charge signée à Londres, le 5 juillet 1930; cet arrêté royal introduit donc dans cette question un élément nouveau dont il n'a pu être tenu compte.

Mais cette circonstance n'est pas de nature à énerver l'arrangement proposé attendu que le règlement américain sur les francs-bords est identique au règlement annexé à la Convention mentionnée.

Puisque le Gouvernement des Etats-Unis est disposé à reconnaître les francs-bords des navires belges attribués suivant les anciennes règles, le Gouvernement du Roi estime donc acquis qu'il reconnaîtra également le franc-bord assigné dans les conditions prévues dans le nouveau règlement belge sur la matière. Il estime cependant opportun d'attirer encore l'attention du Gouvernement des Etats-Unis sur le fait que, suivant ce dernier règlement la marque de l'autorité habilitée en Belgique pour l'assignation des francs-bords consiste dans les lettres B.I. lorsque le franc-bord est établi par le service officiel belge qualifié à cet effet.

J'ai l'honneur de vous faire parvenir à ce propos les 3 exemplaires de l'arrêté royal du 14 septembre 1931 ainsi que 3 formulaires du certificat de franc-bord du modèle utilisé par l'inspection maritime belge.[2]

Je vous saurais gré, Monsieur le Chargé d'Affaires, de m'adresser une communication marquant l'accord du Gouvernement des Etats-Unis au sujet du présent arrangement.

La date de cette communication pourrait être considérée comme indiquant la mise en vigueur de l'arrangement.

Veuillez agréer, Monsieur le Chargé d'Affaires, l'assurance de ma considération la plus distinguée.

Pour le Ministre:
Le Directeur Général.

MONSIEUR MAYER,
Chargé d'Affaires des Etats-Unis,
Bruxelles.

[Translation]

General Division B
Section I.B., Comm.
No. C.24/354

MINISTRY FOR FOREIGN AFFAIRS,
Brussels, February 4, 1932.

SIR:

I did not fail to inform the Minister for Transportation of the contents of the Embassy's note of October 7 last, No. 708, concerning the negotiation between the two countries of a temporary agreement on load-line regulations of vessels.

I have the honor to inform you that the regulations and tables of load lines which are mentioned in article 161 of the royal decree of November 8, 1920, constituting a ruling for the application of the law concerning the safety of vessels, are the regulations and tables of load lines of the French Government as given by the Veritas Bureau and the rules of 1906 of the British Board of Trade as given in "Lloyd's Register of Shipping."

As the Government of the United States feels that it cannot assent to the proposal that has been submitted to it, of applying in the matter of load-line regulations the reciprocity agreement concerning the safety of vessels, concluded in 1922, the Government of the King accepts the arrangement proposed by the Government of the United States.

This arrangement will have, therefore, a temporary character and is destined to come to an end as soon as the two Governments shall have ratified the international agreement concerning load lines and as soon as this agreement shall come into force.

The Government of the King declares, consequently, that as a measure of reciprocity corresponding to the measures stated by the American Government, the Belgian Government will, in the interim before the enforcement in the United States and in Belgium of the international agreement on load lines, of July 5, 1930, and with the exception of the conditions set forth below, permit competent authorities of the Belgian Government to recognize the marks of the load lines and the certificates of these lines for merchant vessels under the United States flag, when these are established in conformity with the laws and regulations in force in the United States, as being equivalent to the marks of the load lines and the certificates of these lines established in conformity with Belgian law.

This recognition is subject to the following conditions:

1) The marks of the load lines shall correspond to the certificates of the load lines;

2) Alterations of sufficient importance to affect the calculations on which the load line was based shall not have been made, since the issuance of the certificate, to the hull and to the superstructure of the vessel concerned;

3) The alterations made shall not be of such a nature that the protection of openings, handrails, cargo ports, means of access to the crew's stations, shall render the vessel manifestly unfit to go to sea without danger to human life.

The Belgian Maritime Inspection Service has been notified of the present arrangement and instructed to observe it henceforth.

It is appropriate to point out that the correspondence exchanged on the subject discussed above, precedes the royal decree of September 14, 1931, which allows Belgian shipowners to obtain for their vessels the load line established in conformity with the ruling forming an annex to the International Load Line Agreement signed at London on July 5, 1930; thus this royal decree introduces into this question a new element which it has been impossible to take into consideration.

But this circumstance is not of a character to affect the proposed arrangement since the American ruling on load lines is identical with the ruling forming an annex to the agreement above mentioned.

Since the Government of the United States is disposed to recognize the load lines of Belgian vessels assigned according to the old regulations, the Government of the King takes it for granted that the Government of the United States will likewise recognize the load line assigned according to the conditions provided in the new Belgian ruling in this matter. The Government of the King considers it opportune, however, again to call the attention of the Government of the United States to the fact that, in accordance with this latter regulation, the assignment of load lines consists of the letters B.I. when the load line is established by the official Belgian authorities qualified for this purpose.

I have the honor to forward to you in this connection three copies of the royal decree of September 14, 1931, as well as three copies of the official form of load-line certificate used by the Belgian Maritime Inspection Service.

I should appreciate your addressing me a letter stating the assent of the Government of the United States to the present arrangement.

The date of this communication could be considered as signifying the coming into force of the arrangement.

Be so kind as to accept, Sir, the assurance of my most distinguished consideration.

For the Minister:
The Director General.

MR. MAYER,
Chargé d'Affaires of the United States,
Brussels.

The American Chargé d'Affaires ad interim (Mayer) to the Belgian Minister of Foreign Affairs (Hymans)

No. 804 EMBASSY OF THE UNITED STATES OF AMERICA,
Brussels, April 19, 1932

MR. MINISTER,

I have the honor to refer to Your Excellency's note of February 4, 1932 (Direction Générale B, Section I.B./Comm., No. C.24/354) and to its enclosures, regarding the conclusion of an arrangement between Belgium and the United States for the reciprocal recognition of ship load-line certificates.

My Government agrees, as requested in this note, to recognize the certificates issued by the Government of Belgium pursuant to the Royal Decree of September 14, 1931, which allows Belgian shipowners the privilege of obtaining for their vessels the load line established in conformity with the ruling which forms an annex to the International Load Line Convention signed at London on July 5, 1930.

The Government of the United States accordingly understands that the arrangement has been completed by the exchange of notes and is effective from the date of this note.

I would greatly appreciate confirmation of this understanding, and I avail myself of this occasion to renew to you, Mr. Minister, the assurances of my highest consideration.

FERDINAND LATHROP MAYER,
Chargé d'Affaires ad interim.

HIS EXCELLENCY
MONSIEUR PAUL HYMANS,
Minister of Foreign Affairs.

[No. 40]