TREATIES AND AGREEMENTS AFFECTING CANADA

IN FORCE BETWEEN

HIS MAJESTY AND THE UNITED STATES OF AMERICA

WITH SUBSIDIARY DOCUMENTS

1814-1925

Compiled in the Department of External Affairs

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1927

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Attention may be drawn to the view of the British Government as to the effect of the war with the United States of 1812-14 upon previously existing Treaties between the two countries, declared by Earl Bathurst, His Majesty's Principal Secretary of State for Foreign Affairs, in a note addressed to Mr. John Quincy Adams, the United States Minister in London, on the 30th October, 1815.

The United States in that year having supported a pretension for their citizens to continue the enjoyment of fishing privileges within British sovereignty conferred by the Treaty of 1783 on the ground that that Treaty was of a peculiar character and could not be abrogated by a subsequent war between the parties, Lord Bathurst in repudiating the pretension employed the following language:—

" To a position of this novel nature Great Britain cannot accede. She knows of no exception to the rule that all Treaties are put an end to by a subsequent War between the same Parties."

[See British and Foreign State Papers, Vol. 7, p. 94.]

TREATY OF GHENT

1814

TREATY OF PEACE AND AMITY, BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA[1]

SIGNED AT GHENT, THE 24TH DECEMBER, 1814

(Ratifications exchanged 17 February, 1815)

His Britannic Majesty and The United States of America, desirous of terminating the War which has unhappily subsisted between the two Countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have for that purpose appointed their respective Plenipotentiaries, that is to say:

His Britannic Majesty, on his part, has appointed the Right Hon. James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's fleet; Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State; and William Adams, Esquire, Doctor of Civil Laws;

And the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States;

Who, after a reciprocal communication of their respective Full Powers, have agreed upon the following Articles:

Article I. There shall be a firm and universal Peace between His Britannic Majesty and the United States, and between their respective Countries, Territories, Cities, Towns and People of every degree, without exception of Places or Persons. All hostilities, both by sea and land, shall cease as soon as this Treaty shall have been ratified by both parties, as hereinafter mentioned. All Territory, Places and Possessions whatsoever taken by either party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery or other public property originally captured in the said Forts or Places, and which shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private property. And all Archives, Records, Deeds and Papers, either of a public nature, or belonging to private Persons, which, in the course of the War, may have fallen into the hands of the Officers of either Party, shall be, as far as may be practicable, forthwith restored and delivered to the proper Authorities and Persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both Parties, shall remain in the possession of the Party in whose occupation they may be at the time of the exchange of the Ratifications of this Treaty, until the decision respecting the title to the said Islands, shall have been made in conformity with the IVth Article of this Treaty. No disposition made by this Treaty, as to such possession of the Islands and Territories claimed by both Parties, shall, in any manner whatever, be construed to affect the right of either.

II. Immediately after the Ratifications of this Treaty by both Parties, as hereinafter mentioned, orders shall be sent to the Armies, Squadrons, Officers, Subjects, and Citizens of the two Powers, to cease from all hostilities. And to

[1] From British & Foreign State Papers, Vol. 2, p. 357.

prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said Ratifications of this Treaty, it is reciprocally agreed, that all Vessels and effects which may be taken after the space of 12 days from the said Ratifications, upon all parts of the coast of North America, from the latitude of 23 degrees North, to the latitude of 50 degrees North, and as far eastward in the Atlantic Ocean as the 36th degree of West longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be 30 days in all other parts of the Atlantic Ocean, North of the Equinoxial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; 40 days for the North Seas, for the Baltic, and for all parts of the Mediterranean; 60 days for the Atlantic Ocean, South of the Equator, as far as the latitude of the Cape of Good Hope; 90 days for every other part of the World, south of the Equator; and 120 days for all other parts of the World, without exception.

III. All Prisoners of War taken on either side, as well by land as by sea, shall be restored as soon as practicable after the Ratifications of this Treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two Contracting Parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such Prisoners.

IV. Whereas it was stipulated by the IInd Article in the Treaty of Peace, of 1783,* between His Britannic Majesty and the United States of America, that the boundary of The United States should comprehend all Islands within 20 leagues of any part of the shores of The United States, and lying between Lines to be drawn due East from the points where the aforesaid Boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean, excepting such Islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Manan in the said Bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid Boundaries, which

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* (Extract.)—*Definitive Treaty of Peace between Great Britain and the United States.—Paris, 3rd September, 1783.*

Article II. And that all disputes which might arise in future on the Subject of the Boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz., from the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north, from the source of St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north westernmost head of Connecticut river; thence down along the middle of that river to the 45th degrees of north latitude; from thence by a line due west on said latitude, until it strikes the River Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario; through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said lake, until it arrives at the water-communication between that lake and Lake Huron; thence along the middle of said water-communication into the Lake Huron; thence through the middle of said lake to the water-communication between that lake and Lake Superior; thence through Lake Superior, northward of the Isles Royal and Phelipeaux, to the Long lake; thence through the middle of said Long lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi; until it shall intersect the northernmost part of the 31st degree of north latitude:—South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence strait to the head of St. Marys river, and thence down along the middle of St. Marys river to the Atlantic Ocean:—East, by line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source; and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence; comprehending all islands within 20 leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

said Islands are claimed as belonging to His Britannic Majesty, as having been at the time of, and previous to the aforesaid Treaty of 1783, within the limits of the Province of Nova Scotia.

In order, therefore, finally to decide upon these Claims it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed, shall be sworn impartially to examine and decide upon the said Claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively.

The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other Place or Places as they shall think fit. The said Commissioners shall, by a Declaration or Report under their hands and seals, decide to which of the two Contracting Parties, the several Islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783; and if the said Commissioners shall agree in their decision, both Parties shall consider such decision as final and conclusive.

It is further agreed that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make jointly or separately, a Report or Reports, as well to the Government of His Britannic Majesty as to that of the United States stating, in detail, the points on which they differ and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them, have so refused, declined, or omitted to act.

And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said Report or Reports, or upon the Report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be.

And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such Friendly Sovereign or State, together with the Report of such other Commissioner, then such Sovereign or State shall decide, *ex parte,* upon the said Report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such Friendly Sovereign or State to be final and conclusive on all the matters so referred.

V. Whereas neither that point of the Highlands lying due North from the source of the River St. Croix, and designated in the former Treaty of Peace* between the two Powers, as the Northwest Angle of Nova Scotia, nor the North-Westernmost head of the Connecticut River, has yet been ascertained; and whereas that part of the Boundary Line between the Dominions of the two Powers, which extends from the source of the River St. Croix, directly North to the above-mentioned Northwest Angle of Nova Scotia, thence along the said Highlands which divide those Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the North-Westernmost head of Connecticut River, thence down along the middle of that River to the 45th degree of North Latitude, thence by a line due West on said Latitude,

* See extract, page 2.

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until it strikes the River Iroquois or Cataraquy, has not yet been surveyed; it is agreed, that for these several purposes two Commissioners shall be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in the present Article.

The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other Place or Places, as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above-mentioned, in conformity with the provisions of the said Treaty of Peace of 1783, and shall cause the boundary aforesaid, from the source of the River St. Croix to the River Iroquois or Cataraquy, to be surveyed and marked, according to the said provisions. The said Commissioners shall make a Map of the said Boundary, and annex to it a declaration, under their Hands and Seals, certifying it to be the true Map of the said Boundary, and particularizing the Latitude and Longitude of the Northwest Angle of Nova Scotia, of the North-Westernmost head of Connecticut River, and of such other points of the said Boundary, as they may deem proper.

And both Parties agree to consider such Map and Declaration as finally and conclusively fixing the said Boundary. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them, or either of them, and such reference to a Friendly Sovereign or State shall be made, in all respects, as in the latter part of the IVth Article is contained, and in as full a manner as if the same was herein repeated.

VI. Whereas, by the former Treaty of Peace, that portion of the Boundary of the United States, from the point where the 45th degree of North Latitude strikes the River Iroquois or Cataraquy to the Lake Superior, was declared to be "along the middle of said River into Lake Ontario, through the middle of said Lake, until it strikes the communication by water between that Lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said Lake, until it arrives at the Water-communication into the Lake Huron; thence through the middle of said Lake to the Water-communication between that Lake and Lake Superior." And whereas doubts have arisen what was the middle of the said River, Lakes and Water-communications, and whether certain Islands lying in the same were within the Dominions of His Britannic Majesty, or of the United States. In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed, with repect to those mentioned in the next preceding Article, unless otherwise specified in this present Article.

The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other Place or Places as they shall think fit; the said Commissioners shall, by a Report or Declaration, under their Hands and Seals, designate the Boundary through the said River, Lakes, and Water-communications, and decide to which of the two Contracting Parties the several Islands lying within the said River, Lakes, and Water-communications, do respectively belong, in conformity with the true intent of the said Treaty of 1783.* And both Parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them, or either of them, and such reference to a Friendly Sovereign or State, shall be made in all respects as in the latter part of the IVth Article is contained, and in as full a manner as if the same was herein repeated.

* See extract, page 2.

VII. It is further agreed that the said two last-mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding Article, shall be, and they are hereby authorized, upon their Oaths, impartially to fix and determine, according to the true intent of the said Treaty of Peace of 1783, that part of the Boundary between the Dominions of the two Powers, which extends from the Water-communication between Lake Huron and Lake Superior, to the most North-western point of the Lake of the Woods, to decide to which of the two Parties the several Islands lying in the Lakes, Water-communications and Rivers forming the said Boundary, do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783; and to cause such parts of the said Boundary, as require it, to be surveyed and marked.

The said Commissioners shall, by a Report or Declaration, under their Hands and Seals, designate the Boundary aforesaid, state their decision on the points thus referred to them, and particularize the Latitude and Longitude of the most North-western point of the Lake of the Woods, and of such other parts of the said Boundary as they may deem proper. And both Parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements shall be made by them, or either of them, and such reference to a Friendly Sovereign or State, shall be made in all respects as in the latter part of the IVth Article is contained, and in as full a manner as if the same was herein repeated.

VIII. The several Boards of two Commissioners, mentioned in the four preceding Articles, shall respectively have power to appoint a Secretary, and to employ such Surveyors, or other Persons, as they shall judge necessary. Duplicates of all their respective Reports, Declarations, Statements, and Decisions, and of their Accounts, and of the Journal of their Proceedings, shall be delivered by them to the Agents of His Britannic Majesty, and to the Agents of The United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments.

The said Commissioners shall be respectively paid in such manner as shall be agreed between the two Contracting Parties, such agreement being to be settled at the time of the exchange of the Ratifications of this Treaty. And all other expenses attending the said Commissioners, shall be defrayed equally by the two Parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same Oath or Affirmation, and do the same duties.

It is further agreed, between the two Contracting Parties, that in case any of the Islands, mentioned in any of the preceding Articles, which were in the possession of one of the Parties, prior to the commencement of the present War between the two countries, should, by the decision of any of the Boards of Commissioners aforesaid, or of the Sovereign or State so referred to, as in the four next preceding Articles contained, fall within the Dominions of the other Party, all grants of land made previous to the commencement of the War, by the Party having had such possession, shall be as valid as if such Island or Islands had by such decision or decisions, been adjudged to be within the Dominions of the Party having had such possession.

IX. The United States of America engage to put an end, immediately after the Ratification of the present Treaty, to hostilities with all the Tribes or Nations of Indians, with whom they may be at War at the time of such Ratification; and forthwith to restore to such Tribes or Nations respectively,

all the Possessions, Rights, and Privileges, which they may have enjoyed, or been entitled to in 1811, previous to such hostilities: Provided always, that such Tribes or Nations shall agree to desist from all hostilities against The United States of America, their Citizens and Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

And His Britannic Majesty engages, on his part, to put an end, immediately after the Ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom he may be at War at the time of such Ratification; and forthwith to restore to such Tribes or Nations, respectively, all the Possessions, Rights and Privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: Provided always, that such Tribes or Nations shall agree to desist from all hostilities against His Britannic Majesty, and his Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

X. Whereas the Traffic in Slaves is irreconcileable with the principles of humanity and justice; And whereas, both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the Contracting Parties shall use their best endeavours to accomplish so desirable an object.

XI. This Treaty, when the same shall have been ratified on both sides, without alteration by either of the Contracting Parties, and the Ratifications mutually exchanged, shall be binding on both Parties, and the Ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done, in Triplicate, at Ghent, the 24th day of December, 1814.

(L.S.) GAMBIER,
(L.S.) HENRY GOULBURN,
(L.S.) WILLIAM ADAMS.

(L.S.) JOHN QUINCY ADAMS,
(L.S.) J. A. BAYARD,
(L.S.) H. CLAY,
(L.S.) JONA. RUSSELL,
(L.S.) ALBERT GALLATIN.

[1]*Declaration of the Commissioners under the IVth Article of the Treaty of Ghent*

NEW YORK, 24th November, 1817.

SIR,—The Undersigned Commissioners, appointed by virtue of the IVth Article of the Treaty of Ghent, have attended to the duties assigned them, and have decided that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America, and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the IInd Article of the Treaty of Peace of 1783.

The Commissioners have the honour to enclose herewith their decision.

In making this decision, it became necessary that each of the Commissioners should yield a part of his individual opinion; several reasons induced them to adopt this measure, one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the Treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own Territories and Foreign Ports.

The Undersigned have the honour to be, etc.,

THOMAS BARCLAY.
JOHN HOLMES.

The Hon. J. Q. ADAMS.

[1] From British & Foreign State Papers, Vol. 5, p. 199.

Decision of the Commissioners under the IVth Article of the Treaty of Ghent.—24th November, 1817

By Thomas Barclay and John Holmes, Esquires, Commissioners appointed by virtue of the IVth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th day of December, 1814, to decide to which of the two Contracting Parties to the said Treaty, the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the IInd Article of the Treaty of Peace of 1783, betwen His Said Britannic Majesty and the aforesaid United States of America: We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn, impartially to examine and decide upon the said Claims, according to such evidence as should be laid before us, on the part of His Britannic Majesty and the United States, respectively, have decided and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does belong, to the United States of America; and we have also decided, and do decide, that all the other Islands and each and every of them in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Manan, in the said Bay of Fundy, do belong to His said Britannic Majesty in conformity with the true intent of the said IInd Article of the said Treaty of 1783.

In faith and testimony whereof, we have set our hands and affixed our seals, at the city of New York, in the State of New York, in the United States of America, this 24th day of November, in the year of our Lord, 1817.

(L.S.) THOMAS BARCLAY.
(L.S.) JOHN HOLMES.

Witness, James T. Austin,
(Agent of the United States.)
Anthony Barclay.

Commission under Article V.—Boundary from the source of the St. Croix River to the Saint Lawrence River

The Commission met September 23, 1816, and having disagreed held their last meeting April 13, 1822. By the convention of 1827 the dispute was left to the decision of the King of the Netherlands, who delivered his award January 10, 1831, which was not accepted by either Government and the boundary was finally agreed upon in the Ashburton treaty of 1842.

[1] *Declaration and Decision of the Commissioners of Great Britain and the United States, under the VIth Article of the Treaty of Ghent of 1814, respecting Boundaries,—Signed at Utica; 18th June, 1822.*

The Undersigned Commissioners, appointed, sworn, and authorized, in virtue of the VIth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th December, 1814, impartially to examine, and, by a Report or Declaration, under their Hands and Seals, to designate "that portion of the Boundary of the United States, from the point where the 45th degree of North Latitude strikes the River Iroquois, or Cataraqui, along the middle of said River into Lake Ontario, through the middle of said Lake until it strikes the communication, by water, between that Lake and Lake Erie; thence along the middle of said communication into Lake Erie through the middle of said Lake, until it arrives at the water communication into Lake Huron; thence through the middle of said water communication into Lake Huron; thence, through the middle of said Lake to the water communication between that Lake and Lake Superior," and to "decide to which of the two Contracting Parties the several Islands, lying within the said Rivers, Lakes, and Water communications do respectively belong, in conformity with the true intent of the Treaty of 1783," do decide and declare, that the following described Line, (which is more clearly indicated in a series of Maps accompanying this Report, exhibiting correct surveys and delineations of all the Rivers, Lakes, Water Communications and Islands embraced by the VIth Article of the Treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; and each sheet of which series of Maps is identified by a Certificate, subscribed by the Commissioners, and by the two principal Surveyors employed by them) is the true Boundary intended by the two before mentioned Treaties; that is to say:

Beginning at a Stone Monument, erected by Andrew Ellicott, Esq., in the year 1817, on the South Bank, or Shore, of the said River Iroquois, or Cataraqui, (now called the St.

[1] From British & Foreign State Papers, Vol. 9, p. 791.

Lawrence), which monument bears south 74 degrees 45 minutes West, and 1,840 yards distant from the stone Church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of North Latitude strikes the said River; thence, running north 35 degrees 45 seconds west into the River, on a line at right angles with the Southern shore, to a point 100 yards South of the opposite Island, called Cornwall Island; thence, turning Westerly, and passing around the Southern and Western sides of said Island, keeping 100 yards distant therefrom, and following the curvatures of its shores, to a point opposite to the North-west corner, or angle of said Island; thence, to and along the middle of the main River, until it approaches the Eastern extremity of Barnhart's Island; thence, Northerly, along the Channel which divides the last mentioned Island from the Canada shore, keeping 100 yards distant from the Island, until it approaches Sheik's Island; thence, along the middle of the strait which divides Barnhart's and Sheik's Islands, to the channel called the Long Sault, which separates the two last mentioned Islands from the lower Long Sault Island; thence, Westerly, (crossing the centre of the last mentioned Channel) until it approaches within 100 yards of the north shore of the Lower Sault Island; thence, up the north branch of the River, keeping to the North of, and near, the Lower Sault Island, and also North of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the two small Islands, marked on the Map A and B, to the Western extremity of the Upper Sault, or Baxter's Island; thence, passing between the two Islands called the Cats, to the middle of the River above; thence, along the middle of the River, keeping to the North of the small Islands marked C and D; and north also of Chrystler's Island, and of the small Island next above it, marked E, until it approaches the North-east angle of Goose Neck Island; thence, along the passage which divides the last mentioned island from the Canada shore keeping one hundred yards from the island to the upper end of the same; thence, South of, and near, the Two small Islands called the Nut Islands; thence, North of, and near, the Island marked F, and also of the Island called Dry or Smugglers' Island; thence, passing between the Islands marked G and H, to the north of the Island called Isle au Rapid Plat; thence, along the North side of the last mentioned Island, keeping 100 yards from the shore, to the upper end thereof; thence, along the middle of the River, keeping to the South of, and near, the Islands called Cousson (or Tussin) and Presque Isle; thence, up the River, keeping North of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, and also of Tick, Tibbet's, and Chimney Islands; and South of, and near the Gallop Isles numbered 11, 12 and 13, and also of Duck, Drummond, and Sheep Islands; thence, along the middle of the river, passing North of Island No. 14, South of 15 and 16, North of 17; South of 18, 19, 20, 21, 22, 23, 24, 25 and 28, and North of 26 and 27; thence, along the middle of the River, North of Gull Island and of the Islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44 and 45, and to the South of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47 and 48 until it approaches the East end of Well's Island; thence to the North of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the North of the small Islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60 and X, until it approaches the north-east point of Grindstone Island; thence, to the north of Grindstone Island; and keeping to the north also of the small islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69 and 71, until it approaches the southern point of Hickory Island; thence passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island in Lake Ontario; thence, passing to the north of Grenadier, Fox, Stony, and the Gallop Islands, in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence, westerly, along the middle of said lake, to a point opposite the mouth of the Niagara River; thence, to and up the middle of the said river, to the Great Falls; thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence, along the middle of said strait, to the head of Navy Island; thence, to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake; thence, along the said passage, proceeding to the north of Cunningham's Island, and of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit River, in a direction to enter the channel which divides Bois-Blanc and Sugar Islands; thence, up the said channel to the west of Bois-Blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting, or Great Turkey Island, thence, along the western side and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the southeast of, and near Hog Island, to the northwest of, and near the

island called Isle à la Pêche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the River St. Clair which is usually denominated the Old Ship Channel; thence, along the middle of said channel, between Squirrel Island on the southeast and Hersons Island on the northwest, to the upper end of last mentioned island, which is nearly opposite Point aux Chênes, on the American shore; thence, along the middle of the River St. Clair, keeping to the west of, and near the islands called Belle Rivière Isle, and Isle aux Cerfs, to Lake Huron; thence, through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the little Manitou Island on the east; thence, through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the Island of St. Joseph's and the American shore, passing to the north of the intermediate islands No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence up the said last mentioned passage keeping near to the Island St. Joseph's and passing to the north and east of Isle à la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22 and 23, until it strikes a line (drawn on the map with black ink, and shaded on one side of the point of intersection with blue, and on the other side with red) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the VIth Article of the Treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes and water communications, between the before described boundary line and the adjacent shores of Upper Canada do, and each of them does, belong to His Britannic Majesty, and that all the islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the IInd Article of the said Treaty of 1783, and of the VIth Article of the Treaty of Ghent.

In faith whereof, we, the Commissioners aforesaid, have signed this Declaration, and thereunto affixed our Seals.

Done in quadruplicate, at Utica, in the State of New York, in the United States of America, this 18th day of June, in the year of our Lord 1822.

(L.S.) ANTH. BARCLAY.
(L.S.) PETER B. PORTER.

Commission under Article VII.—Boundary from Lake Huron to the Lake of the Woods

The Commission met June 22, 1822, and, having disagreed, held their final meeting December 24, 1827. The boundary was settled by the Ashburton Treaty of 1842.

1815

CONVENTION OF COMMERCE BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA SIGNED AT LONDON, 3RD JULY, 1815.

His Britannic Majesty and the United States of America, being desirous by a Convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries, and given them full Powers to treat of and conclude such Convention; that is to say, His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has named for His Plenipotentiaries the Right Honourable Frederick John Robinson, Vice President of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a Member of the Imperial Parliament; Henry Goulburn, Esq., a Member of the Imperial Parliament, and Under Secretary of State; and William Adams, Esq., Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipoten-

tiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and the said Plenipotentiaries having mutually produced and shown their said full Powers, and exchanged copies of the same, have agreed on and concluded the following articles:

I. There shall be between all the territories of His Britannic Majesty in Europe, and the territories of the United States, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce; but subject always to the Laws and Statutes of the two Countries respectively.

II. No higher or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe, of any articles the growth, produce, or manufacture of the United States, and no higher or other duties shall be imposed on the importation into the United States, of any articles the growth, produce, or manufacture of His Britannic Majesty's Territories in Europe, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country, nor shall any higher or other duties or charges be imposed in either of the two Countries, on the exportation of any articles to His Britannic Majesty's Territories in Europe, or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the United States, or of His Britannic Majesty's Territories in Europe, to or from the said Territories of His Britannic Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's Territories in Europe on the vessels of the United States, than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles, the growth, produce, or manufacture of His Britannic Majesty's Territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of His Britannic Majesty's Territories in Europe, of any article, the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of His Britannic Majesty's Territories in Europe, to the United States, whether such exportation shall be in vessels of the United States, or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles, the growth, produce, or manufacture of the United States, to His Britannic Majesty's Territories in Europe, whether such exportation shall be in British vessels, or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are or may be allowed, upon the re-exportation of any goods, the growth, produce, or manufacture of either Country respectively, the amount of the said drawbacks shall

be the same whether the said goods shall have been originally imported in a British or American vessel; but when such re-exportation shall take place from the United States in a British vessel, or from the Territories of His Britannic Majesty in Europe in an American vessel, to any other foreign nation, the two Contracting Parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

The intercourse between the United States and His Britannic Majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this Article, but each Party shall remain in the complete possession of its rights, with respect to such an intercourse.

III. His Britannic Majesty agrees that the vessels of the United States of America shall be admitted, and hospitably received, at the principal Settlements of the British Dominions in the East Indies, viz., Calcutta, Madras, Bombay, and Prince of Wales' Island, and that the citizens of the said United States may freely carry on trade between the said principal Settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited: provided only, that it shall not be lawful for them in any time of war, between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favoured European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal Settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood, that the permission granted by this Article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British Territories, but the vessels of the United States having, in the first instance, proceeded to one of the said principal Settlements of the British Dominions in the East Indies, and then going with their original cargoes, or any part thereof, from one of the said principal Settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch, for refreshment, but not for commerce, in the course of their voyage to or from the British Territories in India, or to or from the Dominions of the Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this Article, the Citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government, from time to time established.

IV. It shall be free for each of the two Contracting Parties respectively to appoint Consuls, for the protection of trade, to reside in the Dominions and territories of the other Party; but before any Consul shall act as such, he shall in the usual form be approved and admitted by the Government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or government of the Country to which he is sent, such Consul

may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

It is hereby declared, that either of the Contracting Parties may except from the residence of Consuls such particular places as such Party shall judge fit to be so excepted.

V. This Convention, when the same shall have been duly ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said United States for four years from the date of its signature*; and the ratifications shall be exchanged in six months from this time, or sooner if possible.

Done at London, this 3rd of July, 1815.

FRED. J. ROBINSON, (L.S.)	JOHN Q. ADAMS, (L.S.)
HENRY GOULBURN, (L.S.)	H. CLAY, (L.S.)
WILLIAM ADAMS, (L.S.)	ALBERT GALLATIN, (L.S.)

1817

EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S MINISTER AT WASHINGTON AND THE UNITED STATES SECRETARY OF STATE CONCERNING THE NAVAL FORCE TO BE MAINTAINED ON THE GREAT LAKES, WASHINGTON, 28-29 APRIL, 1817.

From His Majesty's Minister at Washington to the United States Secretary of State

WASHINGTON, April 28, 1817.

The Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acquaint Mr. Rush that having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the Undersigned upon the subject of a proposal to reduce the Naval Force of the respective countries upon the American lakes he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States, that His Royal Highness is willing to accede to the proposition made to the Undersigned by the Secretary of the Department of State in his note of the 2nd of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees, that the Naval Force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side—that is:

On Lake Ontario to one vessel not exceeding one hundred tons burthen and armed with one eighteen-pound cannon.

On the Upper Lakes to two vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain to one vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees, that all other armed vessels, on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

* The provisions of this Convention were extended for 10 years by the Treaty of 20th October, 1818, and further indefinitely extended subject to abrogation on 12 months' notice by the Convention of the 6th August, 1827.

His Royal Highness further agrees, that if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government, that His Royal Highness has issued orders to His Majesty's Officers on the lakes directing, that the Naval Force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The Undersigned has the honour to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

From the United States Secretary of State to His Majesty's Minister at Washington

DEPARTMENT OF STATE,
April 29, 1817.

The Undersigned, acting Secretary of State, has the honour to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty, the correspondence which passed last year between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American lakes, he had received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The Undersigned has the honour to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note, the Undersigned, by direction of the President, has the honour to state, that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees, that the naval force to be maintained upon the lakes by the United States and Great Britain shall, henceforth, be confined to the following vessels on each side, that is:

On Lake Ontario to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon. On the Upper Lakes to two vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees, that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees, that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned is also directed by the President to state, that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The Undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

[1]PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES, PUBLISHING THE ARRANGEMENT CONCLUDED WITH HIS MAJESTY, IN APRIL, 1817, RELATIVE TO THE NAVAL FORCE TO BE MAINTAINED BY THE TWO POWERS UPON THE AMERICAN LAKES.—WASHINGTON, 28TH APRIL, 1818.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation

WHEREAS an Arrangement was entered into at the City of Washington, in the month of April, in the year of Our Lord, 1817, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of The United States, for and in behalf of the Government of the United States, and the Right Honourable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty which Arrangement is in the words following, to wit:

'The Naval Force to be maintained upon the American Lakes, by His Majesty and the Government of The United States, shall henceforth be confined to the following Vessels on each side; that is:

'On Lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

'On the Upper Lakes, to two Vessels, not exceeding like burden each, and armed with like force.

'On the waters of Lake Champlain, to one Vessel not exceeding like burden, and armed with like force.

'All other armed Vessels on these Lakes shall be forthwith dismantled, and no other Vessels of war shall be there built or armed.

'If either Party should hereafter be desirous of annulling this Stipulation, and should give notice to that effect to the other Party, it shall cease to be binding after the expiration of six months from the date of such notice.

'The Naval Force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the Armed Vessels of the other Party.'

And whereas, the Senate of The United States have approved of the said Arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Now, therefore, I, James Monroe, President of The United States, do, by this my Proclamation, make known and declare that the Arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this 28th day of April, in the year of Our Lord 1818, and of the Independence of the United States the 42nd.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS,
Secretary of State.

[1] From British & Foreign State Papers, Vol. 5, p. 1200.

1818

[1]CONVENTION OF COMMERCE BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA.—SIGNED AT LONDON, 20TH OCTOBER, 1818.

Ratifications exchanged 30th January, 1819

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective plenipotentiaries—that is to say:—

His Majesty, on his part, has appointed the Right Honourable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn, Esquire, one of His Majesty's Under Secretaries of State:

And the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty.

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:—

Art. I. Whereas differences have arisen respecting the liberty claimed by the United States, for the Inhabitants thereof, to take, dry, and cure fish, on certain Coasts, Bays, Harbours, and Creeks, of His Britannic Majesty's Dominions, in America; it is agreed between the High Contracting Parties, that the Inhabitants of the said United States shall have, for ever, in common with the Subjects of His Britannic Majesty, the liberty to take fish of every kind, on that part of the southern Coast of Newfoundland, which extends from Cape Ray to the Rameau Islands, on the western and northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours and Creeks, from Mount Joly, on the southern Coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the Coast; without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled Bays, Harbours, and Creeks, of the southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the Inhabitants, Proprietors or Possessors of the ground. And the United States hereby renounce for ever, any liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the Coasts, Bays, Creeks, or Harbours, of His Britannic Majesty's Dominions in America, not included within the abovementioned limits; provided, however, that the American Fishermen shall be admitted to enter such Bays or Harbours, for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

[1] From British & Foreign State Papers, Vol. 6, p. 3.

II. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the 49th parallel of north latitude, or, if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the Territories of His Britannic Majesty and those of the United States, and that the said line shall form the southern boundary of the said Territories of His Britannic Majesty, and the northern boundary of the Territories of the United States, from the Lake of the Woods to the Stony Mountains.

III. It is agreed, that any Country that may be claimed by either Party on the north-west coast of America, westward of the Stony Mountains, shall, together with its Harbours, Bays and Creeks, and the navigation of all rivers within the same, be free and open for the term of 10 years from the date of the signature of the Present Convention, to the Vessels, Citizens and Subjects of the 2 powers: it being well understood, that this Agreement is not to be construed to the prejudice of any claim which either of the 2 High Contracting Parties may have to any part of the said Country, nor shall it be taken to affect the claims of any other Power or State to any part of the said Country, the only object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst themselves.[1]

IV. All the provisions of the Convention "to regulate the commerce between the Territories of His Britannic Majesty and of The United States," concluded at London, on the 3rd day of July, in the year of our Lord, 1815, with the exception of the Clause which limited its duration to 4 years; and excepting also, so far as the same was affected by the Declaration of His Majesty respecting the Island of St. Helena, are hereby extended and continued in force for the term of 10 years, from the date of the signature of the present Convention, in the same manner as if all the provisions of the said Convention were herein specially recited.

V. Whereas it was agreed by the 1st Article of the Treaty of Ghent, that "All Territory, Places and Possessions whatsoever taken by either Party from the other during the war, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery or other public property originally captured in the said Forts or Places, which, shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private property;"—and whereas, under the aforesaid Article, The United States claim for their Citizens, and as their private property, the restitution of, or full compensation for, all Slaves who, at the date of the exchange of the Ratifications of the said Treaty, were, in any Territory, Places or Possessions whatsoever, directed by the said Treaty, to be restored to The United States, but then still occupied by the British Forces, whether such Slaves were, at the date aforesaid, on shore, or on board any British Vessel, lying in waters within the territory or jurisdiction of The United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent, The United States are entitled to the restitution of, or full compensation for, all or any Slaves, as above described; the High Contracting Parties hereby agree to refer the said differences to some friendly Sovereign or State, to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such friendly Sovereign or States to be final and conclusive on all the matters referred.

[1] By treaty of the 6th August, 1827 the provisions of this Article were indefinitely extended, the boundary west of the Rocky Mountains being ultimately settled by the Treaty of 15th June, 1846.

VI. This Convention, when the same shall have been duly ratified by His Britannic Majesty and the President of The United States, by and with the advice and consent of their Senate, and the respective Ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said United States; and the Ratifications shall be exchanged in 6 months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seal of their Arms.

Done at London, this 20th day of October, in the year of our Lord, 1818.

(L.S.) FREDERICK JOHN ROBINSON.
(L.S.) HENRY GOULBURN.

(L.S.) ALBERT GALLATIN.
(L.S.) RICHARD RUSH.

CONVENTION OF COMMERCE BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA.—SIGNED AT LONDON, 6TH AUGUST, 1827.

(Ratifications exchanged at London, April 2, 1828)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, being desirous of continuing in force the existing commercial regulations between the 2 countries, which are contained in the Convention concluded between them on the 3rd of July, 1815, and further renewed by the IVth Article of the Convention of the 20th of October, 1818, have, for that purpose, named their respective Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire;

And the President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty;

Who, after having communicated to each other their respective Full-powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Art. I. All the provisions of the Convention concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, on the 3rd of July, 1815, and further continued for the term of 10 years by the IVth Article of the Convention of the 20th of October, 1818, with the exception therein contained as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said 10 years, in the same manner as if all the provisions of the said Convention of the 3rd of July, 1815, were herein specifically recited.

II. It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the expiration of the said 10 years,—that is, after the 20th of October, 1828,—on giving due notice of 12 months to the other Contracting Party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of Notice.

III. The present Convention shall be ratified, and the ratifications shall be exchanged in 9 months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 6th day of August, in the year of our Lord 1827.

(L.S.) CHA. GRANT. (L.S.) ALBERT GALLATIN.
(L.S.) HENRY UNWIN ADDINGTON.

1842

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA, TO SETTLE AND DEFINE THE BOUNDARIES BETWEEN THE POSSESSIONS OF HER BRITANNIC MAJESTY IN NORTH AMERICA, AND THE TERRITORIES OF THE UNITED STATES; FOR THE FINAL SUPPRESSION OF THE AFRICAN SLAVE TRADE; AND FOR THE GIVING UP OF CRIMINALS, FUGITIVE FROM JUSTICE, IN CERTAIN CASES.—SIGNED AT WASHINGTON, AUGUST 9, 1842.

(Ratifications exchanged at London, October 13, 1842)

Whereas certain portions of the line of boundary between the British dominions in North America and the United States of America, described in the IInd Article of the Treaty of Peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose; and whereas it is now thought to be for the interest of both parties that, avoiding further discussion of their respective rights, arising in this respect under the said Treaty, they should agree on a Conventional line in said portions of the said Boundary, such as may be convenient to both parties, with such equivalents and compensations as are deemed just and reasonable:—And whereas, by the Treaty concluded at Ghent on the 24th day of December, 1814, between His Britannic Majesty and the United States, an Article was agreed to and inserted, of the following tenor, viz: "Article X. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed, that both the Contracting Parties shall use their best endeavours to accomplish so desirable an object," and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, are determined that, so far as may be in their power, it shall be effectually abolished: And whereas it is found expedient for the better administration of justice, and the prevention of crime within the territories and jurisdiction of the two Parties, respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up:—Her Britannic Majesty, and the United States of America, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a Treaty that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right

[1] From British & Foreign State Papers, Vol. 30, p. 360.

Honourable Alexander Lord Ashburton, a Peer of the said United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, and Her Majesty's Minister Plenipotentiary on a Special Mission to the United States; and the President of the United States has, on his part, furnished with Full Powers Daniel Webster, Secretary of State of the United States; who, after a reciprocal communication of their respective full powers, have agreed to and signed the following Articles:

Art. I. It is hereby agreed and declared, that the line of boundary shall be as follows.—Beginning at the monument at the source of the River St. Croix, as designated and agreed to by the Commissioners under the Vth Article of the Treaty of 1794,* between the governments of Great Britain and the United States, thence north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the Vth Article of the Treaty of Ghent, to its intersection with the River St. John, and to the middle of the channel thereof; thence up the middle of the main channel of the said River St. John to the mouth of the River St. Francis, thence up the middle of the channel of the said River St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence south-westerly, in a straight line, to a point on the north-west branch of the River St. John, which point shall be 10 miles distant from the main branch of the St. John, in a straight line and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the River St. Lawrence from those which fall into the River St. John, then the said point shall be made to recede down the north-west branch of the River St. John, to a point seven miles in a straight line from the said summit or crest; thence in a straight line, in a course about south, 8° west, to the point where the parallel of latitude of 46° 25′ north, intersects the south-west branch of the St. John's; thence southerly by the said branch, to the source thereof in the highlands at the Metjarmette Portage; thence down along the said highlands which divide the waters which empty themselves into the River St. Lawrence, from those which fall into the Atlantic ocean, to the head of Hall's stream; thence down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins previously to the year 1774 as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British Province of Canada on the other; and from said point of intersection west along the said dividing line, as heretofore known and understood, to the Iroquois, or St. Lawrence river.

II. It is moreover agreed, that from the place where the joint Commissioners terminated their labours under the VIth Article of the Treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship channel between St. Joseph's and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence, up the east Neebish Channel nearest to St. George's Island, through the middle of Lake George; thence west of Jonas' Island into St. Mary's River, to a point in the middle of that river about 1 mile above St. George's or Sugar Island, so as to appropriate and assign the said island to The United States; thence, adopting the line traced on the maps by the Commissioners, through the River St. Mary and Lake Superior to a point north of Ile Royale in said lake, 100 yards to the north and east of Ile Chapeau, which last-mentioned island lies near the north-eastern point of Ile Royale,

* See appendix p. 526.

where the line marked by the Commissioners terminates; and from the last-mentioned point south-westerly through the middle of the sound between Ile Royale and the north-western mainland, to the mouth of Pigeon River, and up the said river to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water-communication to Lake Saisaginaga and through that lake; thence, to and through Cypress Lake, Lac du Bois-Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan, and through the several smaller lakes, straits, or streams connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most north-western point of the Lake of the Woods; thence, along the said line to the said north-western point, being in latitude 49 degrees 23 minutes 55 seconds north, and in longitude 95 degrees 14 minutes 38 seconds west, from the observatory at Greenwich; thence according to existing Treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water-communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the subjects and citizens of both countries.

III. In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the River St. John and its tributaries, whether living within the Province of New Brunswick, or the State of Maine, it is agreed, that where by the provisions of the present Treaty, the River St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the River St. John or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries having their source within the State of Maine, to and from the sea-port at the mouth of the said River St. John's, and to and around the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that in like manner the inhabitants of the territory of the upper St. John, determined by this Treaty to belong to Her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine:—provided always that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this Treaty, which the Governments, respectively, of New Brunswick or of Maine may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

IV. All grants of land heretofore made by either party within the limits of the territory which by this Treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this Treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this Treaty, shall in like manner be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in

all other respects the two Contracting Parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively; which has heretofore been in dispute between them.

V. Whereas, in the course of the controversy respecting the disputed territory on the north-eastern boundary, some monies have been received by the authorities of Her Britannic Majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which monies were to be carried to a fund called the "Disputed Territory Fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries; it is hereby agreed that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States within six months after the ratification of this treaty, and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto, shall be paid and delivered over to the Government of the United States: and the Government of the United States agrees to receive for the use of, and pay over to the States of Maine and Massachusetts their respective portions of said fund; and further, to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of 300,000 dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty.

VI. It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence river, which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by Her Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said Commissioners shall meet at Bangor, in the State of Maine, on the 1st day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described from the source of the St. Croix to the River St. John, and shall trace on proper maps the dividing line along said river, and along the River St. Francis to the outlet of the Lake Pohenagamook; and from the outlet of the said lake they shall ascertain, fix, and mark by proper and durable monuments on the land, the line described in the 1st Article of this treaty; and the said Commissioners shall make to each of their respective governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

VII. It is further agreed, that the channels in the River St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the channels in the River Detroit, on both sides of the Island Bois Blanc, and between that island and both the Canadian and American shores, and all the several channels and passages between the various islands lying near the junction of the River St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

*VIII. The parties mutually stipulate that each shall prepare, equip, and maintain in service on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all

* Articles VIII & IX were denounced by His Majesty's Government, the denunciation taking effect from 29 April, 1923.

not less than 80 guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the Slave Trade; the said squadrons to be independent of each other, but the two Governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this Article; copies of all such orders to be communicated by each government to the other respectively.

IX. Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the Slave Trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes;—the parties to this Treaty agree that they will unite in all becoming representations and remonstrances with any and all the Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and for ever.

*X. It is agreed that Her Britannic Majesty and the United States shall, upon mutual requisitions by them or their Ministers, Officers, or Authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective Judges and other Magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining Judge or Magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

XI. The VIIIth Article of this Treaty shall be in force for 5 years from the date of the exchange of ratifications, and afterwards, until one or the other party shall signify a wish to terminate it. The Xth Article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

XII. The present Treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London within 6 months from the date hereof, or earlier if possible.

In faith whereof we, the respective plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the 9th day of August, 1842.

(L.S.) ASHBURTON. (L.S.) DANL. WEBSTER.

* See Explanatory Note page 23.

EXPLANATORY NOTE

Lord Ashburton to Mr. Webster

WASHINGTON, August 9, 1842.

SIR,—By the IIIrd (? 10th) Article of the Convention which I have this day signed with you, there is an agreement for the reciprocal delivery, in certain cases, of criminals fugitive from justice, but it becomes necessary that I should apprise you that this Article can have no legal effect within the Dominions of Great Britain until confirmed by Act of Parliament. It is possible that Parliament may not be in session before the exchange of ratifications of the Convention, but its sanction shall be asked at the earliest possible period, and no doubt can be entertained that it will be given. In Her Majesty's territories in Canada, where cases for acting under this Convention are likely to be of more frequent occurrence, the Governor General has sufficient power under the authority of local legislation, and the Convention will there be acted upon so soon as its ratification shall be known; but it becomes my duty to inform you of the short delay which may possibly intervene in giving full effect to it, where the confirmation by Parliament becomes necessary for its execution.

I beg, etc.,

ASHBURTON.

The Hon. DANIEL WEBSTER.

[1]REPORT OF THE BRITISH AND UNITED STATES COMMISSIONERS, APPOINTED UNDER THE TREATY OF AUGUST 9, 1842, TO TRACE AND MARK THE BOUNDARY BETWEEN THE BRITISH POSSESSIONS IN NORTH AMERICA AND THE UNITED STATES (NEW BRUNSWICK AND STATE OF MAINE).—WASHINGTON, JUNE 28, 1847.

The Undersigned, Commissioners appointed under the Treaty of Washington, to trace and mark the boundary, as directed by that Treaty, between the British possessions in North America and The United States, that is to say:—James Bucknall Bucknall Estcourt, Lieutenant-Colonel in the British Army, appointed Commissioner by Her Britannic Majesty, and Albert Smith, appointed Commissioner by the President of The United States, having accomplished the duty assigned to them, do now, in accordance with the directions of the said Treaty, submit the following report, and the accompanying maps, jointly signed, to their respective Governments.

In obedience to the terms of the Treaty, they met at Bangor, in the State of Maine, on the 1st day of May, 1843, where they produced and verified the authority under which they each were respectively to act. They then adjourned, because the weather was not sufficiently open to take the field, to the 1st of the following month, June, and agreed to meet again at that time at Houlton.

Accordingly, they did meet at that place, and began their operations.

It may be desirable to state, at the outset that, for the sake of convenience, the whole line of boundary marked by the Undersigned has been divided, in the mention made of the different portions, into the following grand divisions, Viz:

North line, from the source of the St. Croix to the intersection of the St. John.

River St. John, from the intersection of the north line to the mouth of the St. Francis.

River St. Francis, from its mouth to the outlet of Lake Pohenagamook.

South-west line, from the outlet of Lake Pohenagamook to the north-west branch of the St. John.

South line, from the north-west branch to the parallel of latitude 46° 25′ on the south-west branch.

South-west branch, from the parallel 46° 25′ to its source.

Highlands, from the source of the south-west branch of the St. John to the source of Hall's stream.

Hall's stream, from its source to the intersection of the line of Valentine and Collins.

West line, from Hall's stream to the St. Lawrence, near St. Regis along the line of Valentine and Collins.

[1] From British & Foreign State Papers, Vol. 57, p. 823.

To return to the narrative of operations.

The exploring line of Colonel Bouchette and Mr. Johnson, as directed by the Treaty, was traced from the monument at the source of the St. Croix to the intersection of the St. John.

The monument found at the source of the St. Croix, as described in the report of Colonel Bouchette and Mr. Johnson, and the course of their exploring line, was traced by blazes or marks upon the trees.

An old line, cut out by the Assistant surveyors of Colonel Bouchette and Mr. Johnson, was also found, which terminated about half a mile north of the south branch of the Meduxnekeag, where, by records to which the Undersigned referred, they ascertained that it had been abandoned, because of its deviation from the exploring line of Colonel Bouchette and Mr. Johnson.

After the exploration and re-marking of the north line, it was cut out 30 feet wide. The same was afterwards done in all parts where the boundary passed through woodland. After thus opening the north line it was surveyed; and iron posts were erected at intervals to mark it.

The general bearing of the line was rather to the west of the meridian of the monument at the source of the St. Croix. The precise line laid down by the Undersigned was determined by successive courses, of which each was made to be as long as was convenient, provided it did not pass out of the opening of 30 feet.

At each angle of deflection an iron monument was erected, and placed anglewise with the line. Other monuments were erected at the crossing of roads, rivers, and at every mile, commencing from the source of the St. Croix. Those which were not intended to mark angles of deflection were placed square with the line.

At the intersection of the St. John by the north line, the river is deep and broad. The boundary runs up the middle channel of the river, as indicated by the maps, dividing the islands as follows:

No.		
1.	Ryan's Island..	United States
2.	King's Island	United States
3.	Des Trois Isles.	United States
4.	La Septième Isle.. ..	United States
5.	Quissibis.	Great Britain
6.	La Grande Isle	United States
7.	Thibideau's Islands ..	United States
8.	Madawaska Islands ..	Great Britain
9.	Joseph Michaud's three Islands	United States
10.	Pine Island..	Great Britain
11.	Baker's Island..	Great Britain
	Turtle Island	Great Britain
	Dagle's Island..	Great Britain
	Fourth Island..	Great Britain
	Fifth Island..	Great Britain
12.	Kennedy's Island	Great Britain
13.	Crock's Island	Great Britain
	Cranberry Island	Great Britain
	Gooseberry Island.. ..	Great Britain
14.	Savage's Island.	United States
15.	Wheelock's Island.. ..	United States
16.	Caton's Island	United States
17.	Honeywell's Island. ..	United States
18.	Savage and Johnson's Island..	United States
19.	Grew's Island	United States
20.	Kendall's Island	Great Britain

The islands were distributed to Great Britain or to The United States, as they were found to be on right or left of the deep channel. There was but one doubtful case, La Septième Isle, and that was apportioned to The United States, because the majority of the owners were ascertained to reside on The United States' side of the river.

Monuments were erected upon the islands, marking them for Great Britain or The United States as the case may have been.

After leaving the St. John, the boundary enters the St. Francis, dividing the islands at the mouth of that river in the manner shown in the maps. It then runs up the St. Francis, through the middle of the lakes upon it, to the outlet of Lake Pohenagamook, the third large lake from the mouth of the river. At the outlet, a large monument has been erected.

In order to determine the point on the north-west branch to which the Treaty directed that a straight line should be run from the outlet of Lake Pohenagamook, a survey of that stream was made, and also of the main St. John, in the neighbourhood of the mouth of the north-west branch, and a line was cut between the St. John and the point on the north-west branch, ascertained by the survey to be 10 miles in the nearest direction from it, and the distance was afterwards verified by chaining.

It was ascertained also in accordance with the provisions of the Treaty by a triangulation of the country towards the Highlands dividing the waters of the St. Lawrence and of the St. John, that more than 7 miles intervened between the points selected on the north-west branch and the crest of the dividing ridge. A large iron monument was afterwards erected on the point thus selected, and the space around was cleared and sown with grass-seed. It is a short distance below the outlet of Lake Ishaganalshegeck.

The outlet of Lake Pohenagamook and the point on the north-west branch, designated by the Treaty having been thus ascertained and marked, in the spring of 1844, a straight line was run between them. Along that line, which passes entirely through forest, monuments were erected at every mile, at the crossings of the principal streams and rivers, and at the tops of those hills where a transit instrument had been set up to test the straightness of the line.

As soon as the parallel of latitude 46° 25′ had been determined on the south-west branch, in the early part of the summer of 1844, a straight line was drawn from the boundary point on the north-west branch to a large monument erected on the left bank of the south-west branch where it is intersected by the parallel of latitude 46° 25′. The line so drawn crosses the south-west branch once before it reaches the parallel of latitude 46° 25′, and at about half a mile distance from that parallel. There also, a large monument had been set up on the left bank.

From the intersection of the parallel 46° 25′, the boundary ascends the south-west branch, passes through a lake near its head, and so up a small stream which falls into the lake from the west, to the source of that stream, which has been selected as the source of the south-west branch.

On the south-west branch there are two principal forks, at each of which two monuments have been erected, one on each bank of the river, immediately above the forks, and upon the branch established as the boundary. The maps point out their positions. At the mouth of the small stream selected as the source of the south-west branch, a monument has been erected upon a delta formed by two small outlets. Above those outlets 3 other monuments have been placed, at intervals upon the same stream.

Upon the crest of the dividing ridge, very close to the source of the south-west branch a monument has been erected. It is the first point in the Highlands, and from it the boundary runs along the crest, in a southerly direction, passing near the south-eastern shore of the Portage Lake, and so on to a large monument erected on a small eminence on the east side of the Kenebec road. Thence it passes through a dwelling-house, called Tachereau's which was standing there at the time the line was run; so, by a tortuous course, it runs to the top of the Sandy Stream Mountain; thence, inclining to the south-west, it runs over Hog's Back the first, as shown in the map; thence towards Hog's Back the second, which it leaves on the north side. Further on, at the head of Leach Lake, there is a stream which divides its waters and flows both into Canada and into The United States. The boundary has been made to run up that stream a short distance from the fork, where the waters divide to a second fork; thence between the streams which unite to form that fork, and then to ascend again the dividing ridge. A monument has been erected at the fork just mentioned, where the waters divide.

As the boundary approaches the valley of Spider River, it bends to the south-east, and, by a wide circuit over high and steep hills, it turns the head of Spider River; thence it bends to the north-west, until it approaches within about 4 miles of Lake Megantic; thence it turns again south, having the valley of Arnold's River on the right, and of Dead River on the left. It leaves Gasford Mountain in Canada, threads its way over very high ground between the head of Arnold's River and the tributaries of the Magalloway; inclines then to the north, to the west, over very rocky mountainous, and difficult country, leaving Gipp's Peak in The United States, and turns, by a sharp angle at Saddle Back, to the south. After that it again inclines to the west, and then to the south, and again to the west, and passes the head of the Connecticut. About 3 miles and a half east of the head of the Connecticut, there is a division of waters similar to that described near Leach Lake. The boundary runs down a stream from near its source to the fork, where it divides, and then again follows the dividing ridge. The spot is noted on the map.

After the boundary has passed the head of the Connecticut, it runs to the north-west, descending into very low, swampy ground, between the heads of Indian stream and the tributaries of the St. Francis. Thus it passes on, bending again to the south of west, over a high hill, to the source of Hall's stream.

Iron monuments have been erected at intervals along the Highlands, from the source of the south-west branch of the St. John to the source of Hall's stream; the position of each of which is shown upon the maps.

From the source of Hall's stream the boundary descends that river, dividing the islands, which are, however, merely unimportant alluvial deposits, in the manner indicated by the maps, until it reaches the intersection of that stream by the line formerly run by Valentine and Collins as the 45° of north latitude.

At that point a large monument has been erected on the right and a small one on the left bank of this stream. Monuments have also been erected along the bank of this stream, as indicated on the maps.

The line of Valentine and Collins was explored and found by the blazes still remaining in the original forest.

Upon cutting into those blazes, it was seen that, deep-seated in the tree, there was a scar, the surface of the original blaze slightly decayed, and upon counting the rings (which indicate each year's growth of the tree) it was found that the blazes dated back to 1772,

1773, and 1774. The line of Valentine and Collins was run in 1771, 1772, 1773, and 1774. The coincidence of the dates of the blazes with those of the above line, confirmed by the testimony of the people of the country, satisfied the Undersigned that the line they had found was that mentioned in the treaty. Along this portion of the boundary which is known as the 45° of Valentine and Collins, and which extends from Hall's stream to St. Regis, there are several interruptions to the blazes, in those parts where clearings have been made, and there the authentic marks of the precise situation of the old line have been lost. In those cases the undersigned have drawn the boundary line straight from the original blazes on the one side of a clearing to the original blazes on the other side of the same clearing.

It cannot be positively stated that the line, as it has been traced through those clearings, precisely coincides with the old line; but the Undersigned believe that it does not differ materially from it; nor have they had the means of determining a nearer or a surer approximation.

Along this line, at every point of deflection, an iron monument has been erected; also at the crossing of rivers, lakes, and roads. Those which mark deflections are placed, as on the "north line," anglewise with the line; all the others are placed square with it. The maps show the position of each.

On the eastern shore of Lake Memphremagog, an astronomical station was established; and, on a large flat rock of granite, which happened to lie between the astronomical station and the boundary, was cut the following inscription:

BRITISH BOUNDARY COMMISSION
CAPT. ROBINSON,
Astronomical Station,
422 Feet North.
Meridian Line.
———o———
Boundary Line.
595 feet south.
August, 1845.

A mark was cut upon the stone, as indicated by the dot upon the meridian line above, from which these measurements were made.

At Rouse's Point a monument of wrought stone was set up, at the intersection of the boundary by the meridian of the transit instrument used there by Major Graham; and an inscription was cut upon it, stating the latitude and longitude, the name of the observer and his assistant, the names of the Commissioners, and the territories divided.

To mark the position of the instruments used at the following astronomical stations along the west line, two monuments, within a few feet of each other, have been erected at each station, and they have been placed on the boundary line due north or south of the instrument, as the case may have been.

The stations are:—Lake Memphremagog, Richford, John McCoy's, Trout River.

The boundary along the west line, though very far from being a straight line, is generally about half a mile north of the true parallel of latitude 45° from Hall's Stream to Rouse's Point. At about 28 miles west of Rouse's Point it, however, crosses that parallel to the south, until it reaches Chateauguay River, where it bends northwards and, crossing the parallel again, about 4 miles east of St. Regis, it strikes the St. Lawrence 151 feet north of 45°. At that point, a large monument has been erected, on the bank of the St. Lawrence. Two large monuments have also been erected—one on either side of the River Richelieu, near Rouse's Point.

No marks of the old line were to be found about St. Regis. It was, therefore, agreed to run a line due west from the last blaze which should be found in the woods, on the east side of St. Regis. That blaze occurred about one mile east of the St. Regis River.

The maps, which exhibit the boundary on a scale of 4 inches to one statute mile, consist of 62 consecutive sheets of antiquarian paper, as constructed by the British, and of 61, as constructed by the American Commission. A general map has also been constructed on a scale of 8 miles to one inch, by the British, and of 10 miles to one inch, by the American Commission, upon which the before-mentioned sheets are represented.

The following portions of the boundary have been laid down by the British Commission, on detached maps, on a scale of 12 inches to one mile, which have been signed by both Commissioners.

Grand Falls of the St. John, including the intersection of that river by the north line; Islands of the St. John, the outlet of Lake Pohenagamook, the turning point of the boundary on the north-west branch of the St. John, the intersection of the south-west branch, by the parallel of latitude 46° 25′, the source of the south-west branch, the source of Hall's stream, the intersection of Hall's stream by the west line, Rouse's Point, St. Regis, Derby.

But similar maps have not been prepared by the American Commission, because during the interval between the finishing of the maps of the British Commission and those of the American, it was thought that the maps already constructed, upon a scale of 4 inches to one mile, represented the boundary with sufficient clearness and accuracy.

The astronomical observations were begun at the Grand Falls, early in June, 1843, and were carried up the St. John River to the north-west branch by a chain of stations, which together with the results obtained, are tabulated in the appendix accompanying this report.

From the valley of the St. John, an astronomical connection was made with Quebec, and thence to Montreal and so to Rouse's Point. From Rouse's Point, a connection was obtained with Cambridge University, near Boston.

The astronomical stations on the west line were:

Intersection of Hall's stream by the west line, Lake Memphremagog, Richford, Rouse's Point, John McCoy's, Trout River, St. Regis.

Latitude was also obtained at an astronomical station established for the purpose, at the head of the Connecticut.

Volumes containing the astronomical observations of both Commissions are herewith submitted. From them, it will be observed, that the results for absolute longitude, obtained by the British and American astronomers, do not agree. It being a difference in no way affecting the survey of the boundary line, the Undersigned do not feel called upon to attempt to reconcile it. The data upon which those results are based may be seen in the volumes of observations accompanying this report.

In the appendix will be found, in a tabular form, the following:

An abstract of the survey of the boundary along the north line.

An abstract of the survey of the boundary along the south-west line.

An abstract of the survey of the boundary along the south line.

An abstract of the survey of the boundary along the Highlands.

An abstract of the survey of the boundary along the west line.

The position of the monuments erected on the south-west branch of the St. John, and on Hall's stream.

The distribution of the islands of the St. John, and the monuments on them.

The guide lines and offsets run by each Commission for the survey of the Highlands.

The azimuths of verification for the survey of the Highlands.

The latitudes and longitudes obtained from the astronomical observations.

The comparative longitudes obtained, and the methods used for the purpose.

Upon comparing the maps of the two Commissions, it will be seen that the American Commission numbers two monuments more than the British. Those are to be found, one on the "Fourth Island," in the River St. John, and the other on the Highlands, between the source of the south-west branch of the River St. John and the Kennebec road.

On the maps of the British Commission, representing the "west line," the name of the town of "Derby" has been improperly placed north of the line, instead of south of it. Also, on the same maps, the direction of Salmon River, near the western extremity of the "west line," has been incorrectly laid down from the boundary line northwards. A direction has been given to it north-easterly instead of north-westerly.

The above two corrections the British Commissioner is authorized to make on his maps, after his return to England.

To avoid unnecessary delay in making their joint report, the Undersigned have attached their signatures to the maps, although the lettering of some of the astronomical stations upon the maps of the American Commission, as well as the alterations before mentioned in the maps of the British Commission, are yet to be made. But in the maps of both, the boundary has been laid down accurately and definitively, and the Undersigned engage that it shall not be altered in any respect.

In conclusion the Undersigned have the honour to report, that the line of boundary described in the foregoing statement has been run, marked and surveyed, and the accompanying maps faithfully constructed from that survey.

The Undersigned take leave to add, that the most perfect harmony has subsisted between the two Commissions from first to last, and that no differences have arisen between the Undersigned in the execution of the duties entrusted to them.

Signed and sealed in duplicate, at the City of Washington, this 28th day of June, in the year of Our Lord, 1847.

(L.S.) J. B. BUCKNALL ESTCOURT,
Lieutenant Colonel.
Her Britannic Majesty's Commissioner.

(L.S.) ALBERT SMITH,
United States Commissioner.

NOTE.—The astronomical computations of the American Commission not being completed, and it being unnecessary to defer the signing of the report on that account, the American Commissioner engages to transmit them, with any other papers or tables not yet finished, as soon as they shall be so, to the British Commissioner, through the American Minister, resident in London, to whom upon delivery of the documents, the British Commissioner will give a receipt, to be transmitted to the American Commissioner.

(L.S.) J. B. BUCKNALL ESTCOURT,
Lieutenant Colonel,
Her Britannic Majesty's Commissioner of Boundary.

(L.S.) ALBERT SMITH,
United States Commissioner.

1846

[1]TREATY BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, FOR THE SETTLEMENT OF THE OREGON BOUNDARY

SIGNED AT WASHINGTON, JUNE 15, 1846

(Ratifications exchanged at London, July 17, 1846)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, deeming it to be desirable for the future welfare of both countries, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the Northwest Coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honourable Richard Pakenham, a member of Her Majesty's Most Honourable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; and the President of the United States of America has, on his part, furnished with full powers, James Buchanan, Secretary of State of the United States; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following Articles:—

Article I. From the point on the 49th parallel of north latitude, where the boundary laid down in existing treaties and conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the said 49th parallel of north latitude, to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly, through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean; provided however that the navigation of the whole of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both parties.

II. From the point at which the 49th parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood, that all the usual portages along the line thus described, shall in like manner be free and open.

In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood, that nothing in this Article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present Treaty.

[1] From British & Foreign State Papers, Vol. 34, p. 14.

III. In the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the 1st Article of this Treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

IV. The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said Company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required shall be transferred to the said government at a proper valuation, to be agreed upon between the Parties.

V. The present Treaty shall be ratified by Her Britannic Majesty, and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the 15th day of June, in the year of our Lord, 1846.

[L.S.] RICHARD PAKENHAM.

[L.S.] JAMES BUCHANAN.

[1]DECLARATION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, APPROVING THE BOUNDARY MAPS, PREPARED BY THE JOINT COMMISSIONERS APPOINTED UNDER ARTICLE I. OF THE TREATY OF 15TH JUNE, 1846 (OREGON TERRITORY).—SIGNED AT WASHINGTON, FEBRUARY 24, 1870.

The Undersigned, Edward Thornton, Esquire, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, and Hamilton Fish, Secretary of State of the United States, duly authorized by their respective Governments, having met together;

The set of maps, 7 in number, which have been prepared by the Commissioners appointed by the two Powers to survey and mark out the boundary between their respective territories under the first Article of the Treaty concluded between them at Washington, on the 15th of June, 1846, having been produced;

And it appearing that they do correctly indicate the said boundary from the point where the boundary laid down in Treaties and Conventions prior to June 15, 1846, terminates westward on the 49th parallel of north latitude to the eastern shore of the Gulf of Georgia, which boundary has been defined by the Commissioners by marks upon the ground;

The Undersigned, without prejudice to the rights of their respective Governments as to the settlement and the determination of the remainder of the said Boundary, hereby declare that the said maps certified and authenticated under the signatures of Colonel John Summerfield Hawkins, Her Britannic Majesty's Commissioner, and of Archibald Campbell, Esquire, the Commissioner of the United States, and of which duplicate copies similarly certified and authenticated are in the possession of the Government of Her Britannic Majesty, have been duly examined and considered, and, as well as the marks by which the

[1] From British & Foreign State Papers, Vol. 63, p. 1053.

boundary to the eastern shore of the Gulf of Georgia has been defined upon the ground, are approved, agreed to, and adopted by both Governments.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the 24th day of February, in the year of Our Lord, 1870.

[L.S.] EDWARD THORNTON.
[L.S.] HAMILTON FISH.

1850

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, RELATIVE TO THE ESTABLISHMENT OF A COMMUNICATION BY SHIP-CANAL BETWEEN THE ATLANTIC AND PACIFIC OCEANS.[2]—SIGNED AT WASHINGTON, APRIL 19, 1850.

(Ratifications exchanged at Washington, July 4, 1850)

Her Britannic Majesty and the United States of America being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a Convention their views and intentions, with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River St. Juan de Nicaragua, and either or both of the Lakes Nicaragua or Managua, to any port or place on the Pacific Ocean.

Her Britannic Majesty has conferred Full powers on the Right Honourable Sir Henry Lytton Bulwer, a Member of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States; and the President of the United States, on John M. Clayton, Secretary of State of the United States, for the aforesaid purpose; and the said Plenipotentiaries having exchanged their Full powers, which were found to be in proper form, have agreed to the following Articles:

Art. I.—The Governments of Great Britain and the United States hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any State or People, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same. Nor will Great Britain or the United States take advantage of any intimacy, or use any alliance, connexion, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the subjects or citizens of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered, on the same terms, to the subjects or citizens of the other.

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[1] From British & Foreign State Papers, Vol. 38, p. 4.

[2] Superseded by the Treaty of 18 November, 1901 (See page 147), the objects of which however are to be carried into effect "without impairing the 'general principle' of neutralization established in Article VIII" of this Treaty.

II.—Vessels of Great Britain or the United States traversing the said canal shall, in case of war between the Contracting Parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

III.—In order to secure the construction of the said canal, the Contracting Parties engage that, if any such canal shall be undertaken upon fair and equitable terms, by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected, from the commencement of the said Canal to its completion, by the Governments of Great Britain and the United States, from unjust detention, confiscation, seizure, or any violence whatsoever.

IV.—The Contracting Parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and furthermore, Great Britain and the United States agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

V.—The Contracting Parties further engage that, when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of Great Britain and the United States, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government should deem, that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon, as are contrary to the spirit and intention of this Convention; either by making unfair discriminations in favour of the commerce of one of the Contracting Parties over the commerce of the other, or by imposing oppressive exactions, or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

VI.—The Contracting Parties in this Convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honour and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated; and the Contracting Parties likewise agree that each shall enter into Treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this Convention; namely, that of constructing and maintaining the said canal, as a ship communication between the two Oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such Treaty stipulations; and should any differences arise, as to right or property over the territory

through which the said canal shall pass, between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of Great Britain and the United States will use their good offices, to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the Contracting Parties.

VII.—It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of Great Britain and the United States determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this Convention; and if any persons or company should already have, with any State through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this Convention, to the stipulations of which contract neither of the Contracting Parties in this Convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed, that such persons or company shall have a priority of claim over every other person, persons, or company, to the protection of the Governments of Great Britain and the United States, and be allowed a year, from the date of the exchange of the ratifications of this Convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of Great Britain and the United States shall be free to afford their protection to any other persons or company, that shall be prepared to commence and proceed with the construction of the canal in question.

VIII.—The Governments of Great Britain and the United States having not only desired, in entering into this Convention, to accomplish a particular object, but also to establish a general principle; they hereby agree to extend their protection by Treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America; and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this Article specified, it is always understood by Great Britain and the United States, that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the subjects and citizens of Great Britain and the United States on equal terms, shall also be open on like terms to the subjects and citizens of every other State, which is willing to grant thereto such protection as Great Britain and the United States engage to afford.

IX.—The Ratifications of this Convention shall be exchanged at Washington within 6 months from this day, or sooner if possible.

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

Done at Washington, the 19th day of April, Anno Domini 1850.

(L.S.) HENRY LYTTON BULWER.

(L.S.) JOHN M. CLAYTON.

[1]PROTOCOL OF CONFERENCE BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, RELATIVE TO THE CESSION BY GREAT BRITAIN TO THE UNITED STATES OF HORSESHOE REEF, ON LAKE ERIE, FOR THE PURPOSE OF ERECTING A LIGHTHOUSE.—LONDON, DECEMBER 9, 1850.

Abbott Lawrence, Esquire, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of Her Britannic Majesty, and Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, having met together at the Foreign Office:

Mr. Lawrence stated that he was instructed by his Government to call the attention of the British Government to the dangers to which the important commerce of the great lakes of the interior of America, and more particularly that concentrating at the town of Buffalo, near the entrance of the Niagara River from Lake Erie, and that passing through the Welland Canal, is exposed from the want of a lighthouse near the outlet of Lake Erie. Mr. Lawrence stated that the current of the Niagara River is at that spot very strong, and increases in rapidity as the river approaches the falls; and as that part of the river is necessarily used for the purpose of a harbour, the Congress of the United States, in order to guard against the danger arising from the rapidity of the current, and from other local causes, made an appropriation for the construction of a lighthouse at the outlet of the lake, but, on a local survey being made, it was found that the most eligible site for the erection of the lighthouse was a reef known by the name of the "Horseshoe Reef," which is within the dominion of Her Britannic Majesty; and Mr. Lawrence was therefore instructed by the Government of the United States to ask whether the Government of Her Britannic Majesty will cede to the United States the Horseshoe Reef, or such part thereof as may be necessary for the purpose of erecting a lighthouse, and, if not, whether the British Government will itself erect and maintain a lighthouse on the said reef.

Viscount Palmerston stated to Mr. Lawrence in reply that Her Majesty's Government concurs in opinion with the Government of the United States, that the proposed lighthouse would be of great advantage to all vessels navigating the lakes; and that Her Majesty's Government is prepared to advise Her Majesty to cede to the United States such portion of the Horseshoe Reef as may be found requisite for the intended lighthouse, provided the Government of the United States will engage to erect such lighthouse, and to maintain a light therein; and provided no fortification be erected on the said reef.

Mr. Lawrence and Viscount Palmerston, on the part of their respective Governments, accordingly agreed that the British Crown should make this cession, and that the United States should accept it, on the above-mentioned conditions.

ABBOTT LAWRENCE.

PALMERSTON.

[1] From British & Foreign State Papers, Vol. 63, p. 890.

1870

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA RELATIVE TO NATURALIZATION.—SIGNED AT LONDON, MAY 13, 1870.

(*Ratifications exchanged at London, August 10, 1870*)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, being desirous to regulate the citizenship of British subjects who have emigrated or who may emigrate from the British Dominions to the United States of America, and of citizens of the United States of America who have emigrated or who may emigrate from the United States of America to the British Dominions, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

And the President of the United States, John Lothrop Motley, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty;

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

Art. I.—British subjects who have become, or shall become, and are naturalized according to law within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

Reciprocally, citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by The United States to be in all respects and for all purposes British subjects and shall be treated as such by The United States.

II.—Such British subjects as aforesaid who have become and are naturalized as citizens within The United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the 12th day of May, 1870.

Such citizens of The United States as aforesaid who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of The United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present Convention.

[1] From British & Foreign State Papers, Vol. 60, p. 36.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the Governments of the respective countries.

III.—If any such British subject as aforesaid, naturalized in The United States, should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and The United States shall not, in that case, claim him as a citizen of The United States on account of his former naturalization.

In the same manner, if any such citizen of The United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in The United States, The United States Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of The United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

IV.—The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at London as soon as may be within 12 months from the date hereof.

In witness whereof, the respective Plenipotentiaries have signed the same, and have fixed thereto their respective seals.

Done at London, the 13th day of May, in the year of Our Lord, 1870.

(L.S.) CLARENDON.

(L.S.) JOHN LOTHROP MOTLEY.

1871

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, SUPPLEMENTARY TO THE CONVENTION OF MAY 13, 1870, RESPECTING NATURALIZATION.—SIGNED AT WASHINGTON, FEBRUARY 23, 1871.

(Ratifications exchanged at Washington, May 4, 1871)

Whereas by Article II of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the Contracting Parties who have emigrated or may emigrate from the dominions of the one to those of the other party, signed at London, on the 13th of May, 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the Governments of the respective countries; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of The United States of America, for the purpose of effecting such agreement, have resolved to conclude a Supplemental Convention, and have named as their Plenipotentiaries, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honourable Order of the

[1] From British & Foreign State Papers, Vol. 61, p. 38.

Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to The United States of America; and the President of The United States of America, Hamilton Fish, Secretary of State; who have agreed as follows:

Art. I.—Any person being originally a citizen of The United States who had, previously to May 13, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within The United States may, at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation by an original citizen of The United States, of British nationality, shall, within the territories and jurisdiction of The United States, be made in duplicate in the presence of any Court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such Court; if the declarant be beyond the territories of The United States it shall be made in duplicate, before any Diplomatic or Consular officer of The United States. One of such duplicates shall remain of record in the custody of the Court or officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of The United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being, authorized by law, in the place in which the declarant is to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the Diplomatic or Consular Service of Her Majesty.

II.—The Contracting Parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their Diplomatic and Consular officers have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

III.—The present Convention shall be ratified by Her Britannic Majesty, and by the President of The United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the 23rd day of February, in the year of Our Lord, 1871.

(L.S.) EDWD. THORNTON,
(L.S.) HAMILTON FISH.

ANNEX (A).

I, A. B., of (insert abode), being originally a citizen of the United States of America (or a British subject), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (or as a citizen within the United States of America), do hereby renounce my naturalization as a

British subject (or citizen of the United States); and declare that it is my desire to resume my nationality as a citizen of the United States (or British subject).

(Signed) A. B.

Made and subscribed before me in (insert Country or other subdivision, and State, Province, Colony, Legation, or Consulate) this day of , 187 .

(Signed) E. F.,
Justice of the Peace (or other title).

(L.S.) EDWD. THORNTON.
(L.S.) HAMILTON FISH.

[1]TREATY BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, FOR THE AMICABLE SETTLEMENT OF ALL CAUSES OF DIFFERENCE BETWEEN THE TWO COUNTRIES ("ALABAMA" CLAIMS; FISHERIES; CLAIMS OF CORPORATIONS, COMPANIES OR PRIVATE INDIVIDUALS; NAVIGATION OF RIVERS AND LAKES; SAN JUAN WATER BOUNDARY; AND RULES DEFINING DUTIES OF A NEUTRAL GOVERNMENT DURING WAR).—SIGNED AT WASHINGTON, MAY 8, 1871.

(Ratifications exchanged at London, June 17, 1871.)

Her Britannic Majesty and the United States of America being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective plenipotentiaries, that is to say:

Her Britannic Majesty on Her part has appointed as Her High Commissioners and Plenipotentiaries, the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, &c.; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, &c.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Mountague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford:

And the President of the United States has appointed on the part of the United States, as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an associate justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

[1] From British & Foreign State Papers, Vol. 61, p. 40.

Article I. Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the Acts committed by the several vessels which have given rise to the claims generically known as the *Alabama* Claims:

And whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels;

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of Acts committed by the aforesaid vessels, and generically known as the *Alabama* Claims, shall be referred to a tribunal of arbitration to be composed of five arbitrators to be appointed in the following manner, that is to say: one shall be named by Her Britannic Majesty; one shall be named by the President of the United States; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

In case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, Her Britannic Majesty, or the President of the United States, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And, in the event of the refusal or omission for two months after the receipt of the request from either of the High Contracting Parties, of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act, as such Arbitrator or Arbitrators.

II. The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of Her Britannic Majesty and the United States respectively. All questions considered by the Tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent to represent it generally in all matters connected with the Arbitration.

III. The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other Party as soon as may be after the organization of the Tribunal, but within a period not exceeding 6 months from the date of the exchange of the ratifications of this Treaty.

IV. Within four months after the delivery on both sides of the written or printed case, either Party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a Counter-Case and

additional documents, correspondence and evidence, in reply to the case, documents, correspondence, and evidence, so presented, by the other Party.

The Arbitrators may, however, extend the time for delivering such Counter-Case, documents, correspondence, and evidence, when in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

If in the case submitted to the Arbitrators, either Party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

V. It shall be the duty of the Agent of each Party, within two months after the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other Party a written or printed argument showing the points and referring to the evidence upon which his Government relies; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument or oral argument by counsel upon it; but in such case the other Party shall be entitled to reply either orally, or in writing, as the case may be.

VI. In deciding the matters submitted to the Arbitrators they shall be governed by the following three rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.

RULES

A neutral Government is bound—

First.—To use due diligence to prevent the fitting out, arming or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly.—Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly.—To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded Her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that, in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers and to invite them to accede to them.

VII. The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The said Tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the Tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States at Washington within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States for his Government.

VIII. Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it, and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

IX. The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

X. In case the Tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the High Contracting Parties agree that a Board of Assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel, according to the extent of such liability as decided by the Arbitrators.

The Board of Assessors shall be constituted as follows: One member thereof shall be named by Her Britannic Majesty; one member thereof shall be named by the President of the United States, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy, and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the Board of Assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of Great Britain and of the United States respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government as Counsel or Agent. A majority of the Assessors in each case shall be sufficient for a decision.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively, and dated.

Every claim shall be presented to the Assessors within six months from the day of their first meeting; but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The Assessors shall report to each Government at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Representative of Her Britannic Majesty at Washington, and one copy thereof to the Secretary of State of the United States.

All sums of money which may be awarded under this Article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The Board of Assessors may employ such clerks as they shall think necessary.

The expenses of the Board of Assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the Board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

XI. The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration and of the Board of Assessors, should such Board be appointed, as a full, perfect, and final settlement of all claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the Tribunal or Board, shall, from and after the conclusion of the proceedings of the Tribunal or Board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

XII. The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this Treaty; and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this Treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this Treaty, then the third Commissioner shall be named by the Representative at Washington, of His Majesty the King of Spain. In case of the death, absence, or

incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of Her Britannic Majesty and of the United States respectively; and such declaration shall be entered on the record of their proceedings.

XIII. The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of their respective Governments in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each Government as counsel or agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its agent to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The High Contracting Parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

XIV. Every claim shall be presented to the Commissioners within 6 months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners; and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding 3 months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this Treaty.

XV. All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within 12 months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this Treaty.

XVI. The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner and Agent or counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a rateable deduction on the amount of the sums awarded by the Commissioners; provided always that such deduction shall not exceed the rate of 5 per cent on the sum so awarded.

XVII. The High Contracting Parties engage to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this Treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

*XVIII. It is agreed by the High Contracting Parties, that, in addition to the liberty secured to the United States' fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent without being restricted to any distance from the shore, with permission to land upon the said coasts, and shores, and islands, and also upon the Magdalen Islands, for the purpose of drying their nets, and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers are hereby reserved exclusively for British fishermen.

*XIX. It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 39th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States.

*XX. It is agreed that the places designated by the Commissioners appointed under Article I of the Treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common

* Terminated as from 2nd July, 1885, by notice given by the United States Government, 2nd July, 1883.

right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of Her Britannic Majesty and of the United States as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said Article I of the Treaty of the 5th of June, 1854.

*XXI. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish-oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada, or of Prince Edward's Island, or of the United States, shall be admitted into each country respectively, free of duty.

*XXII. Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States; it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the Commissioners may so award shall be paid by the United States' Government, in a gross sum, within twelve months after such award shall have been given.

*XXIII. The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this Article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

* See foot-note page 43.

*XXIV. The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other Party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If, in the case submitted to the Commissioners, either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

*XXV. The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

XXVI. The navigation of the River St. Lawrence, ascending and descending from the 45th parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

XXVII. The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the High Contracting Parties on terms of equality with the inhabitants of the United States.

XXVIII. The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this Treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States, or of the States bordering thereon, not inconsistent with such privilege of free navigation.

* See foot-note page 43.

XXIX. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper Custom House and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper Custom House, and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

*XXX. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid; provided, that a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States' vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions; provided, that a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this Article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other Colonies not to impose any export duties on goods, wares, or merchandise carried under this Article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this Article in favour of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favour of the subjects of Her Britannic Majesty under this Article, in case the Dominion of Canada should, at any time, deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

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*See foot-note page 43.

XXXI. The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this Treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this Treaty for such period as such export or other duty may be levied.

* XXXII. It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect, by either of the Legislative bodies aforesaid, shall not in any way impair any other Articles of this Treaty.

XXXIII. The foregoing Articles XVIII to XXV inclusive, and Article XXX of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said Articles shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

XXXIV. Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th of June, 1846, between Her Britannic Majesty and the United States, that the line of boundary between the territories of Her Britannic Majesty and those of the United States, from the point on the 49th parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of Her Britannic Majesty and of the Government of the United States shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned Article of the said Treaty shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846.

* See foot-note page 43.

XXXV. The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the representatives or other public agents of Great Britain and of the United States respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

XXXVI. The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this Treaty, and a copy of such case and evidence shall be communicated by each party to the other, through their respective representatives at Berlin.

The High Contracting Parties may include, in the evidence to be considered by the Arbitrator, such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each Party to the other, each Party shall have the power of drawing up and laying before the arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other Party so communicated, which definitive statement shall be so laid before the arbitrator, and also be mutually communicated in the same manner as aforesaid, by each Party to the other, within six months from the date of laying the first statement of the case before the arbitrator.

XXXVII. If, in the case submitted to the arbitrator, either Party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other through the arbitrator, to produce the originals or certified copies of any papers adduced as evidence giving in each instance such reasonable notice as the arbitrator may require. And if the arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either Party, and he shall be at liberty to hear one counsel or agent for each Party, in relation to any matter and at such time, and in such manner, as he may think fit.

XXXVIII. The representatives or other public agents of Great Britain and of the United States at Berlin respectively, shall be considered as the agents of their respective Governments to conduct their cases before the arbitrator, who shall be requested to address all his communications, and give all his notices, to such Representatives or other public agents, who shall represent their respective Governments generally in all matters connected with the arbitration.

XXXIX. It shall be competent to the arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both agents, and either orally or by written discussion, or otherwise.

XL. The arbitrator may, if he think fit, appoint a secretary or clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

XLI. The arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

XLII. The arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said agents.

XLIII. The present Treaty shall be duly ratified by Her Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged either at London or at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the 8th day of May, in the year of Our Lord, 1871.

(L.S.) DE GREY & RIPON.
(L.S.) STAFFORD H. NORTHCOTE.
(L.S.) EDWD. THORNTON.
(L.S.) JOHN A. MACDONALD.
(L.S.) MOUNTAGUE BERNARD.
(L.S.) HAMILTON FISH.
(L.S.) ROBT. C. SCHENCK.
(L.S.) SAMUEL NELSON.
(L.S.) EBENEZER ROCKWOOD HOAR.
(L.S.) GEO. H. WILLIAMS.

[1]AWARD OF THE EMPEROR OF GERMANY ON THE INTERPRETATION OF THE TREATY BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA OF 15TH JUNE, 1846. WATER BOUNDARY BETWEEN VANCOUVER'S ISLAND AND THE MAINLAND (SAN JUAN),—BERLIN, OCTOBER 21, 1872.

(Translation)

We, William, by the Grace of God, German Emperor, King of Prussia, etc.

After examination of the Treaty between the Governments of Her Britannic Majesty and that of the United States of America, dated at Washington, May 6th,[2] 1871, by virtue of which the above-named Governments have submitted to our Arbitration the question at issue between them, viz., whether the line of boundary which, according to the Treaty dated at Washington, June 15, 1846, after it had been continued westward along the 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, shall be further drawn southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean, should run, as claimed by the Government of Her Britannic Majesty, through the Rosario Straits, or through the canal of Haro, as claimed by the Government of the United States, in order that we should decide finally and without appeal which of these claims is most in accordance with the true interpretation of the Treaty of June 15, 1846:—

Have, after taking into consideration the statement of the experts and jurists appointed by us to report upon the contents of the respective cases and counter-cases, with their inclosures, given the following decision:—

The claim of the Government of the United States, viz., that the line of boundary between the dominions of Her Britannic Majesty and the United States should be run through the canal of Haro—is most in accordance with the true interpretation of the Treaty concluded between the Government of Her Britannic Majesty and that of the United States of America, dated at Washington, June 15, 1846.

Given under our hand and seal at Berlin, October 21, 1872.

WILLIAM.

[1] From British & Foreign State Papers, Vol. 62, p. 188.
[2] Sic in orig. The date of the Treaty is May 8, 1871.

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1873

[1]PROTOCOL OF AGREEMENT BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, DEFINING THE BOUNDARY LINE THROUGH THE CANAL DE HARO, IN ACCORDANCE WITH THE AWARD OF THE EMPEROR OF GERMANY, OF OCTOBER 21, 1872.

SIGNED AT WASHINGTON, MARCH 10, 1873.

Whereas it was provided by Article I of the Treaty between Great Britain and the United States of America, signed at Washington on the 15th of June, 1846, as follows:—

"Article I. From the point on the 49th parallel of north latitude, where the boundary laid down in existing Treaties and Conventions between Great Britain and the United States terminates, the line of boundary, between the territories of Her Britannic Majesty and those of the United States, shall be continued westward along the said 49th parallel of north latitude, to the middle of the channel which separates the Continent from Vancouver's island; and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean; provided, however, that the navigation of the whole of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both Parties.'

And whereas it was provided by Article XXXIV of the Treaty between Great Britain and the United States of America, signed at Washington on the 8th of May, 1871, as follows:—

"Article XXXIV. Whereas it was stipulated by Article I of the Treaty concluded at Washingon on the 15th of June, 1846, between Her Britannic Majesty and the United States, that the line of boundary between the territories of Her Britannic Majesty and those of the United States, from the point on the 49th parallel of north latitude, up to which it had already been ascertained, should be continued westward along the said parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca Straits to the Pacific Ocean, and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of Her Britannic Majesty, and of the Government of the United States shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned Article of the said Treaty, shall decide thereupon, finally and without appeal which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846."

And whereas His Majesty the Emperor of Germany has, by his award dated the 21st of October, 1872, decided that "Mit der richtigen Auslegung der zwischen den Regierungen Ihrer Britischen Majestät und der vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15ten Juni, 1846,

[1] From British & Foreign State Papers, Vol. 63, p. 354.

steht der Anspruch der Regierung der vereinigten Staaten am meissten im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestät und den vereinigten Staaten durch den Haro Kanal gezogen werde."

The Undersigned, the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Rear-Admiral James Charles Prevost, Commissioner of Her Britannic Majesty in respect of the boundary aforesaid, and Hamilton Fish, Secretary of State of the United States, duly authorized by their respective Governments to trace out and mark on charts prepared for that purpose the line of boundary in conformity with the award of His Majesty the Emperor of Germany, and to complete the determination of so much of the boundary line between the possessions of Great Britain and the territory of the United States, as was left uncompleted by the Commissioners heretofore appointed to carry into effect Article I of the Treaty of 15th June, 1846, have met together at Washington, and have traced out and marked the said boundary line on four charts, severally entitled "North America, West Coast, Strait of Juan de Fuca, and the channels between the Continent and Vancouver Island, showing the Boundary line between British and American Possessions, from the Admiralty Surveys by Captains H. Kellett, R.N., 1847, and G. H. Richards, R.N., 1858-1862;" and having on examination agreed that the lines so traced and marked on the respective charts are identical, they have severally signed the said charts on behalf of their respective Governments, two copies thereof to be retained by the Government of Her Britannic Majesty, and two copies thereof to be retained by the Government of the United States, to serve with the "Definition of the Boundary Line" attached hereto, showing the general bearings of the line of boundary as laid down on the charts, as a perpetual record of agreement between the two Governments in the matter of the line of Boundary between their respective Dominions, under Article I of the Treaty concluded at Washington on the 15th of June, 1846.

In witness whereof the Undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Washington, this 10th day of March, in the year 1873.

[L.S.] EDWD. THORNTON.
[L.S.] JAMES C. PREVOST.
[L.S.] HAMILTON FISH

Definition of the Boundary Line

The chart upon which the boundary line between the British and United States' possessions is laid down is entitled "North America, West Coast, Strait of Juan de Fuca, and the Channels between the Continent and Vancouver Island, showing the boundary line between British and American possessions, from the Admiralty Surveys by Captains H. Kellett, R.N., 1847, and G. H. Richards, R.N., 1858-1862."

The boundary line thus laid down on the chart is a black one shaded red on the side of the British Possessions, and blue on the side of the Possessions of the United States.

The boundary line thus defined commences at the point on the 49th parallel of north latitude on the west side of Point Robarts which is marked by a stone monument, and the line is continued along the same parallel to the middle of the channel which separates the Continent from Vancouver Island, that is to say, to a point in longitude 123° 19′ 15″ west, as shown in the said chart.

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It then proceeds in a direction about south 50° east (true) for about 15 geographical miles, when it curves to the southward passing equidistant between the west point of Patos Island and the east point of Saturna Island until the point midway on a line drawn betwen Turn Point on Stewart Island and Fairfax Point on Moresby Island bears south 68° west (true), distant 10 miles, then on a course south 68° west (true) 10 miles to the said point midway between Turn Point on Stewart Island and Fairfax Point on Moresby Island, thence on a course about south 12° 30′ east (true) for about 8¾ miles to a point due east 1 mile from the northernmost kelp reef, which reef, on the said chart, is laid down as in latitude 48° 33′ north and in longitude 123° 15′ west; then its direction continues about south 20° 15′ east (true) 6⅛ miles to a point midway between Sea Bird Point on Discovery Island and Pile Point on San Juan Island, thence in a straight line south 45° east (true) until it touches the north end of the middle bank in between 13 and 18 fathoms of water; from this point the line takes a general south 28° 30′ west direction (true) for about 10 miles, when it reaches the centre of the fairway of the Strait of Juan de Fuca, which by the chart is in the latitude of 48° 17′ north and longitude 123° 14′ 40″ west.

Thence the line runs in a direction south 73° west (true) for 12 miles to a point on a straight line drawn from the lighthouse on Race Island to Angelos Point, midway between the same.

Thence the line runs through the centre of the Strait of Juan de Fuca, first, in a direction north 80° 30′ west, about 5¾ miles to a point equidistant on a straight line between Beechy Head on Vancouver Island and Tongue Point on the shore of Washington Territory; second, in a direction north 76° west about 13½ miles to a point equidistant in a straight line between Sherringham Point on Vancouver Island and Pillar Point, on the shore of Washington territory; third, in a direction north 68° west about 30¾ miles to the Pacific Ocean, at a point equidistant between Bonilla Point on Vancouver Island and Tatooch Island lighthouse on the American shore, the line between the points being nearly due north and south (true).

The courses and distances as given in the foregoing description are not assumed to be perfectly accurate, but are as nearly so as is supposed to be necessary to a practical definition of the line laid down on the chart and intended to be the boundary line.

(L.S.) EDWD. THORNTON.
(L.S.) JAMES C. PREVOST.
(L.S.) HAMILTON FISH.

1875

[1]CONVENTION RESPECTING THE CREATION OF AN INTERNATIONAL OFFICE OF WEIGHTS AND MEASURES.—SIGNED AT PARIS, MAY 20, 1875.

[*Accession of Great Britain, September* 17, 1884.]

[*Accession of Canada, 15 June, 1907.*]

(Translation.)

His Majesty the Emperor of Germany, His Majesty the Emperor of Austria-Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Argentine Confederation, His Majesty the King of Denmark, His Majesty the King of Spain, His Excellency

[1] From Treaty Series No. 24, 1923.

the President of the United States of America, His Excellency the President of the French Republic, His Majesty the King of Italy, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and of the Algarves, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Excellency the President of the Swiss Confederation, His Majesty the Emperor of the Ottomans, and His Excellency the President of the Republic of Venezuela, being desirous of assuring the international uniformity and perfection of the metric system, have resolved to conclude a Convention for this object, and have named as their Plenipotentiaries, viz:—

(The names of the Plenipotentiaries, which are here given in the text of the Convention, with their full titles, &c., will be found as names of the signatories of the Convention.)

ARTICLE 1.

The High Contracting Parties engage to found and maintain at their common expense an *International Bureau of Weights and Measures,* scientific and permanent, its seat to be at Paris.

ARTICLE 2

The French Government will undertake the necessary arrangements for facilitating the acquisition, or, if requisite, the construction of a building to be specially appropriated for this purpose, under the conditions specified in the Regulations annexed to the present Convention.

ARTICLE 3

The International Bureau will execute its functions under the exclusive direction and superintendence of an *International Committee of Weights and Measures,* itself placed under the authority of a *General Conference of Weights and Measures,* formed of delegates of all the contracting Governments.

ARTICLE 4

The President for the time being of the Academy of Sciences at Paris shall be the President of the General Conference of Weights and Measures.

ARTICLE 5

The organization of the International Bureau, as well as the composition and attributes of the International Committee and of the General Conference of Weights and Measures, are determined by the Regulations annexed to the present Convention.

ARTICLE 6

The International Bureau of Weights and Measures is charged with:—

1. All comparisons and verifications of the new primary Standard Metres and Kilograms.
2. The preservation of the International Prototypes.
3. The periodical comparisons of the National Standards with the International Prototypes and their primary copies (*témoins*), and of the Standard thermometers.
4. The comparison of the new primary Standards with the fundamental standards of Weights and Measures, other than Metric, in the different countries and in scientific use.

5. The verification and comparison of geodetical instruments.
6. The comparison of Standards and scales of precision, the verification of which may be demanded either by the respective Governments, or by scientific societies, or even by artists and by men of science.

ARTICLE 7

The *personnel* of the Bureau shall consist of a director, two assistants, and the requisite number of subordinate officers.

From and after the period of the comparisons of the new Standards, and their distribution amongst the several countries, the *personnel* of the Bureau shall be reduced in the proportion deemed proper.

The appointments of the *personnel* of the Bureau shall be notified by the International Committee to the Governments of the High Contracting Parties.

ARTICLE 8

The international prototypes of the metre and kilogram, as well as their primary copies (*témoins*), shall remain deposited in the Bureau; access to this place of deposit shall be reserved exclusively to the International Committee.

ARTICLE 9

All the expenses of the establishment and fitting up of the International Bureau of Weights and Measures, as well as the annual expenses of its maintenance and those of the Committee, shall be defrayed by contributions from the contracting countries, to be charged according to a scale based on their actual population.

ARTICLE 10

The sums representing the proportion to be contributed by each contracting State shall be paid at the beginning of each year, through the office of the Minister for Foreign Affairs of France, to the *Caisse des Dépôts et Consignations* at Paris, from whence they shall be drawn as may be required by orders of the director of the Bureau.

ARTICLE 11

The Governments which shall make use of the power reserved to every State to take part in the present Convention, shall be held chargeable with a contribution, the amount of which shall be fixed by the Committee upon the basis established by Article 9, and shall be appropriated to the amelioration of the scientific material of the Bureau.

ARTICLE 12

The High Contracting Parties reserve to themselves the power of applying to the present Convention by common agreement all such modifications as may be found by experience useful.

ARTICLE 13

At the expiration of a term of twelve years, any one of the High Contracting Parties may withdraw from the present Convention.

The Government that shall make use of this power of causing its provisions to cease so far as it is concerned, shall be bound to give notice of its intention one year beforehand, and shall, by such act, renounce all its rights of common property in the International Metric Prototypes, and in the Bureau.

ARTICLE 14

The present Convention shall be ratified according to the Constitutional laws peculiar to each State. The ratifications shall be exchanged within six months, or sooner if possible. It shall take effect from the 1st January, 1876.

In faith whereof, the respective Plenipotentiaries have signed the Convention and have affixed the seal of their arms thereto.

Done at Paris, the 20th May, 1875.

For Germany:
(L.S.) HOHENLOHE.

For Austria-Hungary:
(L.S.) APPONYI.

For Belgium:
(L.S.) BEYENS.

For Brazil:
(L.S.) VICOMTE D'ITAJUBA.

For the Argentine Confederation:
(L.S.) M. BALCARCE.

For Denmark:
(L.S.) L. MOLTKE-HIRTFELDT.

For Spain:
(L.S.) MARQUIS DE MOLINS.
(L.S.) CARLOS IBANEZ.

For United States:
(L.S.) E. B. WASHBURNE.

For France:
(L.S.) DECAZES.
(L.S.) C. DE MEAUX.
(L.S.) DUMAS.

For Italy:
(L.S.) NIGRA.

For Peru:
(L.S.) S. GALVEZ.
(L.S.) FRANCESCO DE RIVERO.

For Portugal:
(L.S.) JOSE DA SILVA MENDES LEAL.

For Russia:
(L.S.) OKOUNEFF.

For Switzerland:
(L.S.) KERN.

For Turkey:
(L.S.) HUSNY.

For Venezuela:
(L.S.) E. ACOSTA.

Regulations

ARTICLE 1

The International Bureau of Weights and Measures shall be established in a special building affording all the necessary guarantees of tranquility and stability.

Besides the locality appropriated to the deposit of the Metric prototypes, it shall comprise rooms for fitting up the comparing instruments and balances, a laboratory, a library, a record room, working rooms for the executive officers, and lodgings for the principal and subordinate officers of the establishment.

ARTICLE 2

The International Committee is charged with the acquisition and appropriation of this building, as well as with the fitting it up for the services for which it is destined.

In case the Committee shall not be able to obtain possession of a convenient building, they shall have one constructed under their direction, and according to their plans.

ARTICLE 3

The French Government shall make, upon the requisition of the International Committee, all the necessary arrangements for recognizing the Bureau as an institution of public utility.

ARTICLE 4

The International Committee shall direct the construction of all the requisite instruments, such as comparing instruments for Standards of length, both line measures and end measures, apparatus for determining their absolute dilatation, balances for weighing in air and in a vacuum, comparing instruments for geodetical measures, &c.

ARTICLE 5

The costs of acquiring or constructing a building, and the expenses of purchase and fitting up of instruments and apparatus, shall not exceed in the whole the sum of 400,000 fr.

ARTICLE 6

The budget of annual expenditure is estimated as follows:—

(A.) For the first period during the completion and comparison of the new primary Metric Standards:—

	Frs.
(*a.*) Salary of Director	15,000
" two assistants at 6,000 frs.	12,000
" four sub-assistants at 3,000 frs.	12,000
Emoluments of a mechanic-porter	3,000
Wages of two messengers at 1,500	3,000
Total salaries	45,000

	Frs.
(*b.*) Remuneration to men of science and mechanical artists who may be employed by the Committee for special work, maintenance of the building, purchase and repairs of apparatus, heating, lighting, and other office expenses	24,000
(*c.*) Remuneration to the Secretary of the International Committee of Weights and Measures	6,000
Total	75,000

This annual budget of the expenses of the Bureau may be modified, as may be found needful, by the International Committee, on the proposal of the Director, but shall not exceed the total amount of 100,000 frs.

Every modification within these limits that the Committee may think fit to apply to the annual budget, as fixed by the present Regulations, shall be brought under the cognizance of the contracting Governments.

The Committee may authorise the Director, on his request, to transfer the surpluses of one head of expenditure to another head of the budget thus appropriated.

(B.) For the period after the distribution of the new primary Metric Standards:—

	Frs.
(*a.*) Salary of the Director	15,000
" an assistant	6,000
Emoluments of a mechanic-porter	3,000
Wages of a messenger	1,500
	25,500
(*b.*) Office expenses	18,500
(*c.*) Remuneration to the Secretary of the International Committee	6,000
	50,000

ARTICE 7

The General Conference, mentioned in Article 3 of the Convention, shall meet at Paris, when convoked by the International Committee, at least once in every six years.

Its province will be to discuss and undertake the necessary measures for the propagation and perfecting of the Metric system, as well as to sanction the new fundamental metrological determinations which shall have been made in the intervals between its meetings. It will receive the report of the International Committee on the work done, and will proceed by ballot to re-elect one-half of the International Committee.

In the General Conference the votes will be taken according to the number of States; each State will have the right to one vote.

The members of the International Committee will take part officially in the meetings of the General Conference; they may at the same time be delegates of their Governments.

ARTICLE 8

The International Committee, mentioned in Article 3 of the Convention, shall be composed of fourteen members, all belonging to different countries.

It shall be formed, for the first time, of the twelve members of the former permanent committee of the International Metric Commission of 1872, together with the two delegates who, at the election of this permanent committee, obtained the highest number of votes after the members elected.

At the re-election of one-half of the International Committee, the members retiring shall be, first, those who in the event of vacancies shall have been provisionally elected in the intervals between any two sessions of the Conference; the others shall be selected by lot.

The retiring members shall be re-eligible.

ARTICLE 9

The International Committee is to direct all the operations relating to the verification of the new primary Metric Standards, and in general all the metrological operations that the High Contracting Parties shall direct to be executed in common.

It is charged, besides, with the superintendence of the preservation of the International Metric Prototypes.

ARTICLE 10

The International Committee is to constitute itself by choosing its president and secretary by ballot. These appointments shall be notified to the High Contracting Parties.

The president and the secretary of the committee, and the director of the Bureau, must belong to different countries.

Once constituted, the Committee cannot proceed to any new election or appointment until three months shall have elapsed from the period of notice being given to all the members by the Bureau of the Committee.

ARTICLE 11

Up to the period when all the new primary Metric Standards shall be completed and distributed, the Committee shall meet at least once a year; after this period, their meetings shall be at least biennial.

ARTICLE 12

The votes of the Committee shall be taken by the majority of voices; in case the number is equal, the president shall have a casting vote. The decisions shall not be valid unless the number of members present is equal at least to one more than half the number of members composing the Committee.

Under this condition, the absent members shall have the right of delegating their votes to the members present, who must produce proof of this delegation. The same rule is to apply to appointments by ballot.

ARTICLE 13

During the interval between one session and another, the Committee is to have the right to deliberate by correspondence.

In such case, in order that the decision may be valid, it is requisite that all the members of the Committee shall have been appealed to for their opinion.

ARTICLE 14

The International Committee of Weights and Measures is to fill up provisionally any vacancies which may arise in their number; these elections may be made by correspondence, each member being invited to take part in them.

ARTICLE 15

The International Committee shall draw up detailed regulations for organizing the work of the Bureau, and shall fix the fees to be paid for the extraordinary work already referred to in Article 6 of the Convention.

These fees shall be appropriated to perfecting the scientific material of the Bureau.

ARTICLE 16

All the communications of the International Committee with the Governments of the High Contracting Parties shall be made through the mediation of their diplomatic representatives at Paris.

In all matters requiring the intervention of a French administration, the Committee shall communicate with the French Ministry for Foreign Affairs.

ARTICLE 17

The Director of the Bureau, as well as the assistants, shall be nominated by the International Committee by ballot.

The subordinate officers are to be nominated by the Director.

The Director is to have a voice at the meetings of the Committee.

ARTICLE 18

The Director of the Bureau shall not have access to the place of deposit of the International Prototypes of the Metre and Kilogram, except by a special resolution of the Committee, and in presence of two of its members.

The place of deposit of the Prototypes shall be securely closed under three keys, of which one shall be kept in the possession of the Director of the Archives of France, the second in that of the President of the Committee, and the third in that of the Director of the Bureau.

The Standards which are of the same character as the national primary Metric Standards, shall alone serve for the ordinary work of comparisons at the Bureau.

ARTICLE 19

The Director of the Bureau shall address to the Committee every year—

1. A financial report upon the accounts for the preceding period, for which after examination and approval, he shall receive his discharge.
2. A report upon the state of the material of the Bureau.
3. A general report upon the work done during the course of the past year.

The International Committee, on their part, shall address to the Governments of all the High Contracting Parties an annual report on the whole of its scientific, technical, and administrative work, including that of the Bureau.

The President of the Committee shall render account to the General Conference of the work done since the period of its last session.

The reports and publications of the Committee and of the Bureau shall be drawn up in the French language. They shall be printed and communicated to the Governments of the High Contracting Parties.

ARTICLE 20

The scale of contributions mentioned in Article 9 of the Convention shall be fixed as follows:—

The amount of population, expressed in millions, shall be multiplied by—

The co-efficient 3 for those countries in which the Metric System is compulsory.

The co-efficient 2 for those countries in which it is only permissive.

The co-efficient 1 for other countries.

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

ARTICLE 21

The costs of completing the International Metric Prototypes, as well as the auxiliary Standards intended to accompany them, shall be defrayed by the High Contracting Parties according to the scale fixed by the preceding Article.

The costs of comparison and of verification of the Standards demanded by the States who do not take part in the present Convention shall be regulated by the Committee in conformity with the tariff of fees to be fixed under Article 15 of the Regulations.

ARTICLE 22

The present Regulations shall have the same force and value as the Convention to which they are annexed.

Transitory Provisions

ARTICLE 1

All the States represented at the International Metric Commission assembled at Paris in 1872, whether contracting parties to the present Convention or not, shall receive the primary Metric Standards they have ordered, which shall be delivered to them under all the guaranteed conditions determined by the said International Commission.

ARTICLE 2

The first meeting of the General Conference of Weights and Measures, mentioned in Article 3 of the Convention, shall be held for the special object of sanctioning these new primary Metric Standards, and of distributing them amongst the States who have ordered them.

Consequently the delegates of all the Governments who were represented in 1872, as well as the members of the French section of the Commission, shall have the right to take part in this first meeting for concurring in the sanction of the new Standards.

ARTICLE 3

The International Committee mentioned in Article 3 of the Convention and composed, as stated in Article 8 of the Regulations, is charged with receiving and comparing amongst themselves the new primary Metric Standards, in accordance with the scientific decisions of the International Commission of 1872, and of its Permanent Committee, reserving only such modifications as experience may in future suggest.

ARTICLE 4

The French section of the International Commission of 1872 remains charged with the work entrusted to it of constructing the new primary Metric Standards, with the concurrence of the International Committee.

ARTICLE 5

The costs of construction of the Metric Standards by the French section shall be reimbursed by the Governments interested, in accordance with the estimated price of each Standard, as shall be fixed by the said section.

ARTICLE 6

The International Committee is authorized to constitute itself immediately and to make all the preliminary arrangements requisite for carrying the Convention into effect, without incurring any expense until after the exchange of ratifications of the said Convention.

1877

[1]DECLARATION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, FOR THE PROTECTION OF TRADE MARKS.—SIGNED AT LONDON, OCTOBER 24, 1877.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the United States of America, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:—

The subjects or citizens of each of the two Contracting Parties shall have, in the dominions and possessions of the other, the same rights as belong to native subjects or citizens, or as are now granted, or may hereafter be granted, to the subjects and citizens of the most favoured nation, in everything relating to property in trade marks and trade labels.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the Undersigned have signed the present Declaration and have affixed thereto the seal of their arms.

Done at London, the 24th day of October, 1877.

(L.S.) DERBY.

(L.S.) EDWARDS PIERREPONT.

1883

[2]INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.—SIGNED AT PARIS, MARCH 20, 1883.

[*Ratifications exchanged at Paris, June* 6, 1884.]
[*Accession of Canada, Sept.* 1, 1923.]

(Translation.)

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

Being equally animated with the desire to secure, by mutual agreement complete and effectual protection for the industry and commerce of their respective subjects and citizens, and to provide a guarantee for the rights of inventors, and for the loyalty of commercial transactions, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries, that is to say:

His Majesty the King of the Belgians: the Baron Beyens, Grand Officer of His Majesty's Royal Order of Leopold, Grand Officer of the Legion of Honour, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Paris, &c.;

[1] From British & Foreign State Papers, Vol. 68, p. 12.
[2] From Imperial Parliamentary Paper Cd. 4043 of 1884.

His Majesty the Emperor of Brazil: M. Jules Constant, Count de Villeneuve, Member of His Majesty's Council, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians, Commander of the Order of Christ, Officer of His Majesty's Order of the Rose, Chevalier of the Legion of Honour, &c.;

His Majesty the King of Spain: His Excellency the Duke de Fernan-Nunez, de Montellano and del Arco, Count de Cervellon, Marquis de Almonacir, Grandee of Spain First Class, Chevalier of the Distinguished Order of the Golden Fleece, Grand Cross of the Order of Charles III, Chevalier de Calatrava, Grand Cross of the Legion of Honour, Senator of the Kingdom, His Majesty's Ambassador Extraordinary and Plenipotentiary at Paris, &c.

The President of the French Republic: M. Paul Challemel-Lacour, Senator, Minister for Foreign Affairs; M. Hérisson, Deputy, Minister of Commerce; M. Charles Jagerschmidt, Minister Plenipotentiary of the First Class, Officer of the National Order of the Legion of Honour, &c.;

The President of the Republic of Guatemala: M. Crisanto-Medina, Officer of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c.;

His Majesty the King of Italy: M. Constantin Ressman, Commander of His Majesty's Orders of Saints Maurice and Lazarus, and of the Crown of Italy, Commander of the Legion of Honour, Councillor of the Italian Embassy at Paris, &c.;

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

His Majesty the King of Portugal and the Algarves: M. José da Silva Mendes Leal, Councillor of State, Peer of the Realm, Minister and Honorary Secretary of State, Grand Cross of the Order of St. James, Chevalier of the Order of the Tower and Sword of Portugal, Grand Officer of the Legion of Honour, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Paris, &c.; M. Fernand de Azevedo, Officer of the Legion of Honour, First Secretary of the Portuguese Legation at Paris, &c.;

The President of the Republic of Salvador: M. Torres-Caïcedo, corresponding member of the French Institute, Grand Officer of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c.;

His Majesty the King of Servia: M. Sima M. Marinovitch, Chargé d'Affaires of Servia *ad interim*, Chevalier of the Royal Order of Takovo, &c.;

And the Federal Council of the Swiss Confederation: M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary at Paris, &c.; M. J. Weibel, Engineer at Geneva, President of the Swiss Section of the Permanent Commission for the Protection of Industrial Property;

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

Article 1

The Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia and Switzerland constitute themselves into a Union for the Protection of Industrial Property.

Article II

The subjects or citizens of each of the Contracting States shall, in all the other States of the Union, as regards patents, industrial designs or models, trademarks and trade names, enjoy the advantages that their respective laws now grant, or shall hereafter grant to their own subjects or citizens.

Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each State.

ARTICLE III

Subjects or citizens of States not forming part of the Union, who are domiciled or have industrial or commercial establishments in the territory of any of the States of the Union, shall be assimilated to the subjects or citizens of the Contracting States.

ARTICLE IV

Any person who has duly applied for a patent, industrial design or model, or trade-mark in one of the Contracting States, shall enjoy, as regards registration in the other States, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

Consequently, subsequent registration in any of the other States of the Union before expiry of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention or by the working of it by a third party, by the sale of copies of the design or model, or by the use of the trade-mark.

The above mentioned terms of priority shall be six months for patents, and three months for industrial designs and models and trade-marks. A month longer is allowed for countries beyond sea.

ARTICLE V

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the States of the Union shall not entail forfeiture.

Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects.

ARTICLE VI

Every trade-mark duly registered in the country of origin shall be admitted for registration, and protected in the form originally registered in all the other countries of the Union.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

Registration may be refused if the object for which it is solicited is considered contrary to morality or public order.

ARTICLE VII

The nature of the goods on which the trade-mark is to be used can, in no case, be an obstacle to the registration of the trade-mark.

ARTICLE VIII

A trade name shall be protected in all countries of the Union, without necessity of registration, whether it form part or not of a trade-mark.

ARTICLE IX

All goods illegally bearing a trade-mark or trade name may be seized on importation into those States of the Union where this mark or name has a right to legal protection.

The seizure shall be effected at the request of either the proper Public Department or of the interested party, pursuant to the internal legislation of each country.

ARTICLE X

The provisions of the preceding Article shall apply to all goods falsely bearing the name of any locality as indication of the place of origin, when such indication is associated with a trade name of a fictitious character or assumed with a fraudulent intention.

Any manufacturer of, or trader in, such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

ARTICLE XI

The High Contracting Parties agree to grant temporary protection to patentable inventions, to industrial designs or models, and trade-marks for articles exhibited at official or officially recognized International Exhibitions.

ARTICLE XII

Each of the High Contracting Parties agrees to establish a special Government Department for industrial property, and a central office for communication to the public of patents, industrial designs or models, and trade-marks.

ARTICLE XIII

An international office shall be organized under the name of "Bureau International de l'Union pour la Protection de la Propriété Industrielle" (International Office of the Union for the Protection of Industrial Property).

This office, the expenses of which shall be defrayed by the Governments of all the Contracting States, shall be placed under the high authority of the Central Administration of the Swiss Confederation, and shall work under its supervision. Its functions shall be determined by agreement between the States of the Union.

ARTICLE XIV

The present Convention shall be submitted to periodical revisions, with a view to introducing improvements calculated to perfect the system of the Union.

To this end Conferences shall be successively held in one of the Contracting States by Delegates of the said States. The next meeting shall take place in 1885 at Rome.

ARTICLE XV

It is agreed that the High Contracting Parties respectfully reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of Industrial Property, in so far as such arrangements do not contravene the provisions of the present Convention.

ARTICLE XVI

States which have not taken part in the present Convention shall be permitted to adhere to it at their request.

Such adhesion shall be notified officially through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the others. It shall imply complete accession to all the clauses, and the admission to all the advantages stipulated by the present Convention.

ARTICLE XVII

The execution of the reciprocal engagements contained in the present Convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the Constitutional laws of those of the High Contracting Parties who are bound to procure the application of the same, which they engage to do with as little delay as possible.

ARTICLE XVIII

The present Convention shall come into operation one month after the exchange of ratifications, and shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation. This denunciation shall be addressed to the Government commissioned to receive adhesions. It shall only affect the denouncing State, the Convention remaining in operation as regards the other Contracting Parties.

ARTICLE XIX

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

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Paris, the 20th March, 1883.

(L.S.) BEYENS.
(L.S.) VILLENEUVE.
(L.S.) Duc DE FERNAN-NUNEZ.
(L.S.) P. CHALLEMEL-LACOUR.
(L.S.) CH. HERISSON.
(L.S.) CH. JAGERSCHMIDT.
(L.S.) CRISANTO-MEDINA.
(L.S.) RESSMAN.
(L.S.) Baron DE ZUYLEN DE NYEVELT.
(L.S.) JOSÉ DA SILVA MENDES LEAL.
(L.S.) F. D'AZEVEDO.
(L.S.) J.-M. TORRES-CAÏCEDO.
(L.S.) SIMA M. MARINOVITCH.
(L.S.) LARDY.
(L.S.) J. WEIBEL.

Final Protocol

ON proceeding to the signature of the Convention concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Servia, and Switzerland for the Protection of Industrial Property, the undersigned Plenipotentiaries have agreed as follows:—

1. The words "Industrial Property" are to be understood in their broadest sense: they are not to apply simply to industrial products, properly so called, but also to agricultural products (wines, corn, fruits, cattle, &c.) and to mineral products employed in commerce (mineral waters, &c.).

2. Under the word "patents" are comprised the various kinds of industrial patents recognized by the legislation of each of the Contracting States, such as importation patents, improvements patents, &c.

3. The last paragraph of Article II does not affect the legislation of each of the Contracting States as regards the procedure to be followed before the Tribunals and the competence of those Tribunals.

4. Paragraph I of Article VI is to be understood as meaning that no trademark shall be excluded from protection in any State of the Union from the fact alone that it does not satisfy, in regard to the signs composing it, the conditions of the legislation of that State, provided that on this point it comply with the legislation of the country of origin and that it had been properly registered in said country of origin. With this exception, which relates only to the form of the mark, and under reserve of the provisions of the other Articles of the Convention, the internal legislation of each State remains in force.

To avoid misconstruction, it is agreed that the use of public armorial bearings and decorations may be considered as being contrary to public order in the sense of the last paragraph of Article VI.

5. The organization of the special Department for Industrial Property mentioned in Article XII shall comprise, so far as possible, the publication in each State of a periodical official paper.

6. The common expenses of the International Office instituted by virtue of Article XIII are in no case to exceed for a single year a total sum representing an average of 2,000 fr. for each Contracting State.

To determine the part which each State should contribute to this total of expenses the Contracting States, and those which may afterwards join the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:—

1st class	25 units
2nd class	20 "
3rd class	15 "
4th class	10 "
5th class	5 "
6th class	3 "

These co-efficients will be multiplied by the number of States in each class, and the sum of the result thus obtained will supply the number of units by which the total expense has to be divided. The quotient will give the amount of the unit of expense.

The Contracting States are classed as follows with regard to the division of expense:—

1st class	France, Italy.
2nd class	Spain.
3rd class	Belgium, Brazil, Portugal, Switzerland.
4th class	Holland.
5th class	Servia.
6th class	Guatemala, Salvador.

The Swiss Government will superintend the expenses of the International Office, advance the necessary funds, and render an annual account, which will be communicated to all the other Administrations.

The International Office will centralize information of every kind relating to the protection of Industrial Property, and will bring it together in the form of a general statistical statement, which will be distributed to all the Administrations. It will interest itself in all matters of common utility to the Union, and will edit, with the help of the documents supplied to it by the various Administrations, a periodical paper in the French language dealing with questions regarding the object of the Union.

The numbers of this paper, as well as all the documents published by the International Office, will be circulated among the Administrations of the States of the Union in the proportion of the number of contributing units as mentioned above. Such further copies as may be desired, either by the said Administrations or by Societies or private persons, will be paid for separately.

The International Office shall at all times hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of Industrial Property.

The Administration of the country in which the next Conference is to be held will make preparations for the transactions of that Conference, with the assistance of the International Office.

The Director of the International Office will be present at the meetings of the Conferences and will take part in the discussions, but without the privilege of voting.

He will furnish an annual Report upon his administration of the Office, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

7. The present Final Protocol, which shall be ratified together with the Convention concluded this day, shall be considered as forming an integral part of, and shall have the same force, validity, and duration as, the said Convention.

In witness whereof the undersigned Plenipotentiaries have drawn up the present Protocol.

BEYENS.
VILLENEUVE.
Duc DE FERNAN-NUNEZ.
P. CHALLEMEL-LACOUR.
CH. HÉRISSON.
C. H. JAGERSCHMIDT.
CRISANTO-MEDINA.
RESSMAN.
Baron DE ZUYLEN DE NYEVELT.
JOSÉ DA SILVA MENDES LEAL.
F. D'AZEVEDO.
J.-M. TORRES-CAÏCEDO.
SIMA M. MARINOVITCH.
LARDY.
J. WEIBEL.

Accession of Her Majesty's Government to the Convention signed at Paris, March 20, 1883

THE Undersigned, Ambassador Extraordinary and Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to the French Republic, declares that Her Britannic Majesty, having had the International Convention for the Protection of Industrial Property, concluded at Paris on the 20th March, 1883, and the Protocol relating thereto, signed on the same date, laid before her, and availing herself of the right reserved by Article XVI of that Convention to States not parties to the original Convention, accedes, on behalf of the United Kingdom of Great Britain and Ireland, to the said International Convention for the Protection of Industrial Property, and to the said Protocol, which are to be considered as inserted word for word in the present Declaration, and formally engages, as far as regards the President of the

French Republic and the other High Contracting Parties, to co-operate on her part in the execution of the stipulations contained in the Convention and Protocol aforesaid.

The Undersigned makes this Declaration on the part of Her Britannic Majesty with the express understanding that power is reserved to her Britannic Majesty to accede to the Convention on behalf of the Isle of Man and the Channel Islands, and any of Her Majesty's possessions, on due notice to that effect being given through Her Majesty's Government.

In witness whereof the Undersigned, duly authorized, has signed the present Declaration of Accession, and has affixed thereto the seal of his arms.

Done at Paris on the 17th day of March, 1884.

(L.S.) LYONS.

Declaration of Acceptance of Accession.

(Translation.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland having acceded to the International Convention relative to the Protection of Industrial Property concluded at Paris, 20th March, 1883, together with a Protocol dated the same day, by the Declaration of Accession delivered by her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, the text of which Declaration is, word for word, as follows:—

[Here is inserted the text of the Accession.]

The President of the French Republic has authorized the Undersigned, President of the Council, Minister for Foreign Affairs, to formally accept the said accession, together with the reserves which are contained in it concerning the Isle of Man, the Channel Islands, and all other possessions of Her Britannic Majesty, engaging as well in his own name as in that of the other High Contracting Parties to assist in the accomplishment of the obligations stipulated in the Convention and the Protocol thereto annexed which may concern the United Kingdom of Great Britain and Ireland.

In witness whereof the Undersigned, duly authorized, has drawn up the present Declaration of Acceptance, and has affixed thereto his seal.

Done at Paris, the 2nd April, 1884.

(L.S.) JULES FERRY.

1884

[1]CONVENTION FOR THE PROTECTION OF SUBMARINE CABLES SIGNED AT PARIS MARCH 14, 1884

(Ratifications Deposited at Paris April 16, 1885)

[*Accession of Canada September* 23, 1887]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His

[1] From British & Foreign State Papers, Vol. 75, p. 356. By protocol signed by the plenipotentiaries of the signatory powers the 1st May, 1888, was agreed on as the date for putting this Convention into force.

Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark. His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of America, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and of Norway, and His Excellency the President of the Oriental Republic of the Uruguay, desiring to ensure the maintenance of telegraphic communications by means of submarine cables have decided to conclude a convention for this purpose and have named for their plenipotentiaries, viz.,

[*Here follow the names of the plenipotentiaries.*]

who after having exchanged their full powers which were found to be in good and due form have agreed on the following Articles:—

ARTICLE I.

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies or possessions of one or more of the high contracting parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The high contracting parties undertake that, on granting a concession for landing a submarine cable, they will insist, so far as possible, upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the high contracting parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see or are able to see a telegraph ship exhibiting the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one-quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the occurrence; and the master must within twenty-four hours after his return to, or next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the contracting States, in accordance, so far as the subjects and citizens of those states respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular State, or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II, V and VI of the present Convention shall be instituted by the state, or in its name.

ARTICLE X

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said

vessel. The fact of such document having been exhibited shall then be indorsed upon it immediately. Further formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added thereto, in their own language, any explantions they may consider useful. These declarations shall be duly signed.

ARTICLE XI

The proceedings and trial in cases of infraction of the provisions of the present Convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII

The high contracting parties engage to take or to propose to their respective legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V and VI.

ARTICLE XIII

The high contracting parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries relating to the object of the present Convention.

ARTICLE XIV

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other signatory powers.

ARTICLE XV

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI

The present Convention shall be brought into force on a day to be agreed upon by the high contracting parties.

It shall remain in force for five years from that day, and unless any of the high contracting parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the signatory powers denounce the Convention, such denunciation shall have effect only as regards that power.

ARTICLE XVII

The present Convention shall be ratified and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

In testimony whereof the respective plenipotentiaries have signed the Convention and affixed to it their seals.

Done in 26 copies at Paris 14th March, 1884.

(L.S.) Lyons.
(L.S.) Hohenlohe.
(L.S.) M. Balcarce.
(L.S.) Ladislas, Comte Hoyos.
(L.S.) Beyens.
(L.S.) Léopold Orban.
(L.S.) Baron D'Itajuba.
(L.S.) Léon Somzée.
(L.S.) Moltke-Hvitfeldt.
(L.S.) Emanuel de Almeda.
(L.S.) Manuel Silvela.
(L.S.) L. P. Morton.
(L.S.) Henry Vignaud.
(L.S.) José G. Triana.
(L.S.) Jules Ferry.
(L.S.) A. Cochery.
(L.S.) Chrisanto Medina.
(L.S.) Maurocordato.
(L.S.) L. L. Menabrea.
(L.S.) Essad.
(L.S.) Baron de Zuylen De Nyevelt.
(L.S.) Nazare Aga.
(L.S.) F. D'Azevedo.
(L.S.) Odobesco.
(L.S.) Prince Orloff.
(L.S.) J. M. Torrès-Caicedo.
(L.S.) J. Marinovitch.
(L.S.) G. Sibbern.
(L.S.) Juan J. Diaz.

Additional Article

The stipulations of the Convention concluded under to-day's date for the protection of submarine cables shall be applicable in conformity with Article I, to the colonies and possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely:—

Canada,	Victoria,
Newfoundland,	Queensland,
The Cape,	Tasmania,
Natal,	South Australia,
New South Wales,	Western Australia,

New Zealand:

Provided always, that the stipulations of the said Convention shall be applicable to any of the above named colonies or possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

Each of the above named colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the powers, parties to it. In the event of any of the said colonies or

possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

Done in 26 copies at Paris, 14th March 1884.

[Signatures follow as above.]

Declaration Explanatory of Articles II and IV Signed at Paris 1st December, 1886

The Undersigned Plenipotentiaries of the Signatory Governments of the Convention of the 14th March, 1884, for the protection of submarine cables, having recognized the expediency of stating precisely the meaning of the terms of Articles II and IV of the said Convention, have agreed upon the following Declaration by common consent.

Certain doubts having been raised as to the meaning of the word "wilfully" used in article two of the Convention of the fourteenth of March, one thousand eight hundred and eighty-four, it is understood that the provision in respect of penal responsibility contained in the said article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable, when all precautions have been taken to avoid such breakage or injury.

It is equally understood that article four of the Convention had no other object and is to have no other effect, than to empower the competent tribunals of each country to decide in conformity with their laws and according to the circumstances the question of the civil responsibility of the owner of a cable, who, in laying or repairing his own cable, breaks or injures another cable, as well as the consequences of such responsibility, if it is recognized as existing.

Done at Paris 1st December, 1886.

[Signatures follow.]

1889

[1]SUPPLEMENTARY CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA FOR THE EXTRADITION OF CRIMINALS.—SIGNED AT WASHINGTON, JULY 12, 1889.

(Ratifications exchanged at London, March 11, 1890)

Whereas by Article X of the Treaty concluded between Her Britannic Majesty and the United States of America on the 9th day of August, 1842, provision is made for the extradition of persons charged with certain crimes.

And whereas it is now desired by the High Contracting Parties that the provisions of the said Articles should embrace certain crimes not therein specified, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention;

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order

[1] From British & Foreign State Papers, Vol. 81, p. 41.

of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

And the President of the United States of America, James G. Blaine, Secretary of State of the United States;

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

Art. I.—The provisions of the said Article X are hereby made applicable to the following additional crimes:

1. Manslaughter when voluntary.
2. Counterfeiting or altering money; uttering or bringing into circulation counterfeit or altered money.
3. Embezzlement; larceny; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained.
4. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or officer of any company, made criminal by the laws of both countries.
5. Perjury, or subornation of perjury.
6. Rape, abduction, child stealing, kidnapping.
7. Burglary, housebreaking or shopbreaking.
8. Piracy by the law of nations.
9. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.
10. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes mentioned in this Convention or in the aforesaid Article X, provided such participation be punishable by the laws of both countries.

II. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded be one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished for any political crime or offence, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the Government in whose juristion the fugitive shall be at the time shall be final.

III.—No person surrendered by or to either of the high Contracting Parties shall be triable or be tried for any crime or offence committed prior to his extradition, other than the offence for which he was surrendered, until he shall have had an opportunity of returning to the country from which he was surrendered.

IV.—All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable, and if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

V. If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Convention, should also be claimed by one or several other Powers on account of crimes or offences committed within their respective jurisdictions, his extradition shall be granted to that State whose demand is first received.

The provisions of this Article, and also of Articles II to IV inclusive, of the present Convention, shall apply to surrender for offences specified in the aforesaid Article X as well as to surrender for offences specified in this Convention.

VI.—The extradition of fugitives under the provisions of this Convention and of the said Article X shall be carried out in Her Majesty's dominions and in the United States, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering State.

VII.—The provisions of the said Article X and of this Convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

In case of a fugitive criminal alleged to have been convicted of the crime for which his surrender is asked, a copy of the record of the conviction and of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced, together with the evidence proving that the prisoner is the person to whom such sentence refers.

VIII.—The present Convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the Convention shall come into force.

IX.—This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

In witness whereof, the undersigned have signed the same, and have affixed thereto their seals.

Done in duplicate, at the City of Washington, this 12th day of July, 1889.

(L.S.) JULIAN PAUNCEFOTE,
(L.S.) JAMES G. BLAINE.

1890

[1]INTERNATIONAL CONVENTION FOR THE PUBLICATION OF CUSTOMS TARIFFS SIGNED AT BRUSSELS, JULY 5, 1890.

(Translation.)

Convention respecting the creation of an International Union for the Publication of Customs Tariffs between the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Chile, the Independent State of Congo, the Republic of Costa Rica, Denmark and her Colonies, Spain and her Colonies, the United States of America, France and her Colonies, Great Britain and certain British Colonies, British India, the Dominion of Canada, the Colonies of the Cape of Good Hope, Natal, New South Wales, New Zealand, Tasmania, Newfoundland, and Victoria;

[1] From Imperial Parliamentary Paper Cd. 6430 of 1891.

Greece, Guatemala, the Republic of Haïti, Italy and her Colonies, Mexico, Nicaragua, Paraguay, Holland and her Colonies, Peru, Portugal and her Colonies, Roumania, Russia, Salvador, the Kingdom of Siam, Switzerland, Turkey, Uruguay, and Venezuela.

The Undersigned, duly authorized, have, subject to approval, drawn up the following Convention:—

ARTICLE I.

There is formed between the nations above mentioned and all others which may, at a subsequent time, agree to the present Convention, an Association under the title of "Union Internationale pour la Publication des Tarifs Douaniers."

ARTICLE II.

The purpose of the "Union" is to publish, at joint expense, and to make known as promptly and as exactly as possible, the Customs Tariffs of the various States of the globe, and the modifications to which those Tariffs may from time to time be subjected.

ARTICLE III.

For this purpose there has been formed at Brussels an International Bureau, the duty of which will be to translate and to publish these Tariffs, as well as such legislative or administrative measures as may introduce modifications therein.

ARTICLE IV.

These documents will be published in a collection entitled, "Bulletin International des Douanes (Organe de l'Union Internationale pour la Publication des Tarifs Douaniers)."

For this purpose those languages will be employed which are most used for trade purposes.

ARTICLE V.

The "personnel" of the "Bureau International" will be nominated by the Minister of Foreign Affairs in Belgium, who will advance the necessary funds, and will superintend the regular working of that Institution.

ARTICLE VI.

In the correspondence of the "Bureau International" with the contracting Governments, the French language will be used.

ARTICLE VII.

A Report on the working condition and finances of the "Bureau International" will be submitted every year to the contracting Governments.

ARTICLE VIII.

The annual Budget of the expenses of the "Bureau International" is fixed at a maximum of 125,000 fr.

In addition to this, a capital sum of 50,000 fr. will, during the first year, be placed at the disposition of the Belgian Minister for Foreign Affairs, for the expenses of the installation of the Bureau.

The States and the Colonies which may eventually avail themselves of the power to accept the Convention, which is offered to them under Article XIV, will have to pay their proportionate share of this sum of 50,000 fr. on the basis as fixed by Article IX.

Such States and Colonies as may retire from the "Union" at the close of the first term of seven years will forfeit their right of co-proprietorship in the common fund.

In case of liquidation, the common fund will be divided between the States and Colonies of the "Union," on the basis as fixed by Article IX.

Article IX.

In order to decide in an equitable way what part each of the contracting States shall pay, the latter are classified in proportion to the importance of their respective trade, into six categories, each of them in the proportion of a certain number of units, namely:—

	Units.
1st Class.—Countries whose trade regularly amounts to more than 4 milliards of francs..	55
2nd Class.—Countries whose trade regularly amounts to from 2 to 4 milliards of francs..	40
3rd Class.—Countries whose trade regularly amounts to from 500 millions to 2 milliards of francs..	25
4th Class.—Countries whose trade regularly amounts to from 100 to 500 millions of francs..	20
5th Class.—Countries whose trade regularly amounts to from 50 to 100 millions of francs..	15
6th Class.—Countries whose trade regularly amounts to less than 50 millions of francs..	5

Article X.

For those countries whose language will not be employed by the "Bureau International," the above figures will be subject respectively to a reduction of two-fifths. The reduced amounts will be therefore as follows:—

For the 1st Class..	to 33	units.
" 2nd "	to 24	"
" 3rd "	to 15	"
" 4th "	to 12	"
" 5th "	to 9	"
" 6th "	to 3	"

Article XI.

The total of the annual expense, divided by the sum of the units distributed among the different contracting States, as above laid down, will give the *unit of expense*. It will be sufficient to multiply this by the number of units assigned to each of the States to determine the amount of such State's contribution to the cost of the " Bureau International."

Article XII.

In order to enable the Institution to produce the "Bulletin International" with as much exactitude as possible, the Contracting Parties will send to it directly and promptly two copies:—

(*a.*) Of their Customs laws, and of their Customs Tariff, carefully corrected up to date.

(*b.*) Of all Regulations which may hereafter modify them.

(*c.*) Of such Circulars and instructions as the said Governments may address to their Customs officers regarding the application of the Tariff or the classification of goods, and which may be made public.

(*d.*) Of their Commercial Treaties, International Conventions, and such internal legislation as has a direct relation to the Customs Tariffs in force.

ARTICLE XIII.

A Regulation having the same obligatory power as the present Convention will fix the mode of publication of the "Bulletin of the Union," and everything relating to the budget of the "Bureau International," and to the inner organization of the service.

ARTICLE XIV.

States and Colonies which have taken no part in the present Convention will be permitted subsequently to subscribe to it.

Their adhesion must be notified in writing to the Belgian Government, which will announce the fact to all the other contracting Governments. The fact of joining will imply full adhesion to all the clauses, and admission to all the advantages stipulated for under the present Convention.

ARTICLE XV.

The present Convention shall come into operation on the 1st April, 1891, and shall remain in force for seven years.

If, twelve months before the expiry of the first seven years, the present Convention has not been denounced, the "Union" shall remain in force for a further term of seven years, and so on, from one term of seven years to another.

The denunciation shall be addressed to the Belgian Government. It shall only affect the denouncing State, the Convention remaining in operation as regards the other countries which belong to the "Union."

The Governments may introduce into the present Convention, by common agreement, and at any time, such improvements as shall be judged useful or necessary.

In witness whereof the Undersigned have subscribed to the present Convention, and have affixed thereto their seals.

Done at Brussels, July 5, 1890.

For the Argentine Republic..	CARLOS CALVO Y CAPDEVILA.
For Austria-Hungary..	EPERJESY.
For Belgium..	LAMBERMONT.
	LÉON BIEBUYCK.
	KEBERS.
For Bolivia..	JOAQUIN CASO.
For Chile..	N. PENA VICUNA.
For the Independent State of Congo	EDM. VAN EETVELDE.
For the Republic of Costa Rica.. ..	MANUEL M. DE PERALTA.
For Denmark and her Colonies.. ..	SHACK DE BROCKDORFF.
For Spain and her Colonies..	J. G. DE AGUËRA.
For the United States of America..	EDWIN H. TERRELL.
For France and her Colonies..	A. BOURÉE.
For Great Britain and various English Colonies	MARTIN GOSSELIN.
	A. E. BATEMAN.
For British India..	MARTIN GOSSELIN.
	A. E. BATEMAN.
For the Dominion of Canada	CHARLES TUPPER.

For the Cape of Good Hope..	MARTIN GOSSELIN. A. E. BATEMAN.
For Natal..	MARTIN GOSSELIN. A. E. BATEMAN.
For New South Wales..	SAUL SAMUEL.
For New Zealand..	FRANCIS DILLON BELL.
For Tasmania..	MARTIN GOSSELIN. A. E. BATEMAN.
For Newfoundland..	MARTIN GOSSELIN. A. E. BATEMAN.
For Victoria..	GRAHAM BERRY.
For Greece..	P. MULLE.
For Guatemala..	ALEXIS CAPOUILLET.
For the Republic of Haïti..	G. DE DEKEN.
For Italy and her Colonies..	J. DE RENZIS.
For Mexico..	EDM. VAN DEN WYNGAERT.
For Nicaragua..	J. F. MEDINA.
For Paraguay..	HENRI OOSTENDORP.
For Holland and her Colonies..	H. TESTA. L. E. UYTTENHOOVEN.
For Peru..	JOAQUIN LEMOINE.
For Portugal and her Colonies.. ..	HENRIQUE DE MACEDO PEREIRA COUTINHO. AUGUSTO CESAR FERREIRA DE MESQUITA.
For Roumania..	J. VACARESCO.
For Russia..	G. KAMENSKY.
For Salvador..	ÉMILE ELOY.
For the Kingdom of Siam..	FREDERICK VERNEY.
For Switzerland..	E. PACCAUD.
For Turkey..	ÉT. CARATHÉODORY.
For Uruguay..	F. SUSVIELA GUARCH.
For Venezuela..	LUIS LOPEZ MENDEZ.

Certified by the Secretary of the Conference:

L. CAPELLE.

Regulations for Carrying the Convention into Effect

Regulations for carrying into effect the Convention whereby an International Bureau is created for the Publication of Customs Tariffs (Article XIII of the Convention).

Article 1. The "Bulletin International des Douanes" shall be published in five languages, namely: in German, in English, in Spanish, in French, and in Italian.

Art. 2. Each State taking part in the "Union" will have the right to cause to be translated and published at its own cost, either the whole or any portion of the "Bulletin" into such language as it may find most serviceable, provided that such language be not one of those adopted by the "Bureau International."

Each of the States of the Union shall further have the right to reproduce extracts from the Tariffs, or, in exceptional cases, portions of the "Bulletin," in its own official organ, or in its Parliamentary documents.

It is, moreover, understood that each State remains free, as heretofore, to publish in the original, or as a translation, all Customs Tariffs, provided that the published text be not the work of the "Bureau International."

Art. 3. The "Bureau International" undertakes that every precaution shall be taken in translating the Customs Laws and the official publications which interpret these Laws, but it must be understood that the Governments interested do not assume any responsibility as regards the accuracy of such translations, and that in case of dispute the original text will be their only guide.

A notice to this effect will be printed as a foot-note in prominent type on the first page of each number.

Art. 4. The form of the "Bulletin" will be decided upon by the Bureau.

Art. 5. Each Government will give notice in which language among those adopted by the "Bureau International" it desires to receive those copies of the "Bulletin" which represent its share in the common expenses of the Institution.

A Government may take a certain number of copies in one language and the rest in other languages.

Art. 6. The "Bureau International" may not supply any subscribers other than the Governments of the countries forming part of the "Union."

Art. 7. The proportional contribution of each State will be repaid to it in the form of subscriptions to the "Bulletin" of the "Union," estimated at the price of 15 fr. each.

Art. 8. The expenses are approximately estimated as follows:—

	Fr.
(a.) Salaries of officials of the "Bureau International," including an addition of 15 per cent to the said salaries..	75,000
(b.) Cost of printing and postage of the "Bulletin of the Union"..	30,000
(c.) Offices, and maintenance of the same, heating, lighting, stationery, office expenses, &c.. ..	20,000
Total..	125,000

Art. 9. The Belgian Minister for Foreign Affairs is empowered to take the necessary measures for the organization and working of the "Bureau International" within the limits laid down by the Convention and the present Regulation.

Art. 10. The Chief of the "Bureau International" is authorized, subject to the approval of the Belgian Minister for Foreign Affairs, to carry forward to the next year's account such sums as shall not be spent in the course of the financial year. These sums shall form a reserve fund to meet unforeseen expenses. The said reserve shall not in any case exceed 25,000 fr. The surplus may eventually permit of the lowering of the subscription to the "Bulletin," without increase to the number of copies guaranteed by the Contracting States; this excess may also serve to cover the expenses of adding another language of translation to those named in Article 1.

This last measure shall not be carried out except with the unanimous assent of the States and Colonies forming part of the "Union."

Done at Brussels, the 5th July, 1890, to be affixed to the Convention dated this day.

For the Argentine Republic..	CARLOS CALVO Y CAPDEVILA.
For Austria-Hungary..	EPERJESY.
For Belgium..	LAMBERMONT.
	LÉON BIEBUYCK.
	KEBERS.

For Bolivia	JOAQUIN CASO.
For Chile	N. PENA VICUNA.
For the Independent State of Congo	EDM. VAN EETVELDE.
For the Republic of Costa Rica	MANUEL M. DE PERALTA.
For Denmark and her Colonies	SCHACK DE BROCKDORFF.
For Spain and her Colonies	J. G. DE AGUERA.
For the United States of America	EDWIN H. TERRELL.
For France and her Colonies	A. BOUREE.
For Great Britain and various English Colonies	MARTIN GOSSELIN. A.E. BATEMAN.
For British India	MARTIN GOSSELIN. A. E. BATEMAN.
For the Dominion of Canada	CHARLES TUPPER.
For the Cape of Good Hope	MARTIN GOSSELIN. A. E. BATEMAN.
For Natal	MARTIN GOSSELIN. A. E. BATEMAN.
For New South Wales	SAUL SAMUEL.
For New Zealand	FRANCIS DILLON BELL.
For Tasmania	MARTIN GOSSELIN. A. E. BATEMAN.
For Newfoundland	MARTIN GOSSELIN. A. E. BATEMAN.
For Victoria	GRAHAM BERRY.
For Greece	P. MULLE.
For Guatemala	ALEXIS CAPOUILLET.
For the Republic of Haïti	G. DE DEKEN.
For Italy and her Colonies	J. DE RENZIS.
For Mexico	EDM. VAN DEN WYANGAERT.
For Nicaragua	J. F. MEDINA.
For Paraguay	HENRY OOSTENDORP.
For Holland and her Colonies	H. TESTA. L. E. UTTENHOOVEN.
For Peru	JOAQUIN LEMOINE.
For Portugal and her Colonies	HENRIQUE DE MACEDO PEREIRA COUTINHO. AUGUSTO CESAR FERREIRA DE MESQUITA.
For Roumania	J. VACARESCO.
For Russia	G. KAMENSKY.
For Salvador	EMILE ELOY.
For the Kingdom of Siam	FREDERICK VERNEY.
For Switzerland	E. PACCAUD.
For Turkey	ET. CARATHEODORY.
For Uruguay	F. SUSVIELA GUARCH.
For Venezuela	LUIS LOPEZ MENDEZ.

Certified by the Secretary of the Conference:

L. CAPELLE.

Procès-verbal relating to the Signature of the Convention and Regulations Declaration

The undersigned Delegates, who have met to-day for the purpose of signing the Convention and the requisite Regulations for the creation of an International Union for the publication of Customs Tariffs, have exchanged the following declarations:—

1. So far as concerns the classification of the countries of the "Union," from the point of view of the share each should contribute to the expenses of the "Bureau International" (Articles IX, X and XI of the Convention):

The undersigned Delegates declare that, for the whole period during which the Convention may last, the contracting countries shall be arranged in the following classes, and shall respectively bear a proportion of the expenses in accordance with the number of units specified below:—

FIRST CLASS

	Units
England and her Colonies not specially named below	55
Belgium	55
United States	55
France and her Colonies	55
Holland and her Colonies	33
Russia	33

SECOND CLASS

	Units
Austria-Hungary	24
Spain and her Colonies	40
British India	40
Italy and her Colonies	40

THIRD CLASS

	Units
Argentine Republic	25
Brazil	15
Canada	25
Denmark and her Colonies	15
New South Wales	25
Portugal and her Colonies	15
Switzerland	25
Turkey	15
Victoria	25

FOURTH CLASS

	Units
Cape of Good Hope	20
Chile	20
Columbia	20
Egypt	12
Ecuador	20
Greece	12
Japan	12
Mexico	20
New Zealand	20
Persia	12
Queensland	20
Roumania	12
Uruguay	20
Venezuela	20

FIFTH CLASS

	Units
Bolivia	15
Costa Rica	15
Guatemala	15
Haiti	15
Natal	15
Peru	15
Servia	9
Siam	9
South African Republic	9

SIXTH CLASS

	Units
West Australia	5
Republic of St. Domingo	5
Independent State of Congo	3
Republic of Honduras	5
Nicaragua	5
Paraguay	5
Salvador	5
Tasmania	5
Newfoundland	5

As regards the figures quoted below, and which are given in the Table showing the division of expenses, drawn up on the 26th February, 1890, they are given merely approximately, it not being possible to give the contribution of each State in an absolutely precise form until all the adhesions have become definite. In any case, it is to be understood that these estimates cannot be exceeded during the duration of the Convention.

—	Sum to be paid	Equivalent Number of Copies of the "Bulletin" to be received
FIRST CLASS		
England and her Colonies not mentioned below	6,833	456
Belgium	6,833	456
United States of America	6,833	456
France and her Colonies	6,833	456
Holland and her Colonies	4,100	274
Russia	4,100	274
SECOND CLASS		
Austria-Hungary	2,982	199
Spain and her Colonies	4,970	332
British India	4,970	332
Italy and her Colonies	4,970	332
THIRD CLASS		
Argentine Republic	3,106	207
Brazil	1,863	124
Canada	3,106	207
Denmark and her Colonies	1,863	124
New South Wales	3,106	207
Portugal and her Colonies	1,863	124
Switzerland	3,106	207
Turkey	1,863	124
Victoria	3,106	207
FOURTH CLASS		
Cape of Good Hope	2,485	166
Chile	2,485	166
Colombia	2,485	166
Egypt	1,491	100
Ecuador	2,485	166
Greece	1,491	100
Japan	1,491	100
Mexico	2,485	166
New Zealand	2,485	166
Persia	1,491	100
Queensland	2,485	166
Roumania	1,491	100
Uruguay	2,485	166
Venezuela	2,485	166

—	Sum to be paid	Equivalent Number of Copies of the "Bulletin" to be received
FIFTH CLASS		
Bolivia	1,863	124
Costa Rica	1,863	124
Guatemala	1,863	124
Haïti	1,863	124
Natal	1,863	124
Peru	1,863	124
Servia	1,118	75
Siam	1,118	75
South African Republic	1,118	75
SIXTH CLASS		
West Australia	621	42
Republic of St. Domingo	621	42
Independent State of Congo	372	25
Republic of Honduras	621	42
Nicaragua	621	42
Paraguay	621	42
Salvador	621	42
Tasmania	621	42
Newfoundland	621	42

2. As regards the payment of the shares due from the Contracting Parties:

The Delegates declare that it shall be made in Brussels during the course of the first three months of each financial year in Belgian legal currency.

3. As regards the bringing into force of the Convention, which is fixed for the 1st April, 1891:

The Delegates declare that it shall, if possible, be preceded by a notification of definitive adhesion on the part of the Government interested; that, nevertheless, this formality is not indispensable, and that all those countries which, by the 1st April, 1891, have not formally expressed their intention of withdrawing from the Convention will be kept on the list of Signatory countries.

In witness whereof the respective Delegates have signed the present *procès-verbal.*

Done at Brussels, the 5th July, 1890.

For the Argentine Republic.. .. ..CARLOS CALVO Y CAPDEVILA.
For Austria-Hungary.. .. ..EPERJESY.
For Belgium.. .. ..LAMBERMONT.
LEON BIEBUYCK.
KEBERS.
For Bolivia.. .. ..JOAQUIN CASO.
For Chile.. .. ..N. PENA VICUNA.
For the Independent State of Congo....EDM. VAN EETVELDE.
For the Republic of Costa Rica.. ....MANUEL M. DE PERALTA.
For Denmark and her Colonies.. .. ..SCHACK DE BROCKDORFF.
For Spain and her Colonies.. .. .. ..J. G. DE AGUERA.
For the United States of America.. ..EDWIN H. TERRELL.
For France and her Colonies.. .. .. ..A. BOUREE.
For Great Britain and various EnglishMARTIN GOSSELIN.
Colonies .. ..A. E. BATEMAN.

For British India.. .. ..MARTIN GOSSELIN.
A. E. BATEMAN.
For the Dominion of Canada.. .. .. ..CHARLES TUPPER.
For the Cape of Good Hope.. .. ..MARTIN GOSSELIN.
A. E. BATEMAN.
For Natal.. .. ..MARTIN GOSSELIN.
A. E. BATEMAN.
For New South Wales.. .. ..SAUL SAMUEL.
For New Zealand.. .. ..FRANCIS DILLON BELL.
For Tasmania.. .. ..MARTIN GOSSELIN.
A. E. BATEMAN.
For Newfoundland.. .. ..MARTIN GOSSELIN.
A. E. BATEMAN.
For Victoria.. .. ..GRAHAM BERRY.
For Greece.. .. ..P. MULLE.
For Guatemala.. .. ..ALEXIS CAPOUILLET.
For the Republic of Haïti.. .. ..G. DE DEKEN.
For Italy and her Colonies.. .. ..J. DE RENZIS.
For Mexico.. .. ..EDM. VAN DEN WYNGAERT.
For Nicaragua.. .. ..J. F. MEDINA.
For Paraguay.. .. ..HENDI OOSTENDORP.
For Holland and her Colonies.. .. .. ..H. TESTA.
L. E. UYTTENHOOVEN.
For Peru.. .. ..JOAQUIN LEMOINE.
For Portugal and her Colonies.. .. .. ..HENRIQUE DE MACEDO PEREIRA COUTINHO.
AUGUSTO CESAR FERREIRA DE MESQUITA.
For Roumania.. .. ..J. VACARESCO.
For Russia.. .. ..G. KAMENSKY.
For Salvador.. .. ..EMILE ELOY.
For the Kingdom of Siam.. .. ..FREDERICK VERNEY.
For Switzerland.. .. ..E. PACCAUD.
For Turkey.. .. ..ET. CARATHEODORY.
For Uruguay.. .. ..F. SUSVIELA GUARCH.
For Venezuela.. .. ..LUIS LOPEZ MENDEZ.

Certified by the Secretary of the Conference:

L. CAPELLE.

1892

[1]TREATY BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, FOR SUBMITTING TO ARBITRATION THE QUESTIONS RELATING TO THE SEAL FISHERIES IN BEHRING'S SEA.—SIGNED AT WASHINGTON, FEBRUARY 29, 1892.

(Ratifications exchanged at London, May 7, 1892.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, being desirous to provide for an amicable settlement of the questions which have arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters

[1] From British & Foreign State Papers, Vol. 84, p. 48.

of Behring's Sea, and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in or habitually resorting to the said waters, have resolved to submit to arbitration the questions involved, and to the end of concluding a Convention for that purpose have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G.C.M.G., K.C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; and the President of the United States of America, James G. Blaine, Secretary of State of the United States.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

Art. I.—The questions which have arisen between the Government of Her Britannic Majesty and the Government of the United States concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in or habitually resorting to the said waters, shall be submitted to a Tribunal of Arbitration, to be composed of seven Arbitrators, who shall be appointed in the following manner, that is to say: Two shall be named by Her Britannic Majesty; two shall be named by the President of the United States; His Excellency the President of the French Republic shall be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. The seven Arbitrators to be so named shall be jurists of distinguished reputation in their respective countries; and the selecting Powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

In the case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or in the event of any or either of the said Arbitrators omitting or declining or ceasing to act as such, Her Britannic Majesty or the President of the United States, or His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, as the case may be, shall name, or shall be requested to name forthwith, another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the joint request from the High Contracting Parties of His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, to name an Arbitrator either to fill the original appointment or to fill a vacancy as above provided, then in such case the appointment shall be made or the vacancy shall be filled in such manner as the High Contracting Parties shall agree.

II. The Arbitrators shall meet at Paris within 20 days after the delivery of the counter-cases mentioned in Article IV, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of Her Britannic Majesty and the United States respectively. All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent to represent it generally in all matters connected with the arbitration.

III.—The printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding four months from the date of the exchange of the ratifications of this Treaty.

IV.—Within three months after the delivery on both sides of the printed Case, either party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a counter case and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, however, in consequence of the distance of the place from which the evidence to be presented is to be procured, either party shall, within 30 days after the receipt by its Agent of the case of the other party, give notice to the other party that it requires additional time for the delivery of such counter-case, documents, corespondence, and evidence, such additional time so indicated, but not exceeding 60 days beyond the three months in this Article provided, shall be allowed.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in his own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within 30 days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding 40 days after receipt of notice.

V.—It shall be the duty of the Agent of each party, within one month after the expiration of the time limited for the delivery of the counter-case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other party a printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the Arbitrators by oral argument of Counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument or oral argument by Counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

VI.—In deciding the matters submitted to the Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:—

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean" as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea, were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring's Sea, east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and if so, what right, of protection or property in the fur-seals frequenting the islands of the United States in Behring's Sea when such seals are found outside the ordinary 3-mile limit?

VII.—If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring's Sea, the Arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend, and to aid them in that determination, the Report of a Joint Commission, to be appointed by the respective Governments, shall be laid before them, with such other evidence as either Government may submit.

The High Contracting Parties furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations.

VIII.—The High Contracting Parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims, and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

IX.—The High Contracting Parties having agreed to appoint two Commissioners on the part of each Government to make the joint investigation and Report contemplated in the preceding Article VII, and to include the terms of the said Agreement in the present Convention, to the end that the joint and several Reports and recommendations of said Commissioners may be in due form submitted to the Arbitrators, should the contingency therefor arise, the said Agreement is accordingly herein included as follows:—

Each Government shall appoint two Commissioners to investigate, conjointly with the Commissioners of the other Government, all the facts having relation to seal-life in Behring's Sea, and the measures necessary for its proper protection and preservation.

The four Commissioners shall, so far as they may be able to agree, make a joint Report to each of the two Governments and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

These Reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators cannot arise.

X.—Each Government shall pay the expenses of its members of the Joint Commission in the investigation referred to in the preceding Article.

XI.—The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government and the other copy shall be delivered to the Agent of the United States for his Government.

XII.—Each Government shall pay its own Agent, and provide for the proper remuneration of the Counsel employed by it and of the Arbitrators

appointed by it, and, for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

XIII.—The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

XIV.—The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all the questions referred to the Arbitrators.

XV.—The present Treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, the 29th day of February, 1892.

(L.S.) JULIAN PAUNCEFOTE.
(L.S.) JAMES G. BLAINE.

[1]AWARD OF THE TRIBUNAL OF ARBITRATION CONSTITUTED UNDER ARTICLE I OF THE TREATY CONCLUDED AT WASHINGTON ON THE 29TH FEBRUARY, 1892, BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA (SEAL FISHERY IN BEHRING'S SEA).

PARIS, August 15, 1893.

(English version.)

Whereas by a treaty between the United States of America and Great Britain, signed at Washington, the 29th February, 1892, the ratifications of which by the Governments of the two countries were exchanged at London on the 7th May, 1892, it was, amongst other things, agreed and concluded that the questions which had arisen between the Government of the United States of America and the Government of Her Britannic Majesty, concerning the jurisdictional rights of the United States in the waters of the Behring's Sea and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seals in or habitually resorting to the said waters, should be submitted to a Tribunal of Arbitration to be composed of seven Arbitrators, who should be appointed in the following manner, that is to say: two should be named by the President of the United States; two should be named by Her Britannic Majesty; His Excellency the President of the French Republic should be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy should be so requested to name one; His Majesty the King of Sweden and Norway should be so requested to name one; the seven Arbitrators to be so named should be jurists of distinguished reputation in their respective countries, and the selecting Powers should be requested to choose, if possible, jurists who are acquainted with the English language;

And whereas it was further agreed by Article II of the said Treaty that the Arbitrators should met at Paris within 20 days after the delivery of the counter-cases mentioned in Article IV, and should proceed impartially and carefully to examine and decide the questions which had been or should be laid before them as in the said Treaty provided on the part of the Government of the United States and of Her Britannic Majesty respectively, and that all questions considered by the Tribunal including the final decision, should be determined by a majority of all the Arbitrators;

And whereas by Article VI of the said Treaty, it was further provided as follows:—
(See pages 87 and 88.)

And whereas by Article VII of the said Treaty, it was further agreed as follows:
(See page 88.)

[1] From British & Foreign State Papers, vol. 85, p. 1158.

And whereas by Article VIII of the said Treaty, after reciting that the High Contracting Parties had found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens in connection with the claims presented and urged by it, and that "they were solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions," the High Contracting Parties agreed that "either of them might submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation;"

And whereas the President of the United States of America named the Honourable John M. Harlan, Justice of the Supreme Court of the United States, and the Honourable John T. Morgan, Senator of the United States, to be two of the said Arbitrators; and Her Britannic Majesty named the Right Honourable Lord Hannen and the Honourable Sir John Thompson, Minister of Justice and Attorney General for Canada, to be two of the said Arbitrators; and His Excellency the President of the French Republic named the Baron de Courcel, Senator, Ambassador of France, to be one of the said Arbitrators; and His Majesty the King of Italy named the Marquis Emilio Visconti Venosta, former Minister for Foreign Affairs and Senator of the Kingdom of Italy, to be one of the said Arbitrators; and His Majesty the King of Sweden and Norway named Mr. Gregers Gram, Minister of State, to be one of the saird Arbitrators;

And whereas, we, the said Arbitrators, so named and appointed, having taken upon ourselves the burden of the said Arbitration, and having duly met at Paris, proceeded impartially and carefully to examine and decide all the questions submitted to us the said Arbitrators, under the said Treaty, or laid before us as provided in the said Treaty on the part of the Governments of Her Britannic Majesty and the United States, respectively;

Now, we, the said Arbitrators, having impartially and carefully examined the said questions, do in like manner by this our Award decide and determine the said questions in manner following, that is to say, we decide and determine as to the five points mentioned in Article VI as to which our Award is to embrace a distinct decision upon each of them.

As to the first of the said five points we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine as follows:

By the Ukase of 1821, Russia claimed jurisdiction in the sea now known as the Behring's Sea, to the extent of 100 Italian miles from the coasts and islands belonging to her, but, in the course of the negotiations which led to the conclusion of the Treaties of 1824 with the United States, and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon shot from shore, and it appears from that time up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive jurisdiction in Behring's Sea, or any exclusive rights in the seal fisheries therein beyond the ordinary limit of territorial waters.

As to the second of the said five points, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that Great Britain did not recognize or concede any claim, upon the part of Russia to exclusive jurisdiction as to the seal fisheries in Behring Sea, outside of ordinary territorial waters.

As to the third of the said five points, as to so much thereof as requires us to decide whether the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean" as used in the Treaty of 1825 between Great Britain and Russia, we the said Arbitrators, do unanimously decide and determine, that the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean" as used in the said Treaty.

And as to so much of the said third point as requires us to decide what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after the said Treaty of 1825, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that no exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein, were held or exercised by Russia outside of ordinary territorial waters after the Treaty of 1825.

As to the fourth of the said five points, we, the said Arbitrators, do unanimously decide and determine that all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, did pass unimpaired to the United States under the said Treaty.

As to the fifth of the said five points, we, the said Baron de Courcel, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of

the said Arbitrators, do decide and determine that the United States has not any right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary 3-mile limit.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, we, the said Baron de Courcel, Lord Hannen, Marquis Viscounti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said Arbitrators, do decide and determine in the mode provided by the Treaty, that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and that they should extend over the waters hereinafter mentioned, that is to say:

Article 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles around the Pribiloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

Article 2. The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending, each year. from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich until it strikes the water boundary described in Article I of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

Article 3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in, fur seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars or sails, as are in common use as fishing boats.

Article 4. Each sailing vessel authorized to fish for fur-seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Article 5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

Article 6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring Sea during the season when it may be lawfully carried on.

Article 7. The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Article 8. The Regulations contained in the preceding Articles shall not apply to Indians dwelling on the coasts, of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea, or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

Article 9. The concurrent Regulations hereby determined with a view to the protection and preservation of the fur-seals shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent Regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

And whereas the Government of Her Britannic Majesty did submit to the Tribunal of Arbitration by Article VIII of the said Treaty certain questions of fact involved in the claims referred to in the said Article VIII, and did also submit to us, the said Tribunal, a statement of the said facts, as follows, that is it say:

Findings of fact proposed by the Agent of Great Britain and agreed to as proved by the Agent for the United States and submitted to the Tribunal of Arbitration for its consideration.

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively, mentioned in the schedule to the British Case, pp. 1 to 60 inclusive, were made by the authority of the United States Government. The questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from, and have not been considered by the Tribunal, it being understood that it is open to the United States to raise these questions, or any of them, if they think fit, in any future negotiations as to the liability of the United States Government to pay the amounts mentioned in the schedule to the British Case.

"2. That the seizures aforesaid, with the exception of the *Pathfinder* seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in schedule annexed hereto marked (C).

"3. That the several searches and seizures of vessels were made by public armed vessels of the United States, the commanders of which had, at the several times when they were made from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto marked (A), and that the others were, in all substantial respects, the same. That in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B), and that the libels in the other proceedings were in all substantial respects the same; that the alleged acts or offences for which the said several searches and seizures were made were in each case done or committed in Behring Sea at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States; and in those cases in which the vessels were released the seizure was made by the authority of the United States; that the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid.

"4. That the several orders mentioned in the schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea were made by public armed vessels of the United States, the commanders of which had, at the several times when they were given, like instructions as mentioned in finding 3, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

"5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the schedule to the Case of Great Britain, pp. 1 to 60, inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the court was based upon the grounds set forth in the libel."

"ANNEX (A)

"TREASURY DEPARTMENT,
"OFFICE OF THE SECRETARY,
"WASHINGTON, April 21, 1886.

"Sir,

"Refering to Department letter of this date, directing you to proceed with the revenue steamer *Bear* under your command, to the Seal Islands, etc., you are hereby clothed with full power to enforce the law contained in the provisions of Section 1956 of the United States' Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

"You will also seize any liquors or firearms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

"Respectfully yours,
"C. S. FAIRCHILD,
"*Acting Secretary.*

"Captain M. A. HEALY,
"Commanding Revenue Steamer *Bear*,
"San Francisco, California."

"ANNEX (B)

"*In the District Court of the United States for the District of Alaska*

"August Special Term, 1886.

"To the Honourable LAFAYETTE DAWSON,
"Judge of said District Court:

"The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner *Thornton*, her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:

"That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the District of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial District of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the ship or vessel commonly called a schooner, the *Thornton*, her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said attorney unknown, as forfeited to the United States, for the following causes:

"That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska territory, and in the waters thereof, in violation of Section 1956 of the Revised Statutes of the United States.

"And the said attorney saith that all and singular the premises are and were true, and within the Admiralty and Maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the aforementioned and described schooner or vessel being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

"Wherefore the said attorney prays the usual process and monition of this honourable court issue in this behalf, and that all persons interested in the beforementioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture, may for the cause aforesaid, and others appearing, to be condemned by the definite sentence and decree of this honourable court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

"M. D. BALL,
"*United States District Attorney*
"*for the District of Alaska.*"

ANNEX (C).

"The following table shows the names of the British sealing vessels seized or warned by United States' revenue cruisers, 1886-1890, and the approximate distances from land when seized. The distances assigned in the cases of the *Carolena, Thornton* and *Onward*, are on the authority of the United States' Naval Commander Abbey (*see* 50th Congress, 2nd Session, Senate Executive Documents, No. 106, pp. 20, 30, 40). The distances assigned in the cases of the *Anna Beck, W. P. Sayward, Dolphin* and *Grace*, are on the authority of Captain Shepard, United States' Royal Marine (Blue Book, United States, No. 2, 1890, pp. 80-82. *See* appendix, vol. iii)."

Name of Vessel.	Date of Seizure.	Approximate distance from Land when Seized.	United States vessel making Seizures.
Carolena	Aug. 1, 1886.	75 miles	Corwin.
Thornton	" 1, 1886.	70 "	"
Onward	" 2, 1886.	115 "	"
Favorite	" 2, 1886.	Warned by "Corwin" in about same position as "Onward."	
Anna Beck	July 2, 1887.	66 miles	Rush.
W. P. Sayward	" 9, 1887.	59 "	"
Dolphin	" 12, 1887.	40 "	"
Grace	" 17, 1887.	96 "	"
Alfred Adams	Aug. 10, 1887.	62 "	"
Ada	" 25, 1887.	15 "	Bear.
Triumph	" 4, 1887.	Warned by "Rush" not to enter Behring Sea.	
Juanita	July 31, 1889.	66 miles	Rush.
Pathfinder	" 29, 1889.	50 "	"
Triumph	" 11, 1889.	Ordered out of Behring Sea by "Rush" (? as to position when warned.)	
Black Diamond	" 11, 1889.	35 miles	"
Lily	Aug. 6, 1889.	66 "	"
Ariel	July 30, 1889.	Ordered out of Behring Sea by "Rush."	
Kate	Aug. 13, 1889.	" " "	
Minnie	July 15, 1889.	65 miles	"
Pathfinder	Mar. 27, 1890.	Seized in Neah Bay.*	Corwin.

* Neah Bay is in the State of Washington, and the "Pathfinder" was seized there on charges made against her in Behring Sea in the previous year. She was released two days later.

And whereas the Government of Her Britannic Majesty did ask the said Arbitrators to find the said facts as set forth in the said statement, and whereas the Agent and Counsel for the United States' Government thereupon in our presence informed us that the said statement of facts was sustained by the evidence, and that they had agreed with the Agent and Counsel for Her Britannic Majesty that we, the Arbitrators, if we should think fit so to do, might find the said statement of facts to be true.

Now, we, the said Arbitrators, do unanimously find the facts as set forth in the said statement to be true.

And whereas each and every question which has been considered by the Tribunal has been determined by a majority of all the Arbitrators.

Now, we, Baron de Courcel, Lord Hannen, Mr. Justice Harlan, Sir John Thompson, Senator Morgan, the Marquis Visconti Venosta, and Mr. Gregers Gram, the respective minorities not withdrawing their votes, do declare this to be the final decision and Award in writing of this Tribunal in accordance with the Treaty.

Made in duplicate at Paris, and signed by us the 15th day of August, in the year 1893.

And we do certify this English version thereof to be true and accurate.

ALPH. DE COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.
HANNEN.
JNO. S. D. THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

(English Version.)

DECLARATIONS MADE BY THE TRIBUNAL OF ARBITRATION AND REFERRED TO THE GOVERNMENTS OF THE UNITED STATES AND GREAT BRITAIN FOR THEIR CONSIDERATION.

1. The Arbitrators declare that the concurrent Regulations as determined upon by the Tribunal of Arbitration, by virtue of Article VII of the Treaty of the 29th February, 1892, being applicable to the high sea only, should, in their opinion, be supplemented by other Regulations applicable within the limits of the sovereignty of each of the two Powers interested, and to be settled by their common agreement.

2. In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend both Governments to come to an understanding in order to pro-

hibit any killing of fur-seals, either on land or at sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

Such a measure might be recurred to at occasional intervals if found beneficial.

3. The Arbitrators declare, moreover, that, in their opinion, the carrying out of the Regulations determined upon by the Tribunal of Arbitration should be assured by a system of stipulations and measures to be enacted by the two Powers; and that the Tribunal must, in consequence, leave it to the two Powers to decide upon the means for giving effect to the Regulations determined upon by it.

We do certify this English version to be true and accurate and have signed the same at Paris, this 15th day of August, 1893.

ALPH. D. COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.

I approve Declarations 1 and 3.
HANNEN.

I approve Declarations 1 and 3.
JNO. S. D. THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

1892

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERCIA, RESPECTING THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES (ALASKA AND PASSAMAQUODDY BAY).

Signed at Washington, July 22, 1892

(Ratifications exchanged at Washington, August 23, 1892)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being equally desirous to provide for the removal of all possible cause of difference between their respective Governments hereafter in regard to the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of Treaties heretofore concluded, have resolved to conclude a Convention in furtherance of these ends, and for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain; and

The President of the United States, John W. Foster, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

Article 1

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the Dominion of Canada and the United

[1] From British & Foreign State Papers, Vol. 84, p. 70.

States of America dividing the province of British Columbia and the northwest territory of Canada from the Territory of Alaska, from the latitude of 54° 40′ north to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties with a view to the ascertainment of the facts and data necessary to the Permanent delimitation of said boundary line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia, and between the United States and Russia.

Application will be made without delay to the respective legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting.

The Commission shall, so far as they may be able to agree, make a joint Report to each of the two Governments, and they shall also report, either jointly or severally to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report or reports of the Commissions shall have been received, they will proceed to consider and establish the boundary line in question.

Article II

The High Contracting Parties agree that the Governments of Her Britannic Majesty in behalf of the Dominion of Canada and of the United States shall, with as little delay as possible, appoint two Commissioners, one to be named by each party to determine upon a method of more accurately marking the boundary line between the two countries in the waters of Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of marking the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

Article III

The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or earlier if possible.

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

Done in duplicate at Washington, the 22nd day of July, one thousand eight hundred and ninety-two.

(L.S.) MICHAEL H. HERBERT,

(L.S.) JOHN W. FOSTER.

1894

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, SUPPLEMENTARY TO THE CONVENTION OF JULY 22, 1892, RESPECTING BOUNDARIES.—ALASKA AND PASSAMAQUODDY BAY.

Signed at Washington, February 3, 1894

(Ratifications exchanged at Washington, March 28, 1894)

The Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of the United States of America, being credibly advised that the labours of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States, in respect to such portions of said boundary line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Walter Q. Gresham, Secretary of State of the United States;

Who, after having communicated to each other their respective Full Powers, which were found to be in due and proper form, have agreed upon the following Articles:—

Article I

The third paragraph of Article I of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

Article II

The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington at the earliest practicable date.

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

Done in duplicate at Washington, the third day of February, 1894.

(L.S.) JULIAN PAUNCEFOTE,
(L.S.) W. Q. GRESHAM.

[1] From Treaty Series No. 10, 1894.

1896

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA FOR THE SUBMISSION TO ARBITRATION OF BRITISH CLAIMS IN CONNECTION WITH THE BEHRING SEA SEAL FISHERY.

Signed at Washington, February 8, 1896

(Ratifications exchanged at London, June 3, 1896)

Whereas, by a Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, signed at Washington on the 29th February, 1892, the questions which had arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, were submitted to a Tribunal of Arbitration as therein constituted:

And whereas the High Contracting Parties having found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, did, by Article VIII of the said Treaty, agree that either party might submit to the arbitrators any questions of the fact involved in said claims, and ask a finding thereon, the question of the liability of either Government on the facts found to be the subject of further negotiation:

And whereas the Agent of Great Britain did, in accordance with the provisions of said Article VIII, submit to the Tribunal of Arbitration certain findings of fact which were agreed to as proved by the Agent of the United States, and the arbitrators did unanimously find the facts so set forth to be true, as appears by the Award of the Tribunal rendered on the 15th day of August, 1893:

And whereas, in view of the said findings of fact and of the decision of the Tribunal of Arbitration concerning the jurisdictional rights of the United States in Behring Sea, and the right of protection or property of the United States in the fur-seals frequenting the islands of the United States in Behring Sea, the Government of the United States is desirous that, in so far as its liability is not already fixed and determined by the findings of fact and the decision of said Tribunal of Arbitration, the question of such liability should be definitely and fully settled and determined, and compensation made for any injuries for which, in the contemplation of the Treaty aforesaid, and the award and findings of the Tribunal of Arbitration, compensation may be due to Great Britain from the United States:

And whereas it is claimed by Great Britain, though not admitted by the United States, that prior to the said award certain other claims against the United States accrued in favour of Great Britain on account of seizures of or interference with the following named British sealing-vessels, to wit: the "Wanderer," the "Winifred," the "Henrietta," and the "Oscar and Hattie," and it is for the mutual interest and convenience of both the High Contracting Parties that the liability of the United States, if any, and the amount of compensation

[1] From Treaty Series No. 10, 1896.

to be paid, if any, in respect of such claims, and each of them should also be determined under the provisions of this Convention—all claims by Great Britain under Article V of the *modus vivendi* of the 18th April, 1892, for the abstention from fishing of British sealers during the pendency of said arbitration having been definitely waived before the Tribunal of Arbitration.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, to the end of concluding a Convention for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, G.C.B., G.C.M.G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States: and

The President of the United States, the Honourable Richard Olney, Secretary of State:

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following Articles:—

Article I. The High Contracting Parties agree that all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States, and arising by virtue of the Treaty aforesaid, the award and findings of the said Tribunal of Arbitration, as also the additional claims specified in the fifth paragraph of the preamble hereto, shall be referred to two Commissioners, one of whom shall be appointed by Her Britannic Majesty, and the other by the President of the United States, and each of whom shall be learned in the law.

Appended to this Convention is a list of the Claims intended to be referred.

Article II. The two Commissioners shall meet at Victoria, in the Province of British Columbia, Canada, as soon as practicable after the exchange of the ratifications of this Convention, and, after taking an oath that they will fairly and impartially investigate the claims referred to them, and render a just decision thereon, they shall proceed jointly to the discharge of their duties.

The Commission shall also sit at San Francisco, California, as well as at Victoria, provided either Commissioner shall so request, if he shall be of opinion that the interests of justice shall so require, for reasons to be recorded on the minutes.

Article III. The said Commissioners shall determine the liability of the United States, if any, in respect of each claim, and assess the amount of compensation, if any, to be paid on account thereof—so far as they shall be able to agree thereon—and their decision shall be accepted by the two Governments as final.

They shall be authorized to hear and examine, on oath or affirmation, which each of said Commissioners is hereby empowered to administer or receive, every question of fact not found by the Tribunal of Arbitration, and to receive all suitable authentic testimony concerning the same: and the Government of the United States shall have the right to raise the question of its liability before the Commissioners in any case where it shall be proved that the vessel was wholly or in part the actual property of a citizen of the United States.

The said Commission, when sitting at San Francisco or Victoria, shall have and exercise all such powers for the procurement or enforcement of testimony as may hereafter be provided by appropriate legislation.

Article IV. The Commissioners may appoint a secretary and a clerk or clerks to assist them in the transaction of the business of the Commission.

Article V. In the cases, if any, in which the Commissioners shall fail to agree, they shall transmit to each Government a Joint Report stating in detail

the points on which they differ, and the grounds on which their opinions have been formed; and any such differences shall be referred for final adjustment to an Umpire to be appointed by the two Governments jointly, or, in case of disagreement, to be nominated by the President of the Swiss Confederation at the request of the two Governments.

Article VI. In the case of the death, or incapacity to serve, from sickness or any other cause, of either of the two Commissioners, or of the Umpire, if any, his place shall be filled in the manner herein provided for the original appointment.

Article VII. Each Government shall provide for the remuneration of the Commissioner appointed by it.

The remuneration of the Umpire, if one should be appointed, and all contingent and incidental expenses of the Commission, or of the Umpire, shall be defrayed by the two Governments in equal moieties.

Article VIII. The amount awarded to Great Britain under this Convention on account of any claimant shall be paid by the Government of the United States to the Government of Her Britannic Majesty within six months after the amount thereof shall have been finally ascertained.

Article IX. The present Convention shall be duly ratified by Her Britannic Majesty and the President of the United States of America, by and with the advice and consent of the Senate thereof: and the ratifications shall be exchanged either at London or at Washington within six months from the date hereof, or earlier, if possible.

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

Done in duplicate at Washington, the 8th day of February, 1896.

(L.S.) JULIAN PAUNCEFOTE.
(L.S.) RICHARD OLNEY.

APPENDIX OF CLAIMS

Claims submitted to the Tribunal of Arbitration at Paris

Name of Vessel.	Date of Seizure.	Approximate distance from Land when Seized.	United States vessel making Seizure.
Carolina	Aug. 1, 1886.	75 miles	Corwin.
Thornton	" 1, 1886.	70 "	"
Onward	" 2, 1886.	115 "	"
Favourite	" 2, 1886.	Warned by "Corwin" in about same position as "Onward."	
Anna Beck	July 2, 1887.	66 miles	Rush.
W. P. Sayward	" 9, 1887.	59 "	"
Dolphin	" 12, 1887.	40 "	"
Grace	" 17, 1887.	96 "	"
Alfred Adams	Aug. 10, 1887.	62 "	"
Ada	" 25, 1887.	15 "	Bear.
Triumph	" 4, 1887.	Warned by "Rush" not to enter Behring Sea.	
Juanita	July 31, 1889.	66 miles	Rush.
Pathfinder	" 29, 1889.	50 "	"
Triumph	" 11, 1889.	Ordered out of Behring Sea by "Rush". Query as to position when warned.	
Black Diamond	" 11, 1889.	35 miles	"
Lily	Aug. 6, 1889.	66 "	"
Ariel	July 30, 1889.	Ordered out of Behring Sea by "Rush."	"
Kate	Aug. 13, 1889.	" " "	"
Minnie	July 15, 1889.	65 miles	"
Pathfinder	Mar. 27, 1890.	Seized in Neah Bay	Corwin.
Personal claims	1886.		
" "	1887.		
Costs in "Sayward" case.			

ADDITIONAL CLAIMS

"Wanderer"	1887-89
"Winifred"	1891
"Henrietta"	1892
"Oscar and Hattie"	1892

AWARD OF THE BEHRING SEA CLAIMS COMMISSION UNDER THE CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA OF THE 8TH OF FEBRUARY, 1896.—DECEMBER 17, 1897.

Whereas by a Convention between Great Britain and the United States of America, signed at Washington on the 8th February, 1896, it was, among other matters, agreed and concluded that "all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States, and arising by virtue of" a certain Treaty between Great Britain and the United States, signed at Washington on the 29th February, 1892, the Award and Findings of the Tribunal of Arbitration constituted thereunder as also certain additional claims specified in the preamble of the Convention first above mentioned, should be referred to two Commissioners, one of whom should be appointed by Her Britannic Majesty and the other by the President of the United States, and each of whom should be learned in the law; and it was further agreed and concluded in the Convention first herein named that said Commissioners should determine the liability of the United States, if any, in respect of each claim, and assess the amount of compensation, if any, to be paid on account thereof.

And whereas Her Britannic Majesty appointed the Honourable George Edwin King, a Justice of the Supreme Court of Canada, one of said Commissioners, and the President of the United States of America appointed the Honourable William L. Putnam, a Judge of the Circuit Court of the United States for the First Circuit, the other of said Commissioners; and we, the said Commissioners, having met at Victoria, in the Province of British Columbia, Canada, on the 23rd day of November, A.D. 1896, and our respective powers having been found to be duly authenticated, and each of us having duly taken the oath prescribed by the Convention, proceeded jointly to the discharge of our duties thereunder; and, having heard and examined on oath or affirmation every question of fact not found by the Tribunal of Arbitration under the Treaty between Her Britannic Majesty and the United States of America, signed at Washington on the 29th February, 1892, and having received all suitable authentic testimony concerning the same, and being attended by counsel on behalf of Great Britain, and by counsel on behalf of the United States of America, who were duly heard before us, and having impartially and carefully examined the question submitted to us:

Now, therefore, we, the said Commissioners, do hereby determine, adjudge, and award as follows:—

The rate of interest awarded by us is 6 per cent per annum, being the statutory rate at Victoria, British Columbia, during the period covered, but being less than the current rate thereat.

As to the claim in respect of the vessel *Carolena* it is determined that the United States are liable to Great Britain in respect thereof, and we assess the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel as follows: 13,341 dol. 72c, with interest from the 10th September, 1886, until this day, amounting to 9,020 dol. 71c, and making a total of principal and interest of 22,362 dol. 43c.

As to the claim in respect of the vessel *Thornton*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation, to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, that is to say: 13,521 dol. 10c, with interest from the 10th September, 1886, until this day, amounting to 9,142 dol. 53c and making a total of principal and interest of 22,663 dol. 63c.

As to the claim in respect of the vessel *Onward* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel (exclusive of the net interest of Alexander McLean, who at the time of the Convention was a citizen of the United States and domiciled therein, and has so remained) as follows, that is to say: 9,376 dollars, with interest from the 10th September, 1886, until this day, amounting to 6,339 dol. 74c, and making a total of principal and interest of the sum of 15,715 dol. 74c.

As to the claim in respect of the vessel *Favourite* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain on

behalf of the owners, master, officers, and crew of the vessel (exclusive of the net interest of said Alexander McLean) as follows, that is to say: 3,202 dollars, with interest from the 10th September, 1886, until this day, amounting to 2,165 dol. 8c, and making a total of principal and interest of the sum of 5,367 dol. 8c.

As to the claim in respect of the vessel *W. P. Sayward,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 12,537 dol. 50c, with interest from the 10th September, 1887, until this day, amounting to 7,725 dol. 22c, and making a total of principal and interest of the sum of 20,262 dol. 72c.

As to the claim in respect of the vessel *Anna Beck,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers and crew of the vessel, as follows, that is to say: 21,692 dol. 50c, with interest from the 10th September, 1887, until this day, amounting to 13,366 dol. 19c, making a total of principal and interest of the sum of 35,058 dol. 69c.

As to the claim in respect of the vessel *Alfred Adams,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, exclusive of the net interest of Alexander Frank, who at the time of the Convention was a citizen of the United States, and domiciled therein, and has so remained as follows, that is to say: 10,124 dollars, with interest from the 10th September, 1887, until this day, amounting to 6,238 dol. 7c, and making a total of principal and interest of the sum of 16,362 dol. 7c.

As to the claim in respect of the vessel *Grace,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 26,213 dol. 50c, with interest from the 10th September, 1887, until this day, amounting to 16,125 dol. 67c, and making a total of principal and interest of 42,339 dol. 17c.

As to the claim in respect of the vessel *Dolphin,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 31,484 dollars, with interest from the 10th September, 1887, until this day amounting to the sum of 19,399 dol. 38c, and making a total of principal and interest of the sum of 50,883 dol. 38c.

As to the claim in respect of the vessel *Ada,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 20,902 dol. 69c, with interest from the 10th September, 1887, until this day, amounting to 12,880 dol. 1c, and making a total of principal and interest of the sum of 33,782 dol. 70c.

As to the claim in respect of the vessel *Triumph,* warned or seized the 4th August, 1887, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 1,750 dollars with interest from the 10th September, 1887, until this day, amounting to 1,078 dol. 29c, and making a total of principal and interest of the sum of 2,828 dol. 29c.

As to the claim in respect of the vessel *Juanita,* it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners. master, officers, and crew of the vessel, as follows, that is to say: 11,493 dollars, with interest from the 10th September, 1889, until this day, amounting to 5,702 dol. 44c, and making a total of principal and interest of the sum of 17,195 dol. 44c.

As to the claim in respect of the vessel *Pathfinder,* seized or warned the 29th July, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 13,796 dollars, with interest from the 10th September, 1889, until this day, amounting to 6,845 dol. 12c, and making a total of principal and interest of the sum of 20,641 dol. 12c.

As to the claim in respect of the vessel *Triumph,* seized or warned the 11th July, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers,

and crew of the vessel as follows, that is to say: 15,450 dollars, with interest from the 10th September, 1889, until this day, amounting to 7,665 dol. 77c, and making a total of principal and interest of the sum of 23,115 dol. 77c.

As to the claim in respect of the vessel *Black Diamond*, seized or warned 11th July, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 15,173 dollars, with interest from the 10th September, 1889, until this day, amounting to 7,528 dol. 32c, and making a total of principal and interest of the sum of 22,701 dol. 32c.

As to the claim in respect of the vessel *Lily*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 11,739 dollars, with interest from the 10th September, 1889, until this day, amounting to 5,832 dol. 48c, and making a total of principal and interest of the sum of 17,571 dol. 48c.

As to the claim in respect of the vessel *Ariel*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 4,950 dollars, with interest from the 10th September, 1889, until this day, amounting to 2,456 dol. 3c, and making a total of principal and interest of the sum of 7,406 dol. 3c.

As to the claim in respect of the vessel *Kate*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 3,050 dollars, with interest from the 10th September, 1889, until this day, amounting to 1,513 dol. 31c, and making a total of principal and interest of the sum of 4,563 dol. 31c.

As to the claim in respect of the vessel *Minnie*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 8,460 dollars, with interest from the 10th September, 1889, until this day amounting to 4,197 dol. 57c, and making a total of principal and interest of the sum of 12,657 dol. 57c.

As to the claim in respect of the vessel *Pathfinder*, seized 27th March, 1890, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers and crew of the vessel, as follows, that is to say: 800 dollars, with interest from the 27th March, 1890, until this day, amounting to 370 dol. 67c, and making a total of principal and interest of the sum of 1,170 dol. 67c.

As to the claim in respect of the vessel *Wanderer*, it is adjudged and determined that there is no liability on the part of the United States of America in respect of such claim.

As to the claim in respect of the vessel *Winnifred*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners thereof, as follows, that is to say: 3,283 dol. 5c, with interest from the 27th July, 1892, until this day, amounting to 1,061 dol. 52c, and making a total of principal and interest of the sum of 4,344 dol. 57c.

As to the claim in respect of the vessel *Henrietta*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: 9,589 dol. 85c. with interest on 2,437 dollars from the 2nd September, 1892, until this day, and upon the balance from the 17th February, 1894, until this day, making the entire interest 2,421 dol. 19c, making a total of principal and interest of the sum of 12,021 dol. 4c.

As to the claim in respect of the vessel *Oscar and Hattie*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners thereof, as follows, that is to say: 2,250 dollars, with interest from the 30th August, 1892, until this day, amounting to 715 dol. 5c, and making a total of principal and interest of the sum of 2,965 dol. 5c.

As to the personal claims, we adjudge and determine that the United States of America are liable on account of the following persons, and assess and award the amount of compensation to be paid to Great Britain on account of each of them, as follows:—

Daniel Munroe, master of the *Onward*, the principal sum of 3,000 dollars, with interest from the 10th September, 1886, to this day, making a total amount of 5,028 dol. 50c.

John Margotich, mate of the *Onward*, the principal sum of 2,500 dollars, with interest from the 10th September, 1886, to this day, making a total amount of 4,190 dol. 42c.

Hans Guttormsen, master of the *Thornton*, the principal sum of 3,000 dollars, with interest from the 10th September, 1886, to this day, making a total amount of 5,028 dol. 50c.

Harry Norman, mate of the *Thornton*, the principal sum of 2,500 dollars, with interest from the 10th September, 1886, to this day, making a total amount of 4,190 dol. 42c.

James Ogilvie master of the *Carolena*, the principal sum of 3,000 dollars, with interest from the 10th September, 1886, to this day, making a total of 5,028 dol. 50c.

James Blake, mate of the *Carolena*, the principal sum of 2,500 dollars, with interest from the 10th September, 1886, to this day, making a total amount of 4,190 dol. 42c.

James D. Warren, master of the *Dolphin*, the principal sum of 2,000 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 3,232 dol. 33c.

John Reilly, mate of the *Dolphin*, the principal sum of 1,500 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 2,424 dol. 25c.

George P. Ferey, master of the *W. P. Sayward*, the principal sum of 2,000 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 3,232 dol. 33c.

A. B. Laing, mate of the *W. P. Sayward*, the principal sum of 1,500 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 2,424 dol. 25c.

Louis Olsen, master of the *Anna Beck*, the principal sum of 2,000 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 3,232 dol. 33c.

Michael Keefe, mate of the *Anna Beck*, the principal sum of 1,500 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 2,424 dol. 25c.

W. Petit, master of the *Grace*, the principal sum of 2,000 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 3,232 dol. 33c.

C. A. Lundberg, mate of the *Ada*, the principal sum of 1,000 dollars, with interest from the 10th September, 1887, to this day, making a total amount of 1,616 dol. 17c.

As to "costs in *Sayward* case," it is adjudged and determined that there is no liability on the part of the United States of America in respect of such claim.

Her Majesty also presented for our consideration the following claims, that is to say:—

In behalf of the *Black Diamond*, warned by the Collector at Unalaska on the 1st July, 1886, and also in behalf of James Gaudin, master of the *Ada*, as to each of which we determine and award that we have no jurisdiction, and we dismiss the same.

Made in duplicate, and signed by us this 17th day of December, A.D. 1897.

GEORGE E. KING, Commissioner,
Appointed by Her Britannic Majesty.

WILLIAM L. PUTNAM, Commissioner,
Appointed by the President of the United States.

Respecting the claims mentioned in the Award of the Commissioners as having been presented on behalf of Great Britain, and dismissed as not being within our jurisdiction, namely, the claim of the *Black Diamond*, arising in the year 1886, and the present claim of James Gaudin, the Commissioners in pursuance of the communication to them from Her Britannic Majesty's Ambassador at Washington, and the Secretary of State for the United States, dated at Washington, the 26th January, 1897, and appearing in the Protocol of the 2nd February, 1897, beg to report as follows:—

We find that damage was sustained by the owners, master, officers, and crew of the *Black Diamond*, in connection with the notice given by the Collector of Customs at Unalaska on the 1st July, 1886, to the amount of 5,000 dollars, with interest at the rate of 6 per cent per annum from the 10th September, 1887.

And as to the personal claim of James Gaudin, master of the *Ada* in 1887, we report that the amount of damage sustained by him was 1,000 dollars, with interest at the rate of of 6 per cent per annum from the 10th September, 1887.

GEORGE E. KING, Commissioner,
Appointed by Her Britannic Majesty.

WILLIAM L. PUTNAM, Commissioner,
Appointed by the President of the United States.

December 17, 1897.

1899

[1]CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA RELATIVE TO THE DISPOSAL OF REAL AND PERSONAL PROPERTY.

Signed at Washington, March 2, 1899

(Ratifications exchanged at Washington, July 28, 1900)

Made applicable to Canada by Convention of 21st October 1921. *See page 474.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, desiring to improve the condition of the subjects and citizens of each of the respective countries in relation to the tenure and disposition of real and personal property situated, or being within, the territories of the other, as well as to authorize the representation of deceased persons by the Consuls of their respective nations in the settlement of estates, have resolved to conclude a Convention for those purposes, and have named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, Knight Grand Cross of the Orders of the Bath and of St. Michael and St. George, Ambassador Extraordinary and Plenipotentiary of Great Britain;

And the President of the United States of America, the Honourable John Hay, Secretary of State of the United States of America

Who, having exchanged their said full powers, found in due and proper form, have agreed to and signed the following Articles:—

ARTICLE I

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a subject or citizen of the other, were he not disqualified by the laws of the country where such real property is situated, such subject or citizen shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof without restraint or interference, and exempt from any succession, probate, or administrative duties or charges other than those which may be imposed in like cases upon the subjects or citizens of the country from which such proceeds may be drawn.

ARTICLE II

The subjects or citizens of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other by testament, donation, or otherwise; and their heirs, legatees, and donees, being subjects or citizens of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies shall be liable to pay in like cases.

[1] From Treaty Series No. 17, 1900.

ARTICLE III

In case of the death of any subject of Her Britannic Majesty in the United States, or of any citizen of the United States of America in the United Kingdom of Great Britain and Ireland, without having, in the country of his decease, any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular officer of the nation to which the deceased person belonged of the circumstance, in order that the necessary information may be immediately forwarded to persons interested.

The said Consular officer shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent heirs or creditors until they are otherwise represented.

ARTICLE IV

The stipulations of the present Convention shall not be applicable to any of the Colonies or foreign possessions of Her Britannic Majesty unless notice to that effect shall have been given, on behalf of any such Colony or foreign possession, by Her Britannic Majesty's Representative at Washington to the United States' Secretary of State within one year from the date of the exchange of the ratifications of the present Convention.

It is understood that, under the provisions of this Article, Her Majesty can in the same manner give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th June, 1878, between Great Britain and Turkey.

The provisions of this Convention shall extend and apply to any territory or territories pertaining to or occupied and governed by the United States beyond the seas only upon notice to that effect being given by the Representative of the United States at London, by direction of the Treaty-making power of the United States.[1]

ARTICLE V

In all that concerns the right of disposing of every kind of property, real or personal, subjects or citizens of each of the High Contracting Parties shall, in the dominions of the other, enjoy the rights which are or may be accorded to the subjects or citizens of the most favoured nation.

ARTICLE VI

The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of ten years of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

Her Britannic Majesty or the United States shall also have the right separately to terminate the present Convention at any time, on giving twelve months' notice to that effect in regard to any British Colony, foreign possession, or dependency, as specified in Article IV, which may have acceded thereto.

ARTICLE VII

The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States, by and with the approval of the Senate thereof, and the ratifications shall be exchanged in London or in Washington.

[1] Extended and applied to Porto Rico 13th September, 1916, and to the Hawaiian Islands, 5th October, 1921.

In faith whereof we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the second day of March, one thousand eight hundred and ninety-nine.

(L.S.) JULIAN PAUNCEFOTE.

(L.S.) JOHN HAY.

[1]INTERNATIONAL CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

Signed at the Hague, July 29, 1899

(Translation)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom; the President of the United States of America; the President of the United States of Mexico; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; and His Royal Highness the Prince of Bulgaria, animated by a strong desire to concert for the maintenance of general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Sharing the opinion of the august Initiator of the International Peace Conference that it is expedient to record in an International Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous of concluding a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[1] From Treaty Series No. 9, 1901.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency the Right Honourable Lord Pauncefote of Preston, Member of Her Majesty's Privy Council, her Ambassador Extraordinary and Plenipotentiary at Washington; and Sir Henry Howard, her Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the German Emperor, King of Prussia, his Excellency Count de Münster, Prince of Derneburg, his Ambassador at Paris;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; his Excellency Count R. de Welsersheimb, his Ambassador Extraordinary and Plenipotentiary; and M. Alexander Okolicsanyi d'Okolicsna, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of the Belgians, M. Auguste Beernaert, his Minister of State, President of the Chamber of Representatives; the Count de Grelle Rogier, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the Netherlands; and the Chevalier Descamps, Senator;

His Majesty the Emperor of China, Mr. Yang Yü, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh;

His Majesty the King of Denmark, the Chamberlain Fr. E. de Bille, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Britannic Majesty;

His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom, the Duke de Tetuan, ex-Minister for Foreign Affairs; M. W. Ramirez de Villa Urrutia, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians; M. Arturo de Baguer, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the Netherlands;

The President of the United States of America, Mr. Andrew D. White, Ambassador at the Court of His Majesty the Emperor of Germany; the Honourable Seth Low, President of the Columbia University at New York; Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the Netherlands; Captain Alfred T. Mahan; and Mr. William Crozier, Captain of Artillery;

The President of the United States of Mexico, M. de Mier Envoy Extraordinary and Minister Plenipotentiary to the French Republic; and M. J. Zenil, Minister Resident at the Court of His Majesty the King of the Belgians;

The President of the French Republic, M. Léon Bourgeois, ex-President of the Council, ex-Minister for Foreign Affairs Member of the Chamber of Deputies; M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the Netherlands; and the Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies;

His Majesty the King of the Hellenes, M. N. Delyanni, his Envoy Extraordinary and Minister Plenipotentiary to the French Republic, ex-President of the Council, ex-Minister for Foreign Affairs;

His Majesty the King of Italy, his Excellency Count Nigra, his Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and Commander Guido Pompilj, Deputy of the Italian Parliament;

His Majesty the Emperor of Japan, Mr. I. Motono, his Envoy Extraordinary and Minister Plenipotentiary at Brussels;

His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau, his Excellency M. Eyschen, his Minister of State, President of the Grand Ducal Government;

His Highness the Prince of Montenegro, M. de Staal, Privy Councillor, Russian Ambassador at the Court of Her Britannic Majesty;

Her Majesty the Queen of the Netherlands, the Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General; General J. C. C. den Beer Poortugael, ex-Minister for War, Member of the Council of State; M. T. M. C. Asser, Member of the Council of State; and M. E. N. Rahusen, Member of the First Chamber of the States-General;

His Imperial Majesty the Shah of Persia, Aide-de-camp, General Mirza Riza Khan (Arfa-ud-Dowleh), his Envoy Extraordinary and Minister Plenipotentiary at the Courts of His Majesty the Emperor of All the Russias, and of His Majesty the King of Sweden and Norway;

His Majesty the King of Portugal and the Algarves, the Count de Macedo, ex-Minister for the Marine and Colonies, Peer of the Kingdom, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Catholic Majesty; M. d'Ornellas Vasconcellos, Peer of the Kingdom, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the Emperor of All the Russias; and the Count de Sêlir, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the Netherlands;

His Majesty the King of Roumania, M. Alexandre Beldiman, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the Emperor of Germany; and M. Jean N. Papiniu, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the Netherlands;

His Majesty the Emperor of All the Russias, M. de Staal, Privy Councillor, his Ambassador at the Court of Her Britannic Majesty; M. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs and Privy Councillor; M. de Basily, Councillor of State, Chamberlain to His Majesty the Emperor;

His Majesty the King of Servia, M. Miyatovitch, his Envoy Extraordinary and Minister Plenipotentiary at London and at the Hague;

His Majesty the King of Siam, M. Phya Suriya Nuvatr, his Envoy Extraordinary and Minister Plenipotentiary to the French Republic; and M. Phya Visuddha, his Envoy Extraordinary and Minister Plenipotentiary at the Courts of Her Majesty the Queen of the Netherlands and of Her Britannic Majesty;

His Majesty the King of Sweden and Norway, Baron de Bildt, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Italy;

The Swiss Federal Council, Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Majesty the Emperor of the Ottomans, his Excellency Turkham Pasha, former Minister of Foreign Affairs, Member of his Council of State; and Noury Bey, Secretary-General in the Ministry of Foreign Affairs;

His Royal Highness the Prince of Bulgaria, Dr. Dimitri I. Stancioff, his Diplomatic Agent to the Imperial Russian Government; and Major Christo Hessaptchieff, of the Bulgarian Staff, Military Attaché at Belgrade;

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:—

Title I—*On the Maintenance of General Peace*

Article I

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

TITLE II—*On Good Offices and Mediation*

ARTICLE II

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE III

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

ARTICLE IV

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE V

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE VI

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice, and never have binding force.

ARTICLE VII

The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ARTICLE VIII

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:—

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

TITLE III.—*On International Commissions of Inquiry*

ARTICLE IX

In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE X

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the Inquiry Convention are decided by the Commission itself.

ARTICLE XI

The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article XXXII of the present Convention.

ARTICLE XII

The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with, and to accurately understand, the facts in question.

ARTICLE XIII

The International Commission of Inquiry communicates its Report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE XIV

The Report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

TITLE IV.—*On International Arbitration*

CHAPTER I.—*On the System of Arbitration*

ARTICLE XV

International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

ARTICLE XVI

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE XVII

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute, or only disputes of a certain category.

ARTICLE XVIII

The Arbitration Convention implies the engagement to submit loyally to the Award.

ARTICLE XIX

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II.—*On the Permanent Court of Arbitration*

ARTICLE XX

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ARTICLE XXI

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE XXII

An International Bureau, established at the Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives, and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at the Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE XXIII

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers.

The members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

ARTICLE XXIV

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal the following course shall be pursued:—

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE XXV

The Tribunal of Arbitration has its ordinary seat at the Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

ARTICLE XXVI

The International Bureau at the Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.

ARTICLE XXVII

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

ARTICLE XXVIII

A Permanent Administrative Council composed of the Diplomatic Representatives of the Signatory Powers accredited to the Hague, and of the Netherland Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the Administration, and the expenses.

Article XXIX

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

Chapter III.—*On Arbitral Procedure*

Article XXX

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following Rules, which shall be applicable to arbitral procedure, unless other Rules have been agreed on by the parties.

Article XXXI

The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the Award.

Article XXXII

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two Arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

Article XXXIII

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

ARTICLE XXXIV

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE XXXV

In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE XXXVI

The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at the Hague.

The place thus fixed cannot, except in case of necessity, be changed by the Tribunal without the assent of the parties.

ARTICLE XXXVII

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defence of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

ARTICLE XXXVIII

The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

ARTICLE XXXIX

As a general rule the arbitral procedure comprises two distinct phases: preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the Tribunal and to the opposite party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance wth Article XLIX.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE XL

Every document produced by one party must be communicated to the other party.

ARTICLE XLI

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE XLII

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

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ARTICLE XLIII

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE XLIV

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE XLV

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

ARTICLE XLVI

They have the right to raise objections and points.

The decisions of the Tribunal on those points are final, and cannot form the subject of any subsequent discussion.

ARTICLES XLVII

The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

ARTICLE XLVIII

The Tribunal is authorized to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE XLIX

The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE L

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ARTICLE LI

The deliberations of the Tribunal take place in private.

Every decision is taken by a majority of members of the Tribunal.

The refusal of a member to vote must be recorded in the *procès-verbal.*

ARTICLE LII

The Award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the Tribunal.

Those members who are in the minority may record their dissent when signing.

ARTICLE LIII

The Award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE LIV

The Award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitively and without appeal.

ARTICLE LV

The parties can reserve in the "Compromis" the right to demand the revision of the Award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the Award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the Award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The "Compromis" fixes the period within which the demand for revision must be made.

ARTICLE LVI

The Award is only binding on the parties who concluded the "Compromis."

When there is a question of interpreting a Convention to which Powers, other than those concerned in the dispute, are parties, the latter notify to the former the "Compromis" they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the Award is equally binding on them.

ARTICLE LVII

Each party pays its own expenses and an equal share of those of the Tribunal.

General Provisions

ARTICLE LVIII

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at the Hague.

ARTICLE LIX

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

ARTICLE LX

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

ARTICLE LXI

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherland Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Done at the Hague, the 29th July, 1899, in a single copy, which shall remain deposited in the archives of the Netherland Government, and copies of it, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Great Britain and Ireland:

(L.S.) PAUNCEFOTE.
(L.S.) HENRY HOWARD.

For Germany:

(L.S.) MUNSTER DERNEBURG.

For Austria-Hungary:

(L.S.) WELSERSHEIMB.
(L.C.) OKOLICSANYI.

For Belgium:

(L.S.) A. BEERNAERT.
(L.S.) Comte DE GRELLE ROGIER.
(L.S.) Chevalier DESCAMPS.

For China:

(L.S.) YANG YU.

For Denmark:

(L.S.) F. BILLE.

For Spain:

(L.S.) El Duque DE TETUAN.
(L.S.) W. R. DE VILLA URRUTIA.
(L.S.) ARTURO DE BAGUER.

For the United States of America:

(L.S.) ANDREW D. WHITE.
(L.S.) SETH LOW.
(L.S.) STANFORD NEWEL.
(L.S.) A. T. MAHAN.
(L.S.) WILLIAM CROZIER.

Under reservation of the Declaration made at the plenary sitting of the Conference on the 25th July, 1899.*

* Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

For the United States of Mexico:
(L.S.) A. DE MIER.
(L.S.) J. ZENIL.

For the French Republic:
(L.S.) LÉON BOURGEOIS.
(L.S.) G. BIHOURD.
(L.S.) D'ESTOURNELLES DE CONSTANT.

For Greece:
(L.S.) N. DELYANNI.

For Italy:
(L.S.) NIGRA.
(L.S.) ZANNINI.
(L.S.) G. POMPILJ.

For Japan:
(L.S.) L. MOTONO.

For Luxemburg:
(L.S.) EYSCHEN.

For Montenegro:
(L.S.) STAAL.

For the Netherlands:
(L.S.) v. KARNEBEEK.
(L.S.) DEN BEER POORTUGAEL.
(L.S.) T. M. C. ASSER.
(L.S.) E. N. RAHUSEN.

For Persia:
(L.S.) MIRZA RIZA KHAN, ARFA-UD-DOWLEH.

For Portugal:
(L.S.) Conde DE MACEDO.
(L.S.) AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
(L.S.) Conde DE SELIR.

For Roumania:
(L.S.) A. BELDIMAN.
(L.S.) J. N. PAPINIU.

Under reservations formulated to Articles XVI, XVII, and XIX of the present Convention (XV, XVI, and XVIII of the draft presented by the Committee of Examination) and recorded in the *procès-verbal* of the sitting of the Third Commission of July 20, 1899.*

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* The Royal Roumanian Government, while completely committed to the principle of optional arbitration, the importance of which in international relations it fully appreciates, does not, however, intend to assume by Article XV an obligation to accept arbitration in all cases therein referred to, and it feels obliged to formulate express reservations in this respect.

It can only assent to this Article therefore with this reservation.

Formal note is taken of the declaration of the Roumanian Delegate.

With regard to Article XVI, M. Beldiman (Roumanian Delegate) notifies that his Government can only agree to it if it is understood that it does not refer to those disputes which may have arisen before the adoption of this draft, and he reads the following Declaration in regard to the matter:—

The Royal Roumanian Government declares that it can only agree to Article XVI with the express reservation, embodied in the record, that it is determined not to accept in any case an international arbitration for controversies or disputes which have arisen previous to the conclusion of the present Convention.

Formal note is taken of this Declaration of the Roumanian Delegate.

M. Beldiman can only agree to Article XVIII with the reservation expressed in the following Declaration:—

The Royal Roumanian Government declares that in agreeing to Article XVIII of the Convention it does not intend to assume any undertaking as regards compulsory arbitration.

For Russia:
(L.S.) STAAL.
(L.S.) MARTENS.
(L.S.) A. BASILY.

For Servia:
(L.S.) CHEDO MIYATOVITCH.
Under reservations recorded in the *procès-verbal* of the Third Commission of July 20, 1899.*

For Siam:
(L.S.) PHYA SURIYA NUVATR.
(L.S.) VISUDDHA.

For the United Kingdoms of Sweden and Norway:
(L.S.) BILDT.

For Switzerland:
(L.S.) ROTH.

For Turkey:
(L.S.) TURKHAN.
(L.S.) MEHEMED NOURY.
Under reservation of the Declaration made in the plenary sitting of the Conference of July 25, 1899.†

For Bulgaria.
(L.S.) D. STANCIOFF.
(L.S.) Major HESSAPTCHIEFF.

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* In the name of the Royal Serbian Government we have the honour to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third parties to employ these means except with the extreme reserve which the delicate nature of such steps demands. We will only admit good offices and mediation on the condition that they retain completely and entirely their character of purely friendly advice, and we could never accept them in such forms and circumstances as might stamp them with the nature of an intervention.

Formal note is taken of the Declaration of the Serbian Delegate.

† The Ottoman Delegation, considering that the task of the Conference has been a work of devotion to high ideals and of humanity intended solely to establish general peace on a firmer footing by safeguarding the interests and rights of all, declares in the name of its Government that it agrees to the general principles of the draft which has just been adopted, on the following conditions:—

1. It is expressly understood that recourse to good offices, to mediation, to Commissions of Enquiry and to arbitration, is purely optional. and cannot in any case assume a compulsory character or pass into intervention.

2. The Imperial Government will itself have to judge of the cases in which its interests will allow it to accept these means, without its abstention or refusal to have recourse to them being considered by the signatory states as an unfriendly act.

It is unnecessary to say that in no case shall the means referred to be applicable to domestic questions.

Formal note is taken of the Declaration of His Excellency Turkhan Pacha.

Dates of deposit of Ratifications of the several States parties to this Convention down to July 15, 1901

Country	Date of Deposit of Ratification
Great Britain	Sept. 4, 1900
Germany	" 4, 1900
Austria-Hungary	" 4, 1900
Belgium	" 4, 1900
China	Not ratified*
Denmark	Sept. 4, 1900
Spain	" 4, 1900
United States (with reservation)	" 4, 1900
Mexico	April 17, 1901
France	Sept. 4, 1900
Greece	April 4, 1901
Italy	Sept. 4, 1900
Japan	Oct. 6, 1900
Luxemburg	July 12, 1901
Montenegro	Oct. 16, 1900
Netherlands	Sept. 4, 1900
Persia	" 4, 1900
Portugal	" 4, 1900
Roumania (with reservations)	" 4, 1900
Russia	" 4, 1900
Servia (with reservations)	May 11, 1901
Siam	Sept. 4, 1900
Sweden and Norway	" 4, 1900
Switzerland	Dec. 29, 1900
Turkey (with reservations)	Not ratified *
Bulgaria	Sept. 4, 1900

* Ratification of China deposited 21st November, 1904.
Ratification of Turkey deposited 12th June, 1907.

[1] INTERNATIONAL CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR BY LAND

Signed at the Hague, July 29, 1899

(Translation)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom; the President of the United States of America; the President of the United States of Mexico; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans; and His Royal Highness the Prince of Bulgaria;

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

[1] From Treaty Series, No. 11, 1901. Replaced as between Canada & the United States by the Convention of 18th October, 1907, p. 238.

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever-increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land;

In the view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations;

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice;

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders;

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency the Right Honourable Lord Pauncefote of Preston, Member of Her Majesty's Privy Council, her Ambassador Extraordinary and Plenipotentiary at Washington; and Sir Henry Howard, her Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the German Emperor, King of Prussia, his Excellency Count de Münster, Prince of Derneburg, his Ambassador at Paris;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; his Excellency Count R. de Welsersheimb, his Ambassador Extraordinary and Plenipotentiary; and M. Alexander Okolicsanyi d'Okolicsna, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of the Belgians, M. Auguste Beernaert, his Minister of State, President of the Chamber of Representatives; the Count de Grelle Rogier, his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and the Chevalier Descamps, Senator;

His Majesty the King of Denmark, his Chamberlain Fr. E. de Bille, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Britannic Majesty;

His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom, the Duke de Tetuan, ex-Minister for Foreign Affairs; M. W. Ramirez de Villa Urrutia, his Envoy Extraordinary and Minister Plenipotentiary at Brussels; M. Arturo de Baguer, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

The President of the United States of America, Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at the Hague;

The President of the United States of Mexico, M. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; and M. J. Zenil, Minister Resident at Brussels;

The President of the French Republic, M. Léon Bourgeois, ex-President of the Council, ex-Minister for Foreign Affairs, Member of the Chamber of Deputies; M. Georges Bihouard, Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies;

His Majesty the King of the Hellenes, M. N. Delyanni, ex-President of the Council, ex-Minister for Foreign Affairs, his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Italy, his Excellency Count Nigra, his Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and Commander Guido Pompilj, Deputy of the Italian Parliament;

His Majesty the Emperor of Japan, Mr. I. Motono, his Envoy Extraordinary and Minister Plenipotentiary at Brussels;

His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau, his Excellency M. Eyschen, his Minister of State, President of the Grand Ducal Government;

His Highness the Prince of Montenegro, M. de Staal, Privy Councillor, Russian Ambassador at London;

Her Majesty the Queen of the Netherlands, the Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General; General J. C. C. den Beer Poortugael, ex-Minister for War, Member of the Council of State; M. T. M. C. Asser, Member of the Council of State; and M. E. N. Rahusen, Member of the First Chamber of the States-General;

His Imperial Majesty the Shah of Persia, his Aide-de-camp General Mirza Riza Khan, Arfa-ud-Dowleh, his Envoy Extraordinary and Minister Plenipotentiary at Petersburg and Stockholm;

His Majesty the King of Portugal and the Algarves, the Count de Macedo, Peer of the Kingdom, ex-Minister for the Marine and Colonies, his Envoy Extraordinary and Minister Plenipotentiary at Madrid; M. d'Ornellas Vasconcellos, Peer of the Kingdom, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh; and the Count de Selir, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of Roumania, M. Alexandre Beldiman, his Envoy Extraordinary and Minister Plenipotentiary at Berlin, and M. Jean N. Papiniu, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the Emperor of All the Russias, M. de Staal, Privy Councillor, his Ambassador at London; M. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs and Privy Councillor; M. de Basily, Councillor of State, Chamberlain and Director of the First Department of the Imperial Ministry of Foreign Affairs;

His Majesty the King of Servia, M. Miyatovitch, his Envoy Extraordinary and Minister Plenipotentiary at London and at the Hague;

His Majesty the King of Siam, M. Phya Suriya Nuvatr, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh and at Paris; and M. Phya Visuddha Suriyasakti, his Envoy Extraordinary and Minister Plenipotentiary at the Hague and London;

His Majesty the King of Sweden and Norway, Baron de Bildt, his Envoy Extraordinary and Minister Plenipotentiary at Rome;

His Majesty the Emperor of the Ottomans, his Excellency Turkhan Pasha, ex-Minister of Foreign Affairs, Member of the Council of State; and Noury Bey, Secretary-General in the Ministry of Foreign Affairs;

His Royal Highness the Prince of Bulgaria, Dr. Dimitri I. Stancioff, his Diplomatic Agent at St. Petersburgh; and Major Christo Hessaptchieff, of the Bulgarian Staff, Military Attaché at Belgrade;

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:—

ARTICLE I

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE II

The provisions contained in the Regulations mentioned in Article I are only binding on the Contracting Powers in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

ARTICLE III

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE IV

Non-Signatory Powers are allowed to accede to the present Convention.

For this purpose they must make their accession known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE V

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

For Great Britain and Ireland:

(L.S.) PAUNCEFOTE.
(L.S.) HENRY HOWARD.

For Germany:

(L.S.) MUNSTER DERNEBURG.

For Austria-Hungary:
(L.S.) WELSERSHEIMB.
(L.S.) OKOLICSANYI.

For Belgium:
(L.S.) A. BEERNAERT.
(L.S.) Comte de GRELLE ROGIER.
(L.S.) Chevalier DESCAMPS.

For Denmark:
(L.S.) F. BILLE.

For Spain:
(L.S.) El Duque DE TETUAN.
(L.S.) W. R. DE VILLA URRUTIA.
(L.S.) ARTURO DE BAGUER.

For the United States of America:
(L.S.) STANFORD NEWEL.

For the United States of Mexico:
(L.S.) A. DE MIER.
(L.S.) J. ZENIL.

For France:
(L.S.) LEON BOURGEOIS.
(L.S.) G. BIHOURD.
(L.S.) D'ESTOURNELLES DE CONSTANT.

For Greece:
(L.S.) N. DELYANNI.

For Italy:
(L.S.) NIGRA.
(L.S.) ZANNINI.
(L.S.) G. POMPILJ.

For Japan:
(L.S.) I. MOTONO.

For Luxemburg:
(L.S.) EYSCHEN.

For Montenegro:
(L.S.) STAAL.

For the Netherlands:
(L.S.) v. KARNEBEEK.
(L.S.) DEN BEER POORTUGAEL.
(L.S.) T. M. C. ASSER.
(L.S.) E. N. RAHUSEN.

For Persia:
(L.S.) MIRZA RIZA KHAN, ARFA-UD-DOWLEH.

For Portugal:
(L.S.) Conde DE MACEDO.
(L.S.) AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
(L.S.) Conde DE SELIR.

For Roumania:
(L.S.) A. BELDIMAN.
(L.S.) J. N. PAPINIU.

For Russia:
(L.S.) STAAL.
(L.S.) MARTENS.
(L.S.) A. BASILY.

For Servia:
(L.S.) CHEDO MIYATOVITCH.

For Siam:
(L.S.) PHYA SURIYA NUVATR.
(L.S.) VISUDDHA.

For the United Kingdoms of Sweden and Norway:
(L.S.) BILDT.

For Turkey:
(L.S.) TURKHAN.
(L.S.) MEHEMED NOURY.

For Bulgaria:
(L.S.) D. STANCIOFF.
(L.S.) Major HESSAPTCHIEFF.

Annex

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I.—*On Belligerents*

Chapter I.—*On the Qualifications of Belligerents*

ARTICLE 1. The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:—

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

Art. 2. The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article I, shall be regarded as belligerent, if they respect the laws and customs of war.

Art. 3. The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy, both have a right to be treated as prisoners of war.

Chapter II.—*On Prisoners of War*

Art. 4. Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

Art. 5. Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

Art. 6. The State may utilize the labour of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

Art. 7. The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated, as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

Art. 8. Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment for the previous flight.

Art. 9. Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to curtailment of the advantages accorded to the prisoners of war of his class.

Art. 10. Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfil, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government shall not require of nor accept from them any service incompatible with the parole given.

Art. 11. A prisoner of war cannot be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

Art. 12. Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honour, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

Art. 13. Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

Art. 14. A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, &c., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

Art. 15. Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents, for themselves and their duly accredited agents, every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

Art. 16. The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels, destined for the prisoners of war or dispatched by them, shall be free of all postal duties, both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

Art. 17. Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

Art. 18. Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

Art. 19. The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the national army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

Art. 20. After the conclusion of peace the repatriation of prisoners of war shall take place as speedily as possible.

Chapter III.—*On the Sick and Wounded*

Art. 21. The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22nd August, 1864,[1] subject to any modifications which may be introduced into it.

SECTION II.—*On Hostilities*

Chapter I.—*On means of injuring the Enemy, Sieges, and Bombardments*

Art. 22. The right of belligerents to adopt means of injuring the enemy is not unlimited.

Art. 23. Besides the prohibitions provided by special Conventions it is especially prohibited:—

(*a*) To employ poison or poisoned arms;

(*b*) To kill or wound treacherously individuals belonging to the hostile nation or army;

(*c*) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;

(*d*) To declare that no quarter will be given;

(*e*) To employ arms, projectiles, or material of a nature to cause superfluous injury;

(*f*) To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

(*g*) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

Art. 24. Ruses of war and the employment of methods necessary to obtain information about the enemy and the country are considered allowable.

Art. 25. The attack or bombardment of towns, villages, habitations, or buildings which are not defended is prohibited.

Art. 26. The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

Art. 27. In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

Art. 28. The pillage of a town or place, even when taken by assault, is prohibited.

Chapter II.—*On Spies*

Art. 29. An individual can only be considered a spy if, acting clandestinely or on false pretences, he obtains, or seeks to obtain, information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either

[1] Superseded by Convention at Geneva 6th July, 1906. *See* page 179.

for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

Art. 30. A spy taken in the act cannot be punished without previous trial.

Art. 31. A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Chapter III.—*On Flags of Truce*

Art. 32. An individual is considered as bearing a flag of truce who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

Art. 33. The Chief to whom a flag of true is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

Art. 34. The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

Chapter IV.—*On Capitulations*

Art. 35. Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honour.

When once settled, they must be scrupulously observed by both the parties.

Chapter V.—*On Armistices*

Art. 36. An armistice suspends military operations by mutual agreement betwen the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

Art. 37. An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

Art. 38. An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

Art. 39. It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war, with the population and with each other.

Art. 40. Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

Art. 41. A violation of the terms of the armistice by private individuals acting on their own initiative only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III.—*On Military Authority over Hostile Territory*

Art. 42. Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

Art. 43. The authority of the legitimate Power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

Art. 44. Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

Art. 45. Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

Art. 46. Family honours and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

Art. 47. Pillage is formally prohibited.

Art. 48. If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

Art. 49. If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

Art. 50. No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

Art. 51. No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the tax-payer.

Art. 52. Neither requisitions in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

Art. 53. An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms, and, generally, all kinds of war material, even though belonging to Companies or to private

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persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

Art. 54. The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

Art. 55. The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

Art. 56. The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV—*On the Internment of Belligerents and the Care of the Wounded in Neutral Countries*

Art. 57. A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or localities assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

Art. 58. Failing a special Convention, the neutral State shall supply the interned with the food, clothing and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

Art. 59. A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

Art. 60. The Geneva Convention applies to sick and wounded interned in neutral territory.

APPENDIX

DATES of deposit of Ratifications of the several States parties to this Convention down to July 15, 1901

Country	Date of Deposit of Ratification
Great Britain	Sept. 4, 1900
Germany	" 4, 1900
Austria-Hungary	" 4, 1900
Belgium	" 4, 1900
Denmark	" 4, 1900
Spain	" 4, 1900
United States	Not yet ratified*
Mexico	April 17, 1901
France	Sept. 4, 1900
Greece	April 4, 1901
Italy	Sept. 4, 1900
Japan	Oct. 6, 1900
Luxemburg	July 12, 1901
Montenegro	Oct. 16, 1900
Netherlands	Sept. 4, 1900
Persia	" 4, 1900
Portugal	" 4, 1900
Roumania	" 4, 1900
Russia	" 4, 1900
Servia	May 11, 1901
Siam	Sept. 4, 1900
Sweden and Norway	Not yet ratified*
Turkey	" " *
Bulgaria	Sept. 4, 1900

†INTERNATIONAL CONVENTION FOR ADAPTING TO MARITIME WARFARE THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864.

Signed at the Hague, July 29, 1899

(Translation)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom; the President of the United States of America; the President of the United States of Mexico; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; and His Royal Highness the Prince of Bulgaria;

* United States ratification deposited 5th April, 1902.
Ratifications of Norway and of Sweden deposited 5th July, 1907.
Ratification of Turkey deposited 12th June, 1907.
† From Treaty Series No. 10, 1901.

Alike animated by the desire to diminish, as far as depends on them, the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864, have decided to conclude a Convention to this effect;

They have, in consequence, appointed as their Plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Henry Howard, her Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the German Emperor, King of Prussia, his Excellency Count de Münster, Prince of Derneburg his Ambassador at Paris;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; his Excellency Count R. de Welsersheimb, his Ambassador Extraordinary and Plenipotentiary; and M. Alexander Okolicsanyi d'Okolicsna, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of the Belgians, his Excellency M. Auguste Beernaert, his Minister of State, President of the Chamber of Representatives; the Count de Grelle Rogier, his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and the Chevalier Descamps, Senator;

His Majesty the Emperor of China, Mr. Yang Yü, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh;

His Majesty the King of Denmark, his Chamberlain Fr. E. de Bille, his Envoy Extraordinary and Minister Plenipotentiary at London;

His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom, His Excellency the Duke de Tetuan, ex-Minister for Foreign Affairs; M. W. Ramirez de Villa Urrutia, his Envoy Extraordinary and Minister Plenipotentiary at Brussels; M. Arturo de Baguer, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

The President of the United States of America, Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at the Hague;

The President of the United States of Mexico, M. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; and M. J. Zenil, Minister Resident at Brussels;

The President of the French Republic, M. Léon Bourgeois, ex-President of the Council, ex-Minister for Foreign Affairs, Member of the Chamber of Deputies; M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at the Hague; and the Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies;

His Majesty the King of the Hellenes, M. N. Delyanni, ex-President of the Council, ex-Minister for Foreign Affairs, his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Italy, his Excellency Count Nigra, his Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and Commander Guido Pompilj, Deputy of the Italian Parliament;

His Majesty the Emperor of Japan, Mr. I. Motono, his Envoy Extraordinary and Minister Plenipotentiary at Brussels;

His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau, his Excellency M. Eyschen, his Minister of State, President of the Grand Ducal Government;

His Highness the Prince of Montenegro, M. de Staal, Privy Councillor, Russian Ambassador at London;

Her Majesty the Queen of the Netherlands, the Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General; General J. C. C. den Beer Poortugael, ex-Minister for

War, Member of the Council of State; M. T. M. C. Asser, Member of the Council of State; and M. E. N. Rahusen, Member of the First Chamber of the States-General;

His Imperial Majesty the Shah of Persia, Aide-de-camp, General Mirza Riza Khan Arfa-ud-Dowleh, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh and Stockholm;

His Majesty the King of Portugal and the Algarves, the Count de Macedo, ex-Minister for the Marine and Colonies, Peer of the Kingdom, his Envoy Extraordinary and Minister Plenipotentiary at Madrid; M. d'Ornellas Vasconcellos, Peer of the Kingdom, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh; and the Count de Sélir, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of Roumania, M. Alexandre Beldiman, his Envoy Extraordinary and Minister Plenipotentiary at Berlin; and M. Jean N. Papiniu, his Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the Emperor of all the Russias, his Excellency M. de Staal, Privy Councillor, his Ambassador at London; M. de Martens, Privy Councillor, Permanent Member of the Council of the Imperial Ministry for Foreign Affairs; M. de Basily, Councillor of State, Chamberlain, and Director of the First Department of the Imperial Ministry for Foreign Affairs;

His Majesty the King of Servia, M. Miyatovitch, his Envoy Extraordinary and Minister Plenipotentiary at London and at the Hague;

His Majesty the King of Siam, M. Phya Suriya Nuvatr, his Envoy Extraordinary and Minister Plenipotentiary at St. Petersburgh and Paris; and M. Phya Visuddha Suriyasakti, his Envoy Extraordinary and Minister Plenipotentiary at the Hague and London;

His Majesty the King of Sweden and Norway, Baron de Bildt, his Envoy Extraordinary and Minister Plenipotentiary at Rome;

The Swiss Federal Council, Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Majesty the Emperor of the Ottomans, his Excellency Turkhan Pasha, former Minister of Foreign Affairs, Member of the Council of State; and Noury Bey, Secretary-General in the Ministry of Foreign Affairs

His Royal Highness the Prince of Bulgaria, Dr. Dimitri I. Stancioff, his Diplomatic Agent at St. Petersburgh; and Major Christo Hessaptchieff, Military Attaché at Belgrade;

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:—

Article I

Military hospital-ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick, or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

Article II

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially-recognized Relief Societies, shall likewise, be respected and exempt from capture, provided the belligerent Power to whom they belong has

given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

ARTICLE III

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially-recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent Powers at the commencement of or during hostilities, and in any case before they are employed.

ARTICLE IV

The ships mentioned in Articles I, II, and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital-ships the orders they give them.

ARTICLE V

The military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a-half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a-half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital-ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross, provided by the Geneva Convention.

ARTICLE VI

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

ARTICLE VII

The religious, medical, or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE VIII

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

ARTICLE IX

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

ARTICLE X

[Excluded] [1]

ARTICLE XI

The rules contained in the above Articles are binding only on the Contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE XII

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at the Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE XIII

The non-signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE XIV

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July, 1899, in single copy, which shall be kept

[1] The English translation of this Article is as follows:—

"The shipwrecked, wounded, or sick, who are landed at a neutral port with the consent of the local authorities, must, failing a contrary arrangement between the neutral State and the belligerents, be guarded by the neutral State, so that they may not be again able to take part in the military operations.

"The expenses of entertainment and internment shall be borne by the State to which the shipwrecked, wounded, or sick belong."

in the archives of the Government of the Netherlands and copies of which, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Great Britain and Ireland:

(L.S.) HENRY HOWARD {Under reservation of Article X.

For Germany:

(L.S.) MUNSTER DERNEBURG. {Under reservation of Article X.

For Austria-Hungary:

(L.S.) WELSERSHEIMB.
(L.S.) OKOLICSANYI.

For Belgium:

(L.S.) A. BEERNAERT.
(L.S.) Comte DE GRELLE ROGIER.
(L.S.) Chevalier DESCAMPS.

For China:

(L.S.) YANG YU.

For Denmark:

(L.S.) F. BILLE.

For Spain:

(L.S.) El Duque DE TETUAN.
(L.S.) W. R. DE VILLA URRUTIA.
(L.S.) ARTURO DE BAGUER.

For the United States of America:

(L.S.) STANFORD NEWEL {Under reservation of Article X.

For the United States of Mexico:

(L.S.) A. DE MIER.
(L.S.) J. ZENIL.

For France:

(L.S.) LEON BOURGEOIS.
(L.S.) G. BIHOURD.
(L.S.) D'ESTOURNELLES DE CONSTANT.

For Greece:

(L.S.) N. DELYANNI.

For Italy:

(L.S.) NIGRA.
(L.S.) ZANNINI.
(L.S.) G. POMPILJ.

For Japan:

(L.S.) I. MOTONO.

For Luxemburg:

(L.S.) EYSCHEN.

For Montenegro:

(L.S.) STAAL.

For the Netherlands:
(L.S.) v. KARNEBEEK.
(L.S.) DEN BEER POORTUGAEL.
(L.S.) T. M. C. ASSER.
(L.S.) E. N. RAHUSEN.

For Persia:
(L.S.) MIRZA RIZA KHAN, ARFA-UD-DOWLEH.

For Portugal:
(L.S.) Conde DE MACEDO.
(L.S.) AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
(L.S.) Conde DE SELIR.

For Roumania:
(L.S.) A. BELDIMAN.
(L.S.) J. N. PAPINIU.

For Russia:
(L.S.) STAAL.
(L.S.) MARTENS.
(L.S.) A. BASILY.

For Servia.
(L.S.) CHEDO MIYATOVITCH.

For Siam:
(L.S.) PHYA SURIYA NUVATR.
(L.S.) VISUDDHA.

For the United Kingdoms of Sweden and Norway:
(L.S.) BILDT.

For Switzerland:
(L.S.) ROTH.

For Turkey:
(L.S.) TURKHAN } Under reservation
(L.S.) MEHEMED NOURY } of Article X.

For Bulgaria:
(L.S.) D.STANCIOFF.
(L.S.) Major HESSAPTCHIEFF.

DATES of deposit of Ratifications of the several States parties to this Convention down to July 15, 1901.

Country	Date of Deposit of Ratification
Great Britain	Sept. 4, 1900
Germany	" 4, 1900
Austria-Hungary	" 4, 1900
Belgium	" 4, 1900
China	Not yet ratified*
Denmark	Sept. 4, 1900
Spain	" 4, 1900
United States	" 4, 1900
Mexico	April 17, 1901
France	Sept. 4, 1900
Greece	April 4, 1901
Italy	Sept. 4, 1900
Japan	Oct. 6, 1900
Luxemburg	July 12, 1901
Montenegro	Oct. 16, 1900
Netherlands	Sept. 4, 1900
Persia	" 4, 1900
Portugal	" 4, 1900
Roumania	" 4, 1900
Russia	" 4, 1900
Servia	May 11, 1901
Siam	Sept. 4, 1900
Sweden and Norway	" 4, 1900
Switzerland	Dec. 29, 1900
Turkey	Not yet ratified*
Bulgaria	Sept. 4, 1900

1900

†SUPPLEMENTARY CONVENTION BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA FOR THE MUTUAL EXTRADITION OF FUGITIVE CRIMINALS (ENLARGING LIST OF CRIMES).—SIGNED AT WASHINGTON, DECEMBER 13, 1900.

(Ratifications exchanged at Washington, April 22, 1901)

Her Majesty the Queen of Great Britain and Ireland and the President of the United States of America, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Convention concluded between Her Britannic Majesty and the United States on the 12th July, 1889, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency the Right Honourable Lord Pauncefote, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and

The President of the United States, the Honourable John Hay, Secretary of State of the United States;

* Ratification of China deposited 21 November, 1904.
Ratification of Turkey deposited 12 June, 1907.
† From British & Foreign State Papers, Vol. 92, p. 72.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article I.—The following crimes are added to the list of crimes numbered 1 to 10 in the first Article of the said Convention of the 12th July, 1889, on account of which extradition may be granted, that is to say:

11. Obtaining money, valuable securities, or other property by false pretences.

12. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

13. Procuring abortion.

Article II.—The present Convention shall be considered as an integral part of the said Extradition Convention of the 12th July, 1889, and the first Article of the last-mentioned Convention shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified, and numbered 11 to 13 in the first Article of the present Convention.

The present Convention shall be ratified, and the ratifications shall be exchanged either at London or Washington as soon as possible.

It shall come into force ten days after its publication, in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington, this 13th day of December, 1900.

(L.S.) PAUNCEFOTE.
(L.S.) JOHN HAY.

[1]ADDITIONAL ACT MODIFYING THE INDUSTRIAL PROPERTY CONVENTION OF MARCH 20, 1883

Signed at Brussels, December 14, 1900

[*Accession of Canada, September 1, 1923*]

(Translation)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Belgians; the President of the United States of Brazil; His Majesty the King of Denmark; the President of the Dominican Republic; Her Majesty the Queen-Regent of Spain, in the name of His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Servia; His Majesty the King of Sweden and Norway; the Federal Council of the Swiss Confederation; and the Tunisian Government, having deemed it expedient to make certain modifications in, and additions to, the International Convention of the 20th March, 1883, and also as regards the Final Protocol annexed to the said Convention, have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable C. B. Stuart Wortley, M.P.; Sir Henry

[1] From Treaty Series No. 15, 1902.

Bergne, K.C.M.G., Head of the Commercial Department of the Foreign Office; Mr. C. N. Dalton, C.B., Comptroller-General of Patents;

His Majesty the King of the Belgians, M. A. Nyssens, formerly Minister of Industry and Works; M. L. Capelle, Envoy Extraordinary and Minister Plenipotentiary, Director-General of Commerce and of Consulates at the Ministry for Foreign Affairs; M. Georges de Ro, Advocate at the Court of Appeal of Brussels, formerly Secretary of the Order; M. J. Dubois, Director-General at the Ministry of Industry and Works;

The President of the United States of Brazil, M. da Cunha, Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil at the Court of His Majesty the King of the Belgians;

His Majesty the King of Denmark, M. H. Holten-Nielsen, Member of the Commission for Patents, Registrar of Trade-Marks;

The President of the Dominican Republic, Mr. J.-W. Hunter, Consul-General of the Dominican Republic at Antwerp;

Her Majesty the Queen-Regent of Spain, in the name of His Majesty the King of Spain, M. de Villa Urrutia, Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians;

The President of the United States of America, Mr. Lawrence Townsend, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of His Majesty the King of the Belgians; Mr. Francis Forbes; Mr. Walter H. Chamberlin, Assistant Commissioner of Patents;

The President of the French Republic, M. Gérard, Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians; M. C. Nicolas, ex-Councillor of State, Honorary Director at the Ministry of Commerce, Industry, Posts and Telegraphs; M. Michel Pelletier, Advocate at the Court of Appeal of Paris;

His Majesty the King of Italy, M. Romeo Cantagalli, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians; Commander Carlo-Francesco Gabba, Senator, Professor at the University of Pisa; Chevalier Samuele Ottolenghi, Head of Department at the Ministry of Agriculture, Industry, and Commerce, Director of the Office of Industrial Property;

His Majesty the Emperor of Japan, M. Itchiro Motono, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians;

Her Majesty the Queen of the Netherlands, M. F.-W.-J.-G. Snyder van Wissenkerke, Doctor of Law, Councillor at the Ministry of Justice, Director of the Office of Industrial Property;

His Majesty the King of Portugal and the Algarves, the Councillor E. Madeira Pinto, Director-General at the Ministry of Public Works, Commerce, and Industry;

His Majesty the King of Servia, Dr. Michel Vouïtch, His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Sweden and Norway, Count Wrangel, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians;

The Federal Council of the Swiss Confederation, M. J. Borel, Consul-General of the Swiss Confederation at Brussels; Dr. Louis-Rudolphe de Salis, Professor at Berne;

The President of the French Republic, on behalf of Tunis, M. Gérard, Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians; M. Bladé, Consul of the First Class at the French Ministry for Foreign Affairs;

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

ARTICLE I

The International Convention of the 20th March, 1883, shall be modified as follows:—

1. Article III of the Convention shall run as follows:—

"Art. III. The subjects or citizens of States which are not Parties to the Union shall be assimilated to the subjects or citizens of the Contracting States, provided that they are domiciled in or have industrial or commercial establishments, real and effective, in the territory of one of the States of the Union."

2. Article IV shall run as follows:—

"Art. IV. Any person who shall have duly applied for a patent, industrial design, or model or trade-mark in one of the Contracting States, shall enjoy, in order to admit of such request being lodged in the other States, during the periods of time mentioned below, a right of priority, the rights of third parties being reserved.

"Consequently, subsequent registration in one of the other States of the Union, before the expiration of such periods of time, shall not be invalidated by any acts accomplished in the interval—either, for instance, by another registration, by the publication of the invention, or by the working of it, by the sale of patterns of the design or model, or by the use of the trade-mark.

"The above-mentioned periods of time during which priority is guaranteed shall be twelve months for patents with respect to inventions, and four months for patents for industrial designs or models, as well as for trade or merchandise marks."

3. There shall be inserted in the Convention an Article IV *bis*, in the following terms:—

"Art. IV *bis*. Patents applied for in the various Contracting States by persons admitted to the benefits of the Convention in the terms of Articles II and III, shall be independent of the patents obtained for the same invention in the other States, whether such States be or be not parties to the Union.

"This stipulation shall apply to patents already existing at the time when it shall come into effect.

"The same stipulation shall apply, in the case of the accession of new States, with regard to patents in existence, either on one side or the other, at the time of accession."

4. The two following paragraphs shall be added to Article IX:—

"In States the laws of which do not admit of seizure upon importation, prohibition of importation may take the place of such seizure.

"The authorities shall not be compelled to effect the seizure in the case of goods in transit."

5. Article X shall run as follows:—

"Art. X. The stipulations of the preceding Article shall be applicable to every production which may falsely bear as indication of origin the name of a specified locality, when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

"Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely designated as the place of origin, or in the district where the locality is situated, is to be deemed a party concerned."

6. There shall be inserted in the Convention an Article X *bis*, in the terms following:—

"Art. X *bis*. Persons resorting to the countries referred to in the Convention (Articles II and III) shall enjoy in all the States of the Union the protection accorded to nationals against dishonest competition."

7. Article XI shall run as follows:—

"Art. XI. The High Contracting Parties shall, in conformity with the legislation of each country, accord temporary protection to inventions susceptible of being patented, and to industrial designs or models, as well as to trade-marks or merchandise marks, in respect of products which shall be exhibited at official or officially recognized international Exhibitions held in the territory of one of them."

8. Article XIV shall run as follows:—

"Article XIV. The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

"For this purpose, Conferences shall be held successively, in one of the Contracting States, between the Delegates of the said States."

9. Article XVI shall run as follows:—

"Art. XVI. States which are not parties to the present Convention shall be allowed to accede to it upon their request.

"The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other States.

"It shall entail, as a matter of right, accession to all the clauses, as well as admission to all the advantages stipulated in the present Convention, and shall take effect one month after the despatch of the notification by the Swiss Government to the other States of the Union, unless a subsequent date have been indicated by the acceding State."

ARTICLE II

The Final Protocol annexed to the International Convention of the 20th March, 1883, shall be completed by the addition of No. 3 *bis* in the following terms:—

"3 *bis*. The patent, in each country, shall not be liable to forfeiture on account of failure to utilize it, until after the expiration of at least three years from the date of the deposit of the application in the country concerned, and only provided the patentee cannot show reasonable cause for his inaction."

ARTICLE III

The present Additional Act shall have the same value and duration as the Convention of the 20th March, 1883.

It shall be ratified and the ratifications shall be deposited at the Ministry for Foreign Affairs, Brussels, as soon as possible, and at the latest within a period of eighteen months from the date of signature.

It shall come into force three months after the Protocol of deposit shall have been closed.

In witness whereof the respective Plenipotentiaries have signed the present Additional Act.

Done at Brussels, in a single copy, the 14th December, 1900.

For Great Britain:

CHARLES B. STUART WORTLEY.
H. G. BERGNE.
C. N. DALTON.

For Belgium:
A. NYSSENS.
CAPELLE.
GEORGES DE RO.
J.DUBOIS.

For Brazil:
F. XAVIER DA CUNHA.

For Denmark:
H. HOLTEN NIELSEN.

For the Dominican Republic:
JOHN W. HUNTER.

For Spain:
W. R. DE VILLA URRUTIA.

For the United States of America:
LAWRENCE TOWNSEND.
FRANCIS FORBES.
WALTER H. CHAMBERLIN.

For France:
A. GERARD.
C. NICOLAS.
MICHEL PELLETIER.

For Italy:
R. CANTAGALLI.
C. F. GABBA.
S. OTTOLENGHI.

For Japan:
I. MOTONO.

For Norway:
COMTE WRANGEL.

For the Netherlands:
SNYDER VAN WISSENKERKE.

For Portugal:
ERNESTO MADEIRA PINTO.

For Servia:
DR. MICHEL VOUITCH.

For Sweden:
COMTE WRANGEL.

For Switzerland:
JULES BOREL.
L. R. DE SALIS.

For Tunis:
A. GERARD.
ETIENNE BLADE.

18794—10

Procès-Verbal

The Contracting Parties having unanimously agreed that the exchange of the ratifications of the Additional Act to the Convention of the 20th March, 1883, signed at Brussels on the 14th December, 1900, shall be effected by means of the deposit of the respective instruments in the archives of the Belgian Ministry for Foreign Affairs, the present Protocol recording the deposit has been, for this purpose, drawn up at the Ministry for Foreign Affairs this 3rd day of May, 1901.

LAWRENCE TOWNSEND.	On this day the ratification of the President of the United States of America has been deposited.
	In succession have been deposited:
JULES BOREL.	On the 5th August, 1901, the ratification of the Swiss Federal Council.
F. G. SCHACK DE BROCKDORFF.	On the 10th October, 1901, the ratification of His Majesty the King of Denmark.
CTE. DE TOVAR.	On the 5th November, 1901, the ratication of His Majesty the King of Portugal and the Algarves.
CONSTANTINE PHIPPS.	On the 6th December, 1901, the ratification of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India.
P. DE FAVEREAU.	On the 10th December, 1901, the ratification of His Majesty the King of the Belgians.
R. CANTAGALLI.	On the 12th December, 1901, the ratification of His Majesty the King of Italy.
S. MATSUGATA.	On the 21st April, 1902, the ratification of His Majesty the Emperor of Japan.
A. GÉRARD.	On the 23rd May, 1902, the ratifications of the President of the French Republic and of the Government of Tunis.
CTE. WRANGEL.	On the 5th June, 1902, the ratification of His Majesty the King of Sweden and Norway, on behalf of Sweden.
CTE. WRANGEL.	On the same day, the ratifications of His Majesty the King of Sweden and Norway, on behalf of Norway.
R. DE PESTEL.	On the 10th June, 1902, the ratification of Her Majesty the Queen of the Netherlands.

In conformity with Article 3 of the Additional Act of the 14th December, 1900, the present Protocol has been closed on this date.

The Belgian Minister for Foreign Affairs,

Brussels, June 14, 1902. P. DE FAVEREAU.

It not having been possible to deposit the ratifications of the President of the United States of Brazil, the President of the Dominican Republic, His Majesty the King of Spain, and His Majesty the King of Servia, within the stipulated period, the Governments of Belgium, Denmark, the United States of America, France, Great Britain, Italy, Japan, Norway, the Netherlands, Portugal, Sweden, Switzerland, and Tunis have unanimously agreed that the Additional Act of the 14th December, 1900, shall, from the 14th September, 1902, take effect as regards themselves, and also as regards those of the other four Signatory States whose ratifications may in the interval have been deposited.

Certified copy:

The Secretary-General
of the Belgian Ministry for Foreign Affairs,
BARON LAMBERMONT.

1901

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RELATIVE TO THE ESTABLISHMENT OF A COMMUNICATION BY SHIP CANAL BETWEEN THE ATLANTIC AND PACIFIC OCEANS.—SIGNED AT WASHINGTON, NOVEMBER 18, 1901.

(Ratifications exchanged at Washington, February 21, 1902)

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India and the United States of America; being desirous to facilitate the construction of a ship-canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, have for that purpose appointed as their Plenipotentiaries:

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, and Emperor of India, the Right Honourable Lord Pauncefote, G.C.B., G.C.M.G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and

The President of the United States, John Hay, Secretary of State of the United States of America;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I

The High Contracting Parties agree that the present Treaty shall supersede the afore-mentioned Convention of the 19th April, 1850.

ARTICLE II

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan

[1] From Treaty Series No. 6, 1902.

18794—10½

of money, to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present Treaty, the said Government shall have and enjoy all the rights incident to such construction. as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE III

The United States adopts, as the basis of the neutralization of such ship-canal, the following Rules, substantially as embodied in the Convention of Constantinople, signed the 29th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise.

Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this Article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this Treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE IV.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the High Contracting Parties under the present Treaty.

ARTICLE V.

The present Treaty shall be ratified by His Britannic Majesty, and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

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

Done in duplicate at Washington, the 18th day of November, in the year of Our Lord one thousand nine hundred and one.

(Seal) PAUNCEFOTE.
(Seal) JOHN HAY.

1903

[1]CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA, FOR THE ADJUSTMENT OF THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE TERRITORY OF ALASKA.—SIGNED AT WASHINGTON, JANUARY 24, 1903.

(Ratifications exchanged at Washington, March 3, 1903.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 28th (16th February), A.D. 1825, which clauses relate to the delimitation of the boundary line between the territory of Alaska, now in possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a Tribunal and to that end have appointed their respective Plenipotentiaries, as follows:—

His Britannic Majesty, the Right Honourable Sir Michael H. Herbert, K.C.M.G., C.B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and

The President of the United States of America, John Hay, Secretary of State of the United States;

Who, after an exchange of their full powers, which were found to be in good and due form, have agreed upon the following Articles:

Article I. A Tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal, and will decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed by His Britannic Majesty and three by the President of the United States. All questions considered by the Tribunal, including the final award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity, or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The Tribunal may appoint a Secretary and a Bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for such officers. The Tribunal shall keep an accurate record of all its proceedings.

[1] From Treaty Series No. 4, 1903.

Each of the High Contracting Parties shall make compensation for the services of the members of the Tribunal of its own appointment and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its Case. All expenses reasonably incurred by the Tribunal in the performance of its duties shall be paid by the respective Governments in equal moieties.

The Tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

Article II. Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each Party relies, shall be delivered in duplicate to each member of the Tribunal and to the Agent of the other Party as soon as may be after the organization of the Tribunal but within a period not exceeding two months from the date of the exchange of ratifications of this Convention.

Within two months after the delivery on both sides of the written or printed Case, either Party may, in like manner, deliver in duplicate to each member of the Tribunal, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence and evidence, in reply to the Case, documents, correspondence and evidence so presented by the other Party. The Tribunal may however, extend this last mentioned period when in their judgment it becomes necessary, by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the Case submitted to the Tribunal either Party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it, within thirty days after the delivery of the Case, to furnish to the Party applying for it a duly certified copy thereof: and either Party may call upon the other, through the Tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each Party may present to the Tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the Tribunal that there is evidence pertinent to the case in the possession of either Party, and which has not been produced, the Tribunal may in its discretion order the production of the same by the Party having control thereof.

It shall be the duty of each Party, through its Agent, or Counsel, within two months from the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each member of the said Tribunal and to the Agent of the other Party a written or printed argument showing the points and referring to the evidence upon which his Government relies, and either Party may also support the same before the Tribunal by oral argument of Counsel. The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either Party a written, printed, or oral statement or argument upon the point; but in such case the other Party shall have the right to reply thereto.

Article III. It is agreed by the High Contracting Parties that the Tribunal shall consider in the settlement of the questions submitted to its decisions the Treaties respectively concluded between His Britannic Majesty and the

Emperor of All the Russias under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles III, IV and V of the first-mentioned Treaty, which in the original text are, word for word, as follows:—

"III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

"A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40′ de latitude nord, et entre le 131*e* et le 133*e* degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56*e* degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141*e* degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141*e* degré formera, dans son prolongement jusqu'à la mer glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

"IV. Il est entendu par rapport à la ligne de démarcation déterminée dans l'Article précédent:—

"1. Que l'île dite *Prince of Wales* appartiendra tout entière à la Russie.

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56*e* degré de latitude nord au point d'intersection du 141*e* degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

"V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux articles précedents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites."

The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

Article IV. Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland channel?
3. What course should the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?
5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should

anywhere exceed the distance of 10 marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured (1) from the mainland coast of the Ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast or (b) from the line separating the waters of the Ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

Article V. The Tribunal shall assemble for their first meeting at London as soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings.

The decision of the Tribunal shall be made so soon as possible after the conclusion of the arguments in the Case, and within three months thereafter, unless His Britannic Majesty and the President of the United States shall by common accord extend the time therefor. The decision shall be made in writing and dated, and shall be signed by the members of the Tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the Agent of His Britannic Majesty for his Government, and the other to the Agent of the United States of America for his Government.

Article VI. When the High Contracting Parties shall have received the decision of the Tribunal upon the questions submitted as provided in the foregoing Articles, which decision shall be final and binding upon all Parties, they will at once appoint, each on its own behalf, one or more scientific experts, who shall with all convenient speed, proceed together to lay down the boundary-line in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the Tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

Article VII. The present Convention shall be ratified by His Britannic Majesty, and by the President of the United States, by and with the advice and consent of the Senate, and the ratifications shall be exchanged in London or in Washington so soon as the same may be effected.

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

Done at Washington, in duplicate, this 24th day of January, A.D. 1903.

(L.S.) MICHAEL H. HERBERT.
(L.S.) JOHN HAY.

[1] AWARD OF THE ALASKA BOUNDARY TRIBUNAL (QUESTION BETWEEN THE GOVERNMENTS OF GREAT BRITAIN AND THE UNITED STATES). OCTOBER 20, 1903.

Whereas by a Convention signed at Washington on the 24th day of January, 1903, by Plenipotentiaries of and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and of and on behalf of the United States of America, it was agreed that a Tribunal should be appointed to consider and decide the questions hereinafter set forth, such Tribunal to consist of six impartial Jurists of repute, who should consider judicially the questions submitted to them, each of whom should first subscribe an oath that he would impartially consider the arguments and evidence presented to the said Tribunal, and would decide thereupon according to his true judgment, and that three members of the said Tribunal should be appointed by His Britannic Majesty and three by the President of the United States;

And whereas it was further agreed by the said Convention that the said Tribunal should consider, in the settlement of the said questions submitted to its decision, the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias, under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles III, IV, and V of the first-mentioned Treaty, and should also take into consideration any action of the several Governments or of their respective representatives, preliminary or subsequent to the conclusion of the said Treaties, so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties;

And whereas it was further agreed by the said Convention, referring to Articles III, IV, and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions:—

1. What is intended as the point of commencement of the line?

2. What channel is the Portland Channel?

3. What course should the line take from the point of commencement to the entrance to the Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G.C.M.G., Lord Chief Justice of England, Sir Louis Amable Jetté, K.C.M.G., Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth, one of His Majesty's Counsel; and the President of the United States of America duly appointed the Honourable Elihu Root, Secretary of War of the United States, the Honourable Henry

[1] From British & Foreign State Papers, Vol. 98, p. 152.

Cabot Lodge, Senator of the United States from the State of Massachusetts, and the Honourable George Turner, of the State of Washington, to be members of the said Tribunal:

Now, therefore, we, the Undersigned, having each of us first subscribed an oath, as provided by the said Convention, and having taken into consideration the matters directed by the said Convention to be considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows:—

In answer to the 1st question—

The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

In answer to the 2nd question—

The Tribunal unanimously agrees that the Portland Channel is the channel which runs from about 55° 56′ north latitude, and passes to the north of Pearse and Wales Islands.

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the Portland Channel, after passing to the north of Wales Island, is the channel between Wales Island and Sitklan Island, called Tongass Channel. The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate by the members of the Tribunal at the time of signing their decision.

In answer to the 3rd question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the 4th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map, and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the 5th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the answer to the above question is in the affirmative.

Question 5 having been answered in the affirmative, question 6 requires no answer.

In answer to the 7th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the mountains marked S on the aforesaid map are the mountains referred to as situated parallel to the coast on that part of the coast where such mountains marked S are situated, and that between the points marked P (mountain marked S, 8,000) on the north, and the point marked T (mountain marked S, 7,950) in the absence of further survey, the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed the above-written decision upon the questions submitted to us.

Signed in duplicate this 20th day of October, 1903.

ALVERSTONE.
ELIHU ROOT.
HENRY CABOT LODGE.
GEORGE TURNER.

Witness:

REGINALD TOWER, Secretary.

[1]INTERNATIONAL AGREEMENT FOR THE SUPPRESSION OF THE WHITE SLAVE TRAFFIC

Signed at Paris, May 18, 1904

[*Ratifications deposited at Paris, January 18, 1905*]

[*Accession of Canada, July 3, 1906*]

[*Accession of the United States proclaimed June 15, 1908*]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden and Norway, and the Swiss Federal Council, being desirous of securing to women of full age who have suffered abuse or compulsion, as also to women and girls under age, effective protection against the criminal traffic known as the "White Slave Traffic," have decided to conclude an Agreement with a view to concerting measures calculated to attain this object, and have appointed as their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, his Excellency Sir E. Monson, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the German Emperor, King of Prussia, His Serene Highness Prince Radolin, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of the Belgians, M. A. Leghait, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Denmark, Count F. Reventlow, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Spain, his Excellency M. F. de Leon y Castillo, Marquis del Muni, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

The President of the French Republic, his Excellency M. Th. Delcassé, Deputy, Minister for Foreign Affairs of the French Republic;

His Majesty the King of Italy, his Excellency Count Tornielli Brusati di Vergano, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

Her Majesty the Queen of the Netherlands, M. le Chevalier de Stuers, her Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Portugal and of the Algarves, M. T. de Souza-Roza, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the Emperor of All the Russias, his Excellency M. de Nelidow, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

[1] From Treaty Series No. 24, 1905.

His Majesty the King of Sweden and Norway: for Sweden and for Norway, M. Akerman, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

And the Swiss Federal Council, M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation to the President of the French Republic;

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

ARTICLE 1

Each of the Contracting Governments undertakes to establish or name some authority charged with the co-ordination of all information relative to the procuring of women or girls for immoral purposes abroad; this authority shall be empowered to correspond direct with the similar department established in each of the other Contracting States.

ARTICLE 2

Each of the Governments undertakes to have a watch kept, especially in railway stations, ports of embarkation, and *en route,* for persons in charge of women and girls destined for an immoral life. With this object instructions shall be given to the officials and all other qualified persons to obtain, within legal limits, all information likely to lead to the detection of criminal traffic.

The arrival of persons who clearly appear to be the principals, accomplices in, or victims of, such traffic shall be notified, when it occurs, either to the authorities of the place of destination, or to the Diplomatic or Consular Agents interested, or to any other competent authorities.

ARTICLE 3

The Government undertake, when the case arises, and within legal limits, to have the declarations taken of women or girls of foreign nationality who are prostitutes, in order to establish their identity and civil status, and to discover who has caused them to leave their country. The information obtained shall be communicated to the authorities of the country of origin of the said women or girls, with a view to their eventual repatriation.

The Governments undertake, within legal limits, and as far as can be done, to intrust temporarily, and with a view to their eventual repatriation, the victims of a criminal traffic when destitute to public or private charitable institutions, or to private individuals offering the necessary security.

The Governments also undertake, within legal limits, and as far as possible, to send back to their country of origin those women and girls who desire it, or who may be claimed by persons exercising authority over them. Repatriation shall only take place after agreement as to identity and nationality, as well as place and date of arrival at the frontiers. Each of the Contracting Countries shall facilitate transit through its territory.

Correspondence relative to repatriation shall be direct as far as possible.

ARTICLE 4

Where the woman or girl to be repatriated cannot herself repay the cost of transfer, and has neither husband, relations, nor guardian to pay for her, the cost of repatriation shall be borne by the country where she is in residence as far as the nearest frontier or port of embarkation in the direction of the country of origin, and by the country of origin as regards the rest.

ARTICLE 5

The provisions of the foregoing Articles 3 and 4 shall not affect any private Conventions existing between the Contracting Governments.

ARTICLE 6

The Contracting Governments undertake, within legal limits, to exercise supervision, as far as possible, over the offices or agencies engaged in finding employment for women or girls abroad.

ARTICLE 7

Non-Signatory States can adhere to the present Agreement. For this purpose they shall notify their intention, through the diplomatic channel, to the French Government, who shall acquaint all the Contracting States.

ARTICLE 8

The present Agreement shall come into force six months after the exchange of ratifications. If one of the Contracting Parties denounces it, this denunciation shall only have effect as regards that party, and that only twelve months after the date of denunciation.

ARTICLE 9

The present Agreement shall be ratified, and the ratifications shall be exchanged, at Paris with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the present Agreement, and thereunto affixed their seals.

Done at Paris, the 18th May, 1904, in single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic, and of which one copy, certified correct, shall be sent to each Contracting Party.

(L.S.) EDMUND MONSON.
(L.S.) RADOLIN.
(L.S.) A. LEGHAIT.
(L.S.) F. REVENTLOW.
(L.S.) F. DE LEON Y CASTILLO.
(L.S.) DELCASSÉ.
(L.S.) G. TORNIELLI.
(L.S.) A. DE STUERS.
(L.S.) T. DE SOUZA ROZA.
(L.S.) NELIDOW.

For Sweden and Norway:
The Minister of Sweden and Norway.
(L.S.) AKERMAN.
(L.S.) LARDY.

Procès-verbal of Signature

(Translation)

The undersigned Plenipotentiaries, assembled this day for the purpose of proceeding to the signature of the Agreement intended to secure effective protection against the "White Slave Traffic," have exchanged the following Declaration respecting the application of the said Agreement to the respective Colonies of the Contracting States:—

ARTICLE 1

The countries signatories of the Agreement have the right to accede thereto at any time for their Colonies or foreign possessions.

They may do this either by a general Declaration comprehending all their Colonies or possessions within the accession, or by specially naming those comprised therein, or by simply indicating those which are excluded.

ARTICLE 2

The Government of His Britannic Majesty declare that they reserve the right to accede to the Agreement, and to denounce it for each of the British Colonies or possessions.

The German Government declare that they reserve their decisions on the subject of their Colonies.

The Danish Government declare that they reserve the right to accede to the Agreement for the Danish Colonies.

The Spanish Government declare that they reserve their decisions on the subject of their Colonies.

The French Government declare that the Agreement shall apply to all French Colonies.

The Italian Government declare that the Agreement shall apply to the Colony of Erythræa.

The Netherland Government declare that the Agreement shall apply to all the Netherland Colonies.

The Portuguese Government declare that they reserve the right to decide subsequently whether the Agreement shall be put in force in any of the Portuguese Colonies.

The Russian Government declare that the Agreement shall be applicable in its integrity to all the territory of the Empire in Europe and in Asia.

ARTICLE 3

Any Governments who may subsequently have declarations to make on the subject of their Colonies shall make them in the form provided in Article 7 of the Agreement.

At the moment of proceeding to the signature of the Agreement, his Serene Highness Prince Radolin, Ambassador of Germany, desires, in the name of his Government, to make the following declaration:—

In the view of the German Government, the Rules which may exist between the German Empire and the country of origin respecting the mutual assistance of paupers are not applicable to persons who are repatriated in virtue of the present Agreement on their way through Germany.

In faith whereof the Plenipotentiaries have signed this *procès-verbal.*

Done at Paris, May 18, 1904.

EDMUND MONSON.
RADOLIN.
A. LEGHAIT.
F. REVENTLOW.
F. DE LEON Y CASTILLO.
DELCASSÉ.
G. TORNIELLI.
A. DE STUERS.
T. DE SOUZA ROZA.
NELIDOW.

For Sweden and Norway:

AKERMAN.
LARDY.

Act of Adhesion

(Translation)

His Majesty the Emperor of Austria, King of Bohemia, &c., &c., and Apostolic King of Hungary, being desirous of availing himself of the faculty reserved to him by Article 7 of the Agreement concluded at Paris on the 18th May, 1904, having for its object the suppression of the "White Slave Traffic," has resolved to accede to it on behalf of the States subject to his rule.

His Majesty has named as his Plenipotentiary, for this purpose, Count Rodolphe de Khevenhüller-Metsch, his Privy Councillor and Chamberlain, his Ambassador Extraordinary and Plenipotentiary to the French Republic, who, having produced his full powers, found in good and due form, declared as follows:—

His Majesty the Emperor of Austria, King of Bohemia, &c., &c., and Apostolic King of Hungary, accedes, on behalf of the States subject to his rule, to the Agreement concluded at Paris on the 18th May, 1904, having for its object the suppression of the "White Slave Traffic," as well as to the declaration in the Protocol of Signature of the 18th May, 1904, relative to the application of the said Agreement to the respective Colonies of the Contracting Parties. He takes note, at the same time, of the declarations contained in the above-mentioned Protocol of Signature.

The Minister of Foreign Affairs of the French Republic, M. Th. Delcassé, in the name of the Powers Signatories of the above-mentioned Agreement and Protocol, takes note of this declaration of accession.

In faith of which the Undersigned have executed the present Act, and have attached their seals to it.

Done in duplicate, at Paris, the 18th January, 1905.

(L.S.) DELCASSÉ.
(L.S.) R. KHEVENHÜLLER.

(Translation)

Procès-Verbal of Deposit of Ratifications of the International Agreement, signed at Paris on the 18th May, 1904, with a view to securing the Effectual Suppression of the Criminal Traffic known as the "White Slave Traffic."

In execution of Article 9 of the International Agreement of the 18th May, 1904, the undersigned Representatives of the co-signatory Powers met at the Ministry of Foreign Affairs at Paris in order to proceed to the deposit in the hands of the Government of the French Republic of the Ratifications of the High Contracting Powers, such deposit taking the place of exchange.

The Ratifications:—

1. Of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;
2. Of His Majesty the German Emperor, King of Prussia;
3. Of His Majesty the King of Denmark;
4. Of His Majesty the King of Spain;
5. Of the President of the French Republic;
6. Of His Majesty the King of Italy;
7. Of His Majesty the Emperor of All the Russias;
8. Of His Majesty the King of Sweden and Norway;
9. Of the Swiss Federal Council;

have been produced, and having, after examination, been found in good and due form, are entrusted to the Government of the French Republic to be deposited in the archives of the Department of Foreign Affairs.

On the other hand, the Belgian Minister, the Portuguese Minister, and the Netherland Minister, having requested an extension of time to carry out this formality, the Undersigned agree to authorize the French Government to receive the Ratifications of the above-mentioned States which are to be furnished at latest by the 18th July, 1905, the date on which the Agreement, in conformity with its 8th Article, shall come into operation for all the States which shall have ratified it by that time.

The French Government will notify these successive deposits to the Contracting Powers.[1]

In faith of which the Undersigned have drawn up the present *procès-verbal*, and have affixed thereto their seals.

Done at Paris, the 18th January, 1905.

For Great Britain:
(L.S.) FRANCIS BERTIE.

For Germany:
(L.S.) RADOLIN.

For Denmark:
(L.S.) F. REVENTLOW.

For Spain:
(L.S.) F. DE LEON Y CASTILLO.

For the French Republic:
(L.S.) DELCASSE.

For Italy:
(L.S.) G. TORNIELLI.

For Russia:
(L.S.) NELIDOW.

For Sweden and for Norway:
(L.S.) AKERMAN.

For Switzerland:
(L.S.) LARDY.

True copy:

ARMAND MOLLARD,
Minister Plenipotentiary,
Head of the Protocol.

[1] In pursuance of this provision, the French Government notified to His Britannic Majesty's Ambassador at Paris, on the 3rd July, 1905, that the Ratification of His Majesty the King of the Belgians had been deposited, and his Excellency was subsequently informed that the Ratification of His Majesty the King of Portugal was deposited on the 12th July, 1905.

1905

[1]EXCHANGE OF NOTES BETWEEN THE BRITISH AND UNITED STATES GOVERNMENTS, RELATIVE TO THE ACCEPTANCE OF THE REPORT OF THE COMMISSIONERS TO COMPLETE THE AWARD[2] UNDER THE CONVENTION OF JANUARY 24, 1903, RESPECTING THE BOUNDARY LINE BETWEEN ALASKA AND THE BRITISH NORTH AMERICAN POSSESSIONS.—WASHINGTON, MARCH 25, 1905.

United States Acting Secretary of State to H. M. Ambassador at Washington

DEPARTMENT OF STATE, WASHINGTON,
March 25, 1905.

EXCELLENCY,

Referring to your note of the 1st October, and Mr. Hay's reply of the 2nd of December, 1904, in regard to the report by Messrs. O. H. Tittmann and W. F. King, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an Agreement between the United States and Great Britain for the formal acceptance of the recommendations of the Commissioners by an exchange of notes, I have the honour to state, by direction of the President, that the Government of the United States agrees with the Government of His Britannic Majesty that the part of the boundary between Alaska and Canada lying between the points P and T mentioned in the Award of the Tribunal of 1903 shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical co-ordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisiblity: Provided also that no such additional and intermediate peak shall be more than 2,500 metres from the straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:—

TABLE SHOWING THE POSITIONS AND DISTANCES OF PEAKS

The latitudes and longitudes are taken from, and refer to, the maps Nos. 10 and 12 of the surveys made by the British Commission under the Convention of 1892. The successive peaks are designated by consecutive numbers, counting southward from point P.

Points	Latitude	Longitude	From	To	Approximate Distances
	° ′ ″	° ′ ″			Metres
Sheet 12—					
1	58 36 29	133 41 55	P	1	15,840
2	58 31 01	133 33 14	1	2	12,800
3	58 24 40	133 26 09	2	3	13,680
4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10	.....	.....	7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

[1] From British & Foreign State Papers, Vol. 98, p. 155.
[2] October 20, 1903, see page 153,

18794—11

Your acknowledgement of this communication, with a similar statement on behalf of the Government of His Majesty, will complete the agreed exchange of notes, and will confirm and give validity to the agreement reached by the Commissioners, thus completing the Award of the London Tribunal under the Convention of the 24th January, 1903, as to the above-described part of the Alaska boundary.

Expressing the President's satisfaction at this settlement of the matter, I have, &c.,

ALVEY A. ADEE,
Acting Secretary of State.

Sir H. M. Durand.

H. M. Ambassador at Washington to United States Secretary of State

BRITISH EMBASSY, WASHINGTON, March 25, 1905.

SIR,—I have the honour to acknowledge the receipt of your note of this date in regard to the Report by Messrs. W. F. King and O. H. Tittmann, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an agreement between Great Britain and the United States for the formal acceptance of the recommendations of the Commissioners by an exchange of notes.

By direction and on behalf of the Government of His Britannic Majesty, I have the honour to state that the Government of His Majesty agrees with the Government of the United States that the part of the boundary between Canada and Alaska lying between the points P and T, mentioned in the Award of the Tribunal of 1903, shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical co-ordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisibility: Provided also that no such additional and intermediate peak shall be more than 2,500 metres from the straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:—

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5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10	.....	.....	7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

I am instructed to express the gratification of my Government that, by this exchange of notes, confirmation and validity are given to the Agreement reached by the Commissioners, thus completing the Award of the London Tribunal under the Convention of the 24th January, 1903, as to the above-described part of the Alaska boundary.

I have, &c.,

H. M. DURAND.

The Hon. John Hay.

[1]SUPPLEMENTARY CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS.—SIGNED AT LONDON, APRIL 12, 1905.

(Ratifications exchanged at Washington, December 21, 1906.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and the President of the United States of America; being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

His Britannic Majesty, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs;

And the President of the United States, the Honourable Joseph Hodges Choate, Ambassador Extraordinary and Plenipotentiary of the United States at the Court of His Britannic Majesty;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article I.—The following crimes are added to the list of crimes numbered 1 to 10 in the first Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, that is to say:

14. Bribery, defined to be the offering, giving, or receiving of bribes made criminal by the laws of both countries.

15. Offences, if made criminal by the laws of both countries, against bankruptcy law.

Article II—The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 14 and 15 in the 1st Article of the present Convention.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

[1] From Treaty Series No. 7, 1907.

18794—11½

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at London, this 12th day of April, 1905.

(L.S.) LANSDOWNE.
(L.S.) JOSEPH H. CHOATE.

[1]INTERNATIONAL CONVENTION FOR THE CREATION OF AN INTERNATIONAL AGRICULTURAL INSTITUTE.

Signed at Rome, June 7, 1905

[*British Ratification deposited at Rome, May 8, 1907*]

[*Accession of Canada, 1907*]

(Translation)

CONVENTION

At a series of meetings held at Rome from the 29th May to the 6th June, 1905. the delegates of the Powers assembled at the Conference for the creation of an International Agricultural Institute, having drawn up the text of a Convention dated the 7th June, 1905, and this text having been submitted to the approval of the Governments which have taken part in the said Conference, the undersigned, furnished with full powers, found in good and due form, have agreed in the name of their respective Governments as follows:—

ARTICLE 1

An International Permanent Agricultural Institute is established, with its seat at Rome.

ARTICLE 2

The International Agricultural Institute is to be an official institution, in which each adhering Power shall be represented by delegates of its own selection.

The Institute shall consist of a General Assembly and of a Permanent Committee, of which the constitution and functions are defined in the following articles.

ARTICLE 3

The General Assembly of the Institute shall be composed of representatives of the adhering States. Each State, whatever may be the number of its delegates, shall be entitled in the Assembly to a number of votes which shall be determined according to the group to which it belongs, as indicated in Article 10.

ARTICLE 4

The General Assembly elects from its body for each session a President and two Vice-Presidents.

The sessions shall take place at certain dates fixed by the previous General Assembly, according to a programme submitted by the Permanent Committee and adopted by the adhering Governments.

[1] From Treaty Series No. 17, 1910.

ARTICLE 5

The General Assembly has supreme control over the International Agricultural Institute.

It adopts schemes prepared by the Permanent Committee regarding the organization and internal functions of the Institute. It fixes the total expenditure; it controls and passes the accounts.

It submits to the adhering Governments for their approval modifications of any nature which entail an increase of expenditure or an extension of the powers of the Institute. It fixes the date of the sittings. It draws up its own rules of procedure.

Delegates representing two-thirds of the votes of the adhering States must be present at the meetings of the General Assembly in order to give validity to the proceedings.

ARTICLE 6

The executive powers of the Institute are entrusted to the Permanent Committee, which, under the direction and control of the General Assembly, carries out its resolutions and prepares the proposals to be submitted to it.

ARTICLE 7

The Permanent Committee is composed of members nominated by the respective Governments. Each adhering State shall be represented on the Permanent Committee by one member. Nevertheless the representation of one State can be confided to the delegate of another adhering State, provided that the effective number of the members is not less than fifteen.

The conditions for voting in Permanent Committee are the same as those indicated in Article 3 for the General Assembly.

ARTICLE 8

The Permanent Committee elects from its own members for a period of three years a President and a Vice-President, who are eligible for re-election. It makes its own rules of procedure; it votes the budget of the Institute within the limits of the sums placed at its disposal by the General Assembly; it appoints and discharges its staff officials and *employés*.

The General Secretary of the Permanent Committee fulfils the duties of Secretary to the Assembly.

ARTICLE 9

Whilst limiting its action to international questions, it shall be the duty of the Institute:

(*a*) To collect, elaborate, and publish, with as little delay as possible, statistical, technical, or economic information regarding the cultivation of the soil, its productions, whether animal or vegetable, the trade in agricultural products, and the prices obtained on the various markets.

(*b*) To communicate to interested parties, also without delay, full information of the nature above-mentioned.

(*c*) To indicate the wages of rural labour.

(*d*) To notify all new diseases of plants which may appear in any part of the world, indicating the districts affected, the spread of the disease, and, if possible, the efficacious means of resistance.

(*e*) To consider questions relating to agricultural co-operation, insurance, and credit, in all their forms, collecting and publishing information which may be useful in the various countries for the organization of undertakings relating to agricultural co-operation, insurance, and credit.

(*f*) To present, if expedient, to the Governments, for their approval, measures for the protection of the common interests of agriculturists and for the improvement of their condition, after having previously taken every means of obtaining the necessary information, *e.g.*, resolutions passed by International Congresses or other Congresses relating to agriculture or to sciences applied to agriculture, Agricultural Societies, Academies, Learned Societies, Etc.

All questions relating to the economic interests, the legislation and administration of any particular State must be excluded from the sphere of the Institute.

ARTICLE 10

The States adhering to the Institute shall be classified into five groups, according to the place which each State considers best to select.

The number of votes at the disposal of each State, and the number of units of subscription, shall be fixed according to the two following scales:—

Groups of States.	No. of Votes.	Units of Subscription.
I	5	16
II	4	8
III	3	4
IV	2	2
V	1	1

In any case the contribution corresponding to each unit of subscription can never exceed the sum of 2,500 fr.

As a temporary measure, the subscription for the first two years shall not exceed the sum of 1,500 fr. for each unit.

On the application of the State to which they belong, Colonies may be admitted to form part of the Institute on the same conditions as independent States.

ARTICLE 11

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible by means of deposit with the Italian Government.

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

Done at Rome the seventh day of June, 1905, in a single original, deposited at the Italian Ministry of Foreign Affairs, copies of which, certified as correct, shall be furnished through the diplomatic channel to the contracting States.

For Great Britain and Ireland:
(L.S.) EDWIN H. EGERTON.

For Italy:
(L.S.) TITTONI.

For Montenegro:
(L.S.) General MITAR MARTINOVICH.

For Russia:
(L.S.) KROUPENSKY.

For the Argentine Republic:
(L.S.) BALD.° M. FONSECA.

For Roumania:
(L.S.) NICOLAS FLÉVA.

For Servia:
(L.S.) M. MILOVANOVITCH.

For Belgium:
(L.S.) L. VERHAEGHE DE NAEYER.

For Salvador:
(L.S.) J. GUSTAVO GUERRERO.

For Portugal:
(L.S.) M. DE CARVALHO E VASCONCELLOS.

For the United States of Mexico:
(L.S.) G. A. ESTEVA.

For Luxemburg:
(L.S.) L. VERHAEGHE DE NAEYER.

For the Swiss Confederation:
(L.B.) J. B. PIODA.

For Persia:
(L.S.) N. MALCOLM.

For Japan:
(L.S.) T. OHYAMA.

For Ecuador:
(L.S.) J. T. MERA.

For Bulgaria:
(L.S.) D. MINTCHOVITCH.

For Denmark:
(L.S.) CTE. MOLTKE.

For Spain:
(L.S.) Duc DE ARCOS.

For France:
(L.S.) CAMILLE BARRERE.

For Sweden:
(L.S.) BILDT.

For the Netherlands:
(L.S.) Jonkheer VAN DER GOES.

For Greece:
(L.S.) CHRIST. MIZZOPOULOS.

For Uruguay:
(L.S.) JEAN CUESTAS.

For Germany:
(L.S.) A. MONTS.

For Cuba:
(L.S.) CARLOS DE PEDROSO.

For Austria and for Hungary:
(L.S.) H. LUTZOW, *Austro-Hungarian Ambassador.*

For Norway:
(L.S.) CARL LOVENSKIOLD.

For Egypt:
(L.S.) AZIZ IZZET.

For Guatemala:
(L.S.) THOMAS SEGARINI.

For Ethiopia:
(L.S.) GIUSEPPE CUBONI.

For Nicaragua:
(L.S.) JEAN GIORDANO DUC DE ORATINO.

For the United States of America:
(L.S.) HENRY WHITE.

For Brazil:
(L.S.) BARROS MOREIRA.

For Costa Rica:
(L.S.) RAFAEL MONTEALEGRE

For Chile:
(L.S.) VICTOR GREZ.

For Peru:
(L.S.) ANDRÉS A. CACERES.

For China:
(L.S.) HOUANG KAO.

For Paraguay:
(L.S.) F. S. BENUCCI.

For Turkey:
(L.S.) M. RÉCHID.

(Translation.)

PROTOCOL

ARTICLE 11 of the Convention of June 7, 1905, respecting the creation of a permanent International Agricultural Institute at Rome, having stipulated that the ratifications of the aforesaid Convention shall be exchanged by means of deposit with the Italian Government, the present Protocol has been opened for the purpose this day, July 3, 1906, at the Royal Italian Ministry for Foreign Affairs.

J. B. PIODA (L.S.) — On the same day, July 3, 1906, the Ratification of the Federal Council of the Swiss Confederation has been deposited, with the declaration that Switzerland desires to rank in Group IV of acceding States (Art. 10 of the Convention). *Switzerland.*

There have been successively presented for deposit:—

TITTONI (L.S.) — On July 19, 1906, the Ratification of His Majesty the King of Italy, with the declaration that Italy desires to rank in Group I; *Italy.*

HENRY WHITE (L.S.) — On August 13, 1906, the Ratification of the President of the United States of America, with the declaration that the United States of America desire to rank in Group I; *United States.*

GIUSEPPE CUBONI (L.S.) — On September 1, 1906, the Ratification (in the form of an Imperial Letter) of His Majesty the Emperor of Ethiopia, with the declaration that Ethiopia desires to rank in Group V; *Ethiopia.*

BILDT (L.S.) — On October 27, 1906, the Ratification of His Majesty the King of Sweden, with the declaration that Sweden desires to rank in Group IV; *Sweden.*

CAMILLE BARRÈRE (L.S.) — On November 10, 1906, the Ratification of the President of the French Republic, with the declaration that France desires to rank in Group I; *France.*

ENRIQUE MORENO (L.S.) — On November 12, 1906, the Ratification of the President of the Argentine Republic, with the declaration that the Argentine Republic desires to rank in Group I; *Argentine Republic.*

E. MOLTKE (L.S.) — On November 17, 1906, the ratification of His Majesty the King of Denmark, with the declaration that Denmark desires to rank in Group IV; *Denmark.*

AGOSTINO NORERO (L.S.) — On December 14, 1906, the Ratification of General Eloy Alfaro, entrusted with the Supreme Control of the Republic of Ecuador, with the declaration that Ecuador desires to rank in Group V; *Ecuador.*

RAFAEL MONTE-ALEGRE (L.S.) — On February 9, 1907, the Ratification of the President of the Republic of Costa Rica, with the declaration that Costa Rica desires to rank in Group V; *Costa Rica.*

EDWIN H. EGERTON (L.S.) — On May 8, 1907, the Ratification of His Majesty the King of the United Kingdom of Great Britain and Ireland, with the declaration that the United Kingdom desires to rank in Group I; *Great Britain.*

D. ZEPPA (L.S.)	On May 20, 1907, the Ratification of His Highness the Khedive of Egypt, with the declaration that Egypt desires to rank in Group II;	*Egypt.*
TAKAHIRA (L.S.)	On June 6, 1907, the Ratification of His Majesty the Emperor of Japan, with the declaration that Japan desires to rank in Group I;	*Japan.*
WENCESLAO MELENDEZ (L.S.)	On July 5, 1907, the Ratification of the President of the Republic of Peru, with the declaration that Peru desires to rank in Group V;	*Peru.*
J. PÉREZ CABALLERO (L.S.)	On July 6, 1907, the Ratification of His Majesty the King of Spain, with the declaration that Spain desires to rank in Group I;	*Spain.*
FILALITY (L.S.)	On July 18, 1907, the Ratification of His Majesty the King of Roumania, with the declaration that Roumania desires to rank in Group I;	*Roumania.*
Dr. CARLOS DE PEDROSO (L.S.)	On September 11, 1907, the Ratification of the Honourable Governor of the Republic of Cuba, under the provisional administration of the United States of America, with the declaration that Cuba desires to rank in Group V;	*Cuba.*
E. A. ESTEVA Y CUEVAS (L.S.)	On October 2, 1907, the Ratification of the President of the United States of Mexico, with the declaration that Mexico desires to rank in Group II;	*Mexico.*
v. DITTEN (L.S.)	On October 9, 1907, the Ratification of His Majesty the King of Norway, with the declaration that Norway desires to rank in Group IV;	*Norway.*
LÉON MASKENS (L.S.)	On October 12, 1907, the Ratification of His Majesty the King of the Belgians, with the declaration that Belgium desires to rank in Group IV;	*Belgium.*
H. DE WEEDE (L.S.)	On October 18, 1907, the Ratification of His Royal Highness the Grand Duke of Luxemburg, with the declaration that Luxemburg desires to rank in Group V;	*Luxemburg.*
M. DE CARVALHO E VASCONCELLOS (L.S.)	On December 31, 1907, the Ratification of His Majesty the King of Portugal, with the declaration that Portugal desires to rank in Group IV;	*Portugal.*
HOUANG KAO (L.S.)	On January 4, 1908, the Ratification of His Majesty the Emperor of China, with the declaration that China desires to rank in Group I;	*China.*
Pour l'Autriche et pour la Hongrie, l'Ambassadeur d'Autriche-Hongrie: H. LÜTZOW (L.S.)	On January 22, 1908, the Ratification of His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, with the declaration that Austria desires to rank in Group II, and that Hungary desires also to rank in Group II*;	*Austria-Hungary.*

* According to a note, dated May 8, 1910, received from the Italian Chargé d'Affaires at London, Austria and Hungary are to be included in Group I.

H. DE WEEDE (L.S.) On February 5, 1908, the Ratification of Her Majesty the Queen of the Netherlands, with the declaration that the Netherlands desire to rank in Group IV; *Netherlands.*

MONTS (L.S.) On February 25, 1908, the Ratification of His Majesty the German Emperor, King of Prussia, &c., with the declaration that Germany desires to rank in Group I; *Germany.*

D. MINTCHOVITCH (L.S.) On May 7, 1908, the Ratification of His Royal Highness the Prince of Bulgaria, with the declaration that Bulgaria desires to rank in Group III; *Bulgaria.*

N. MALCOLM (L.S.) On May 12, 1908, the Ratification of His Imperial Majesty the Shah of Persia, with the declaration that Persia desires to rank in Group II; *Persia.*

EUGÈNE POPOVITCH (L.S.) On May 13, 1908, the Ratification of His Royal Highness the Prince of Montenegro, with the declaration that Montenegro desires to rank in Group V; *Montenegro.*

CHRISTOS H. MIZZOPOULOS (L.S.) On May 19, 1908, the Ratification of His Majesty the King of Greece, with the declaration that Greece desires to rank in Group IV; *Greece.*

Baron KORFF (L.S.) On May 28, 1908, the Ratification of His Majesty the Emperor of Russia, with the declaration that Russia desires to rank in Group I; *Russia.*

VITTORIO EMANUELE BIANCHI (L.S.) On August 26, 1908, the Ratification of the President of the Republic of Nicaragua, with the declaration that Nicaragua desires to rank in Group V; *Nicaragua.*

ANT. BALLO (L.S.) On September 29, 1908, the Ratification of the Constitutional President of the Republic of Salvador, with the declaration that Salvador desires to rank in Group V; *Salvador.*

EDE. ACEVEDO DIAZ (L.S.) On November 5, 1908, the Ratification of the President of the Oriental Republic of Uruguay, with the declaration that Uruguay desires to rank in Group V; *Uruguay.*

ALBERTO FIALHO (L.S.) On November 9, 1908, the Ratification of the President of the United States of Brazil, with the declaration that Brazil desires to rank in Group I; *Brazil.*

SANTIAGO ALDUNATE (L.S.) On November 15, 1909, the Ratification of the President of the Republic of Chile, with the declaration that Chile desires to rank in Group I; *Chile.*

MICHEL VOUITCH (L.S.) On November 29, 1909, the Ratification of His Majesty the King of Servia, with the declaration that Servia desires to rank in Group III; *Servia.*

SEÏFEDDIN (L.S.) On January 17, 1910, the Ratification of His Imperial Majesty the Sultan, with the declaration that the Ottoman Empire desires to rank in Group I. *Turkey.*

Considering that all the States signatories of the Convention have thus deposited their Ratification with the exception of the Republic of Guatemala and the Republic of Paraguay;

Considering that by a decision of the States whose Ratifications have been deposited, the other Signatory States have been authorised to deposit their

Ratifications even after the closure of the Protocol relative thereto, and thus to preserve their position as Contracting States;

The present Protocol has this day been closed with the reservation, as regards Guatemala and Paraguay, of the faculty of depositing at a later date their Ratifications subject to the conditions above mentioned.

Rome, March 14, 1910.

The Minister for Foreign Affairs,
GUICCIARDINI.

ACCESSIONS

ERYTHREA and ITALIAN SOMALILAND (Group IV), November 13, 1908.
SAN MARINO (Group V), November 27, 1908.
TUNIS (Group V), December 4, 1909.

The following acceded in 1907:—

COMMONWEALTH OF AUSTRALIA (Group IV).
DOMINION OF CANADA (Group II).
INDIA (Group II).
MAURITIUS (Group V).
DOMINION OF NEW ZEALAND (Group IV).

1906

[1]CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RESPECTING THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND ALASKA.—SIGNED AT WASHINGTON, APRIL 21, 1906.

(Ratifications exchanged at Washington, August 16, 1906)

Whereas by a Treaty between the United States of America and His Majesty the Emperor of all the Russias, for the cession of the Russian possessions, in North America to the United States, concluded March 30, 1867, the most northerly part of the boundary line between the said Russian possessions and those of His Britannic Majesty, as established by the prior convention between Russia and Great Britain, of February $^{28}/_{16}$, 1825, is defined as following the 141st degree of longitude west from Greenwich, beginning at the point of intersection of the said 141st degree of west longitude with a certain line drawn parallel with the coast, and thence continuing from the said point of intersection, upon the said meridian of the 141st degree in its prolongation as far as the Frozen Ocean:

And whereas, the location of said meridian of the 141st degree of west longitude between the terminal points thereof defined in said Treaty, is dependent upon the scientific ascertainment of convenient points along the said meridian

[1] From Treaty Series No. 15, 1906.

and the survey of the country intermediate between such points, involving no question of interpretation of the aforesaid Treaties but merely the determination of such points and their connecting lines by the ordinary processes of observation and survey conducted by competent astronomers, engineers and surveyors;

And whereas such determination has not hitherto been made by a joint survey as is requisite in order to give complete effect to said Treaties:

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous to provide for the surveying and marking out upon the ground of the said astronomical line established by existing treaties, and thus to remove any possible cause of difference between their respective governments in regard to the location of the said 141st meridian of west longitude, have resolved to conclude a Convention to that end, and for that purpose have appointed their respective Plenipotentiaries:

His Britannic Majesty, The Right Honourable Sir H. Mortimer Durand, G.C.M.G., K.C.S.I., K.C.I.E., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and

The President of the United States of America, The Honourable Elihu Root, Secretary of State of the United States:

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following Articles:—

Article I. Each Government shall appoint one Commissioner with whom may be associated such surveyors, astronomers and other assistants as each Government may elect.

The Commissioners shall at as early a period as practicable ascertain by the telegraphic method a convenient point on the 141st meridian of west longitude and shall then proceed under their joint direction and by their joint operations in the field, to trace and mark so much of a north and south line passing through said point as is necessary to be defined for determining the exact boundary line as established by the said Convention of $^{28}/_{16}$ February, 1825, between the possessions in America of His Britannic Majesty, and the adjacent possessions in America formerly belonging to His Majesty the Emperor of all the Russias and ceded to the United States by the said Treaty of 30th March, 1867.

Article II. The location of the 141st meridian as determined hereunder shall be marked by intervisible objects, natural or artificial, at such distances apart as the Commissioners shall agree upon and by such additional marks as they shall deem necessary, and the line when and where thus marked, in whole or in part, and agreed upon by the Commissioners, shall be deemed to define permanently for all international purposes the 141st meridian mentioned in the treaty of February 28 (16), 1825, between Great Britain and Russia.

The location of the marks shall be described by such views, maps and other means as the Commissioners shall decide upon and duplicate records of these descriptions shall be attested by the Commissioners jointly and be by them deposited with their respective governments, together with their final report hereinafter mentioned.

Article III. Each Government shall bear the expenses incident to the employment of its own appointees and of the operations conducted by them, but the cost of material used in permanently marking the meridian, and of its transportation and erection in place, shall be borne equally and jointly by the two Governments.

Article IV. The Commissioners shall diligently prosecute the work to its completion and they shall submit to their respective Governments from time to time, and at least once in every calendar year, a joint report of progress, and a final comprehensive report upon the completion of the whole work

Article V. The present Convention shall be duly ratified by His Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at London or at Washington as soon as possible.

In faith whereof, we the respective Plentipotentiaries have signed this convention, and have hereunto affixed our seals.

Done in duplicate at Washington this twenty-first day of April, in the year of our Lord one thousand nine hundred and six.

(L.S.) H. M. DURAND.
(L.S.) ELIHU ROOT.

FIRST JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners, apointed in virtue of the first Article of the Convention between the United States and Great Britain, signed at Washington on the 21st April, 1906, have the honour to present their first report upon the progress of the demarcation of the one hundred and forty-first meridian of west longitude where it forms the boundary line between the United States and Canada.

By Article I of the Convention it was provided that the survey of the line should be based upon a telegraphic determination of the longitude at some convenient point. When the undersigned became aware that the terms of the Convention had been agreed upon, they were met by the consideration that the refined astronomical observations requisite for this determination could not properly be made except during the summer, while the reduction of the observations would require a considerable time. In order that full advantage of the summer season of 1907 should be taken in the survey of the line, with a view especially to meeting urgent demands which had been made for an early demarcation of that portion which extends southward from the Yukon River to the St. Elias Alps, it appeared desirable that the astronomical observations which were a necessary preliminary to the operations should be completed during 1906.

The undersigned, having these circumstances in mind, decided to utilize in advance of the formal ratification and proclamation of the Convention, the organizations which are under their direction, namely, the Astronomical Branch of the Department of the Interior of Canada and the United States Coast and Geodetic Survey, in performing the astronomical work. Accordingly, observers were sent out about the end of July, who completed the necessary observations in August and September. The computations were made during the winter.

The only point of the 141st meridian which is in telegraphic communication with outside points is the crossing of the Yukon River. This point, therefore, was necessarily chosen for the astronomical determination. The telegraphic connection is by the lines of the Canadian Government and the Canadian Pacific Railway Company with Vancouver, B.C.; and also by the United States Government line, with Ft. Egbert, Alaska.

The longitude at Vancouver and Ft. Egbert, as reckoned from Greenwich, had already been determined by operations carried on under the two Governments and by the most approved methods. Hence a determination of the meridian by two telegraphic routes was possible, and as such double determination would result in increased accuracy, it was resolved upon, and observers were sent to each of the three stations, Vancouver, Ft. Egbert and the meridian.

When the observations had been reduced the records and computations were examined by both Commissioners who, at a conference held in Ottawa in March last, agreed upon instructions to the line surveyors that the final and agreed longitude of the observing pier at the Yukon River was 9h. 24m. 0s. 027 west of Greenwich, or seventeen feet, approximately, to the west of the true meridian of one hundred and forty-one degrees west of Greenwich.

In pursuance of instructions prepared by the Commissioners at the conference above mentioned, a joint party was sent out in March for the purpose of establishing the initial point and determining the direction of the meridian. At the opening of navigation on the Yukon River in May, a joint survey party followed.

Two aluminum-bronze monuments have been placed to mark the meridian at the crossing of the Yukon, one on each bank, and at this date the tracing out of the line southward, and the triangulation and topographical work of the survey, are in active progress.

W. F. KING,
H. B. M. Commissioner.
O. H. TITTMANN,
U.S. Commissioner.

OTTAWA, 27th August, 1907.

SECOND JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners, apointed in virtue of the First Article of the Convention between Great Britain and the United States, signed at Washington on the 21st April, 1906, have the honour to present their second report upon the progress of the demarcation of the 141st meridian where it forms the boundary line between Canada and the United States.

The joint party, referred to in our former report, who were sent out in March, 1907, to establish the initial point and to determine the direction of the meridian, completed that work, and had the meridian marked for a distance of two miles south of the Yukon River by the time the main survey party arrived in June.

The operations of the season were conducted as follows:—

One joint party carried on the accurate prolongation of the meridian, southward, and established governing points on the boundary.

Another party carried on a triangulation for the purpose of accurate measurement along the line, made a plane table survey on a scale of 1/45,000, extending two miles on each side of the line, and cut out a vista through the woods where these occur. The plane topography was supplemented by photo-topographical survey on either side of the boundary.

The mileage of the season of 1907 was: Establishment of points on the meridian, 130 miles, from just north of the Yukon River to the hill in the bend of Scottie River; triangulation, 61 miles, to the hill south of Sixty-mile River; cutting out the line and marking the sites for monuments, 52 miles; and the topographic surveys, 46 miles. No permanent monuments were set during this season, except the two at the Yukon River.

During the season of 1908, the distribution of the force was somewhat different from that of the previous season; one joint party produced the meridian as before, but the auxiliary work of triangulation, topography and line cutting was divided among three parties. A party to plant the permanent monuments was added and a levelling party to determine the elevation of a point on the meridian referred to sea level at Skagway, via Whitehorse.

The mileage of the season of 1908 was: Prolongation of the meridian and establishment of governing points, 75 miles from the terminal point of 1907, to a point about two miles south of White River; triangulation, 77 miles, to the hill in the bend of Scottie River; topography 65 miles, to the hill south of the main branch of Ladue River the line cutting, 45 miles, to the main branch of Ladue River; and levelling, 159 miles. Permanent monuments were set at the points determined upon during the previous year, from Yukon River to Sixty-mile River. These monuments are of aluminum-bronze; one of them, on the north bank of Forty-mile River, is a large one, similar to those set at the crossing of Yukon River (six feet high, one foot square at base), the others are of smaller pattern, like those used on the boundary of the coast strip of Alaska (30 inches high).

W. F. KING,
H. B. M. Commissioner.
O. H. TITTMANN,
U.S. Commissioner.

OTTAWA, 29th December, 1908.

THIRD JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE.

The undersigned Commissioners, appointed in virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st April, 1906, have the honour to present their third report upon the progress of the demarcation of the 141st meridian where it forms the boundary line between the United States and Canada.

The operations of the season of 1909 were conducted as follows:—

One joint party carried on the accurate prolongation of the line, northward from the Yukon River to a ridge between two main tributaries of Nation or Takandik Creek, a distance of 40 miles and then returned to Eagle, Alaska, where a division of the party was made, part going up the Porcupine and Black Rivers for the purpose of determining the feasibility of using these routes for the transportation of supplies for the work of future seasons; the other part carrying on a scheme of triangulation for the computation of accurate measurements along the boundary, extending the triangulation 43 miles, Northward, from the Yukon River to stations in the same locality as the terminus of the line.

One sub-party continued the cutting of the boundary vista, twenty feet wide, along the projected meridian, for 40 miles and planted 12 of the small aluminum-bronze monuments. The precise levelling for the determination of a point on the meridian, referred to sea level at Skagway, Alaska, was continued. It was completed between White Pass Summit and

Whitehorse, and from the terminus of last season's operations for a distance of 164.5 miles along the Dawson wagon road to a point at Eureka Creek, about 52 miles from Dawson, October 8th, distant 398 miles from White Pass Summit.

For the work South of the Yukon River, the parties marched on foot 300 miles overland early in the season from Whitehorse, to a point on the meridian determined in 1908, 1½ miles south of the White River. From this point the line was jointly projected, southward, for ten miles to a minor ridge of Mt. Natazhat.

The stretch of boundary from the present terminus near Mt. Natazhat to Mt. St. Elias, a distance of 89 miles, of very inaccessible country, will not be taken up at the present time.

One party consisting of three sub-parties, cut the vista both ways from the White River for a total distance of 60 miles, set two large monuments, one on each bank of the White River, 4 of the smaller monuments between the White River and Natazhat Ridge and 15 between White River and Snag River.

Another party, sub-divided into 5 parties, completed a belt of topography on the scale of 1-45,000 from the main ridge of Mt. Natazhat to the hill south of the main fork of Ladue River—the most southerly point reached by the topographers in 1908.

Triangulation was carried from points near Mt. Natazhat, Northward, 83 miles to the range of hills in the bend of Scottie River, connecting with stations established the previous season. In addition to this, a scheme of triangulation was run up the White River to Skolai Pass—22 miles—for the purpose of determining the positions of the mountains in the neighbourhood of the boundary.

A recapitulation of the work done by the various parties in 1909 shows the following results:—

Line projection..	50	miles.
Length of triangulation, net..	149	"
Length of topographic belt..	112	"
Vista cut..	100	"
Number of permanent monuments planted..	33	
Precise levels run..	241	"

The whole survey and demarcation between the point mentioned near Natazhat Ridge and the Yukon River, a distance of 215 miles, has now been completed with the exception of the vista cutting for a distance of 57 miles, and the placing of the final monuments for about 101 miles.

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

WASHINGTON, December, 1909.

FOURTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners, appointed in virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their fourth annual report upon the progress of the demarcation of the 141st meridian where it forms the boundary line between the United States and Canada.

By reference to our third annual report, it will be seen that between Natazhat Ridge and the Yukon River, there remained 57 miles of vista cutting and 101 miles of monumenting to be done in order to complete the work between Mount Natazhat and the crossing of the boundary on the Yukon River.

During the past season this work was done, thus completing the boundary between Natazhat Ridge and the Yukon River. A second joint party traced the line from a point about 40 miles north of the Yukon River, the terminus of last year's work, to 10 miles north of the crossing on the Porcupine River, and the same stretch of country was covered by a belt of triangulation. The topography was taken up at the Yukon River and a belt was mapped for a distance of 144 miles northward from the initial point on the Yukon to latitude 67° 43′ N. The line cutting was begun at a point about 40 miles north of the Yukon and carried northward about 63 miles and the monumenting was completed for a distance of 45 miles, reaching latitude 65° 55′ N. The line of precise levels connecting the tidal station at Skagway, by way of White Pass and Dawson, with a point on the 141st meridian has been completed.

A recapitulation of the work done by the various parties in 1910, shows the following results:

Line projection, 157 miles.
Length of triangulation net, 152 miles.
Length of topographic belt, 144 miles.
Distance monumented, 146 miles.
Number of monuments planted, 49.
Precise levels run, 130 miles.
Vista opened and stadia line, 118 miles.

W. F. KING,
His Britannic Majesty's Commissioner.

O. H. TITTMANN,
United States Commissioner.

December 28, 1910.

FIFTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners appointed by virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their Fifth Annual Report upon the progress of the demarcation of the 141st Meridian, where it forms the boundary line between the United States and Canada.

By reference to our Fourth Annual Report it will be seen that at the close of the survey season of 1910 the line tracing had been completed from near Mt. Natazhat in latitude 61° 34′, northward to latitude 67° 33′. During the season of 1911 the line tracing was carried a distance of about 124 miles to latitude 69° 20′ at which point the Arctic Ocean was plainly visible but a few miles distant.

The triangulation was carried in 1911 from latitude 67° 29′ to latitude 68° 54′, a distance of 100 miles, and the topography from 66° 43′ to 69° 04′, 164 miles.

Vista cutting and stadia measurements were carried on by two parties, one of which working northward from the point reached last year between the Yukon and Porcupine rivers, completed 115 miles, and the other working northward from the Porcupine River, completed 99 miles.

The final monumenting was completed on 25 miles of the line between the Yukon and Porcupine rivers, and on 75 miles north of the Porcupine River.

The epidemic of small pox at Rampart House, which developed from one case on July 23rd to 71 cases on September 10th, delayed none of the parties in the field, as they had gotten well away from Rampart House before the disease appeared. Probably if it had not been for the smallpox some topography would have been done in the fall in the vicinity of the Porcupine above and below Rampart House. Instead, however, of waiting there for the steamer the parties were obliged to assemble at a point some 65 miles lower down the river.

It was not possible to use any Indians at Rampart House, as we intended, for handling the 300 tons of freight brought up the river during the summer by the Northern Navigation Company's boats, and by the survey launches. This freight was all handled by the half-dozen members of the survey party who happened to be at Rampart, every man turning in, even to chiefs and cooks, assisted at times by the launch crews. This prevented the officers in charge of the field work from going out north along the line during the latter part of July as they had hoped to do, to study the situation for next year. If it had not been for this delay at Rampart, it is probable that a much greater proportion of next year's supplies would have been sent at least part of the way up the Old Crow. As it is, about 30 tons only are any further than Rampart House. It is hoped, however, to have the launches in early next season and to have supplies at the line before the men and horses can get across country from Rampart House.

Respectfully submitted,

O. H. TITTMANN,
United States Commissioner.

W. F. KING,
H. B. M. Commissioner.

Washington,
December 29, 1911.

SIXTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners, appointed by virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their Sixth Annual Report upon the progress of the demarcation of the 141st Meridian, where it forms the boundary line between the United States and Canada.

By reference to our Fifth Annual Report, it will be seen at the close of the survey season of 1911, the line tracing had been completed from near Mt. Natazhat, in latitude 61° 34′, northward to latitude 69° 20′. During the season of 1912 the line was carried northward 22 miles to the shore of the Arctic Ocean in latitude 69° 39′.

The triangulation was carried in 1912 from latitude 68° 54′ to the Arctic Ocean, a distance of 51 miles, and extended eastward along the shore 25 miles, to determine the relation of the terminal monument to the general shoreline.

Topography was carried northward along the meridian by one double topographic party from latitude 69° 04′ to latitude 69° 39′, a distance of 40½ miles, and then expanded westward along the coast to longitude 141° 30′ and eastward to longitude 140° 48′. This topography takes in the natural features nearest the boundary,—Icy Reef, Beaufort Bay, and Demarcation Point to the west, and Clarence Bay to the east.

Vista cutting and stadia measurements were carried on from latitude 68° 50′ 40″ to the ocean coast, a distance of 58 miles.

Another vista cutting and stadia party operated south of the Porcupine River a distance of 33 miles, connecting with the work completed in 1911.

The final monumenting, north of the Porcupine River, was completed to the ocean from latitude 68° 30′, where it terminated in 1911, over a distance of 80 miles, and, south of the Porcupine, over 78 miles.

In all 56 monuments were placed this year.

The monuments were all inspected and numbered from the Arctic Coast to the Yukon River, the most northerly monument being No. 1. From the Arctic Ocean to the Yukon River there are 115 monuments in a distance of 344 miles, or an average of one monument to 3 miles.

The demarcation of the boundary line has therefore been completed north of the Yukon River. Between the Yukon River and Mt. Natazhat there remains only the inspection and numbering of the monuments which can be completed by a relatively small party during the coming season.

South of Mt. Natazhat the boundary extends to the vicinity of Mt. St. Elias, a distance of 84 miles, in a very difficult mountainous region. A triangulation party and a topographic party were sent in to make surveys preliminary to the defining of the line in this region. Triangulation was carried from trigonometric stations which had been established in Scolai Pass in 1909, down Scolai Creek, across country to the Chitina River, and up Chitina River to within about 30 miles of the boundary, a distance altogether of about 90 miles. Plane table topography was carried across the boundary, from the mouth of Canyon Creek on the Chitina, up the valley of the latter, taking in the tops of ridges on either side, and photographs were taken from which a considerable additional area may be plotted.

Respectfully submitted,

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

WASHINGTON, December 12, 1912.

SEVENTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners, appointed by virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their Seventh Annual Report upon the progress of the Demarcation of the 141st Meridian, where it forms the boundary line between the United States and Canada.

By reference to our Sixth Annual Report, it will be seen that at the close of the survey season of 1912, the survey of the meridian had been completed from the Arctic ocean to Mr. Natazhat, with the exception of the inspection and numbering of the monuments from the Yukon river south.

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South of Mt. Natazhat there remained the defining of the boundary and the placing of monuments on available sites.

In 1913, inspection was carried from the Yukon river to the Natazhat range. This included the placing of eight new monuments in stretches where the distances between existing monuments seemed excessive, the numbering of monuments, and the geodetic determination of the positions of the new monuments and of certain other monuments where the previous ties seemed weak.

A party projected the boundary south over the Natazhat ridge into the valley across the Klutlan glacier. They also extended topography fifteen miles south of the ridge, connecting with the topography carried from the Anderson glacier by another party.

Still another party completed the triangulation, and trigonometrically located the boundary across the Logan Glacier valley and marked it by placing three monuments. A base was measured on a bar below the foot of the Chitina glacier and check azimuths observed, which agreed with the computed azimuths brought over the Scolai pass within 19″.

The positions of the larger mountains of this region were determined, notably Mt. St. Elias, Mt. King and Mt. Logan. The position of Mt. St. Elias will give a comparison between the Alaska and Yukon datums.

An attempt was made to climb Mt. St. Elias for the purpose of determining the intersection of the 141st Meridian with the line drawn parallel to the coast from the summit of the mountain. After ascending to an elevation of 16,500 feet, a furious storm forced the joint party to abandon the project.

Topographic parties secured material for plotting topography along the line from Anderson glacier to Mt. St. Elias, the sufficiency of which for completing the mapping has yet to be determined. Otherwise the field work of the whole survey is finished.

Two hundred and two monuments mark the line from the Arctic ocean to Mt. St. Elias, a distance of 645 miles, a vista 20 feet wide is opened out through all the timber, triangulation carried north and south from the Yukon controls all the positions along the boundary and a belt, averaging four miles in width, has been mapped for practically the entire distance.

Respectfully submitted,

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

Washington, December 17, 1913.

EIGHTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE

The undersigned Commissioners, appointed by virtue of the first Article of the Convention between the United States and Great Britain, signed at Washington on the 21st April, 1906, have the honour to present their Eighth Annual Report upon the progress of the Demarcation of the 141st Meridian where it forms the Boundary Line between the United States and Canada.

By reference to our Seventh Annual Report it will be seen that at the close of the survey season of 1913, the field work of the whole survey from the Arctic Ocean to Mt. St. Elias had been completed, with the possible exception of the section between the head of Anderson Glacier and Mt. St. Elias as to which there was some doubt at the date of the said report whether sufficient data had been secured to complete the plotting of the topography.

This doubt has since been resolved, as the data secured during the season of 1913 proved to be sufficient. We have therefore to report that the field work of the whole survey and demarcation has been finished.

In this connection, however, we have to report that a strict compliance with the requirement of Article II of the Treaty, that intervisible monuments shall be established along the whole extent of the line, has been found to be impossible, for in latitude 61° 31′ the meridian crosses a high ridge extending eastward from Natazhat Mountain. On account of perpetual snow no monument can be placed on this ridge which therefore intercepts intervisibility.

During the year 1914 the staffs of the Commissioners have been engaged in the computations of the geographic positions of the monuments and in the preparation of the maps showing the boundary and the country adjacent thereto.

These maps are made in sheets each covering 15 minutes in latitude, on a scale of 1:62,500. In all there will be 38 of these sheets, of which numbers 1 to 32 inclusive (counted southward from the Arctic Ocean) have been completed and signed by the Commissioners.

A general report of the operations of the whole survey is in preparation.

Respectfully submitted,

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

Washington, January 27, 1915.

[1]INTERNATIONAL CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD.

Signed at Geneva, July 6, 1906

[*British Ratification deposited at Berne, April 16, 1907*]

(TRANSLATION)

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the German Emperor, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United States of Mexico; the President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of the Uruguay.

Being equally animated by the desire of mitigating, as far as possible, the evils inseparable from war, and, desiring, with this end in view, to improve and to complete the arrangements agreed upon at Geneva on the 22nd August 1864, for the amelioration of the condition of wounded or sick soldiers in armies in the field;

Have resolved to conclude for this purpose a new Convention, and have named as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India:

Major-General Sir John Charles Ardagh, K.C.M.G., K.C.I.E., C.B.,

[1] From Treaty Series No. 15, 1907.

18794—12½

Professor Thomas Erskine Holland, K.C., D.C.L.,
Sir John Furley, C.B.,
Lieutenant-Colonel William Grant Macpherson, C.M.G., R.A.M.C.;

His Majesty the German Emperor, King of Prussia:

His Excellency Chamberlain and Privy Councillor A. de Bülow, Envoy Extraordinary and Minister Plenipotentiary at Berne,
Brigadier-General Baron de Manteuffel,
Medical Superintendent Surgeon-General Dr. Villaret (holding the rank of Brigadier-General),
Dr. Zorn, Judicial Privy Councillor, Professor of Law at the University of Bonn, Syndic of the Crown;

His Excellency the President of the Argentine Republic:

His Excellency M. Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary at Berne,
M. Molina Salas, Consul-General in Switzerland;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency Baron Heidler Egeregg et Syrgenstein, Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary at Berne:

His Majesty the King of the Belgians:

Staff-Colonel Count de T'Serclæs, Brigade-Major of the 4th Military District;

His Royal Highness the Prince of Bulgaria:

Dr. Marin Rousseff, Director of the Sanitary Service,
Staff-Captain Boris Sirmanoff;

His Excellency the President of the Republic of Chile:

M. Agustin Edwards, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the Emperor of China:

His Excellency Mr. Lou Tseng Tsiang, Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo:

Staff-Colonel Count de T'Serclæs, Brigade-Major of the 4th Military District of Belgium;

His Majesty the Emperor of Corea;[1]

His Excellency Mr. Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary of Japan at Brussels;

His Majesty the King of Denmark:

M. Laub, Surgeon-General, Head of the Army Medical Corps;

His Majesty the King of Spain:

His Excellency M. Silverio de Baguer y Corsi, Count de Baguer, Minister Resident;

The President of the United States of America:

Mr. William Cary Sanger, late Under-Secretary of War of the United States of America,
Rear-Admiral Charles S. Sperry, President of the School of Naval War,
Brigadier-General George B. Davis, Army Advocate-General,
Brigadier-General Robert M. O'Reilly, Army Surgeon-General;

[1] See footnote 2, page 188.

The President of the United States of Brazil:

Dr. Carlos Lemgruber-Kropf, Chargé d'Affaires at Berne,

Colonel of Engineers Roberto Trompowski Leitão d'Almeida, Military Attache to the Legation of Brazil at Berne;

The President of the United States of Mexico:

Brigadier-General José-Maria Perez;

The President of the French Republic:

His Excellency M. Révoil, Ambassador at Berne,

M. Louis Renault, Member of the Institute of France, Minister Plenipotentiary, Legal Adviser of the Ministry for Foreign Affairs, Professor at the Faculty of Law, Paris,

Brevet-Colonel of Artillery Olivier (Reserve),

Chief Surgeon Pauzat (2nd Class);

His Majesty the King of the Hellenes:

M. Michel Kebedgy, Professor of International Law at the University of Berne;

The President of the Republic of Guatemala:

M. Manuel Arroyo, Chargé d'Aflaires at Paris,

M. Henri Wiswald, Consul-General at Berne, resident at Geneva;

The President of the Republic of Honduras:

M. Oscar Hœpfl, Consul-General at Berne:

His Majesty the King of Italy:

Marquis Roger Maurigi di Castel Maurigi, Colonel in His Army, Grand Officer of His Royal Order of St. Maurice and St. Lazarus,

Surgeon-Major-General Giovanni Randone, Military Sanitary Inspector Commander of His Royal Order of the Crown of Italy;

His Majesty the Emperor of Japan:

His Excellency Mr. Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary at Brussels;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

Staff-Colonel Count de T'Serclaes, Brigade-Major of the 4th Military District of Belgium;

His Royal Highness the Prince of Montenegro:

M. E. Odier, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Russia,

Colonel Mürset, Surgeon-in-Chief of the Swiss Federal Army;

His Majesty the King of Norway:

Captain Daae, of the Sanitary Corps of the Norwegian Army;

Her Majesty the Queen of the Netherlands:

Lieutenant-General Jonkheer J. C. C. den Beer Poortugael (retired), Member of the State Council,

Colonel A. A. J. Quanjer, Chief Officer of Health (1st Class);

The President of the Republic of Peru:

M. Gustavo de la Fuente, 1st Secretary of the Peruvian Legation at Paris;

His Imperial Majesty the Shah of Persia:

His Excellency M. Samad Khan Momtaz-os-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and the Algarves:

His Excellency M. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne,

M. José Nicolau Raposo-Botelho, Colonel of Infantry, ex-Deputy, Director of the Royal Military College at Lisbon;

His Majesty the King of Roumania:

Dr. Sache Stephanesco, Colonel (Reserve);

His Majesty the Emperor of All the Russias:

His Excellency M. Martens, Privy Councillor, Permanent Member of the Council of the Ministry for Foreign Affairs;

His Majesty the King of Servia:

M. Milan St. Markovitch, Secretary-general of the Ministry of Justice,

Colonel Dr. Sondermayer, Head of the Sanitary Department of the Ministry of War;

His Majesty the King of Siam:

Prince Charoon, Chargé d'Affaires at Paris,

M. Corragioni d'Orelli, Councillor of Legation at Paris;

His Majesty the King of Sweden:

M. Sörensen, Surgeon-in-Chief of the 2nd Division of the Army;

The Swiss Federal Council:

M. E. Odier, Envoy Extraordinary and Minister Plenipotentiary in Russia,

Colonel Mürset, Surgeon-in-Chief of the Swiss Federal Army;

The President of the Oriental Republic of the Uruguay:

M. Alexandre Herosa, Chargé d'Affaires at Paris,

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows:

Chapter I.—*The Wounded and Sick*

Article 1

Officers and soldiers, and other persons officially attached to armies, shall be respected and taken care of when wounded or sick, by the belligerent in whose power they may be, without distinction of nationality.

Nevertheless, a belligerent who is compelled to abandon sick or wounded to the enemy shall, as far as military exigencies permit, leave with them a portion of his medical personnel and material to contribute to the care of them.

Article 2

Except as regards the treatment to be provided for them in virtue of the preceding Article, the wounded and sick of an army who fall into the hands of the enemy are prisoners of war, and the general provisions of international law concerning prisoners are applicable to them.

Belligerents are, however, free to arrange with one another such exceptions and mitigations with reference to sick and wounded prisoners as they may judge expedient; in particular they will be at liberty to agree—

To restore to one another the wounded left on the field after a battle;

To repatriate any wounded and sick whom they do not wish to retain as prisoners, after rendering them fit for removal or after recovery;

To hand over to a neutral State, with the latter's consent, the enemy's wounded and sick to be interned by the neutral State until the end of hostilities.

ARTICLE 3

After each engagement the Commander in possession of the field shall take measures to search for the wounded, and to insure protection against pillage and maltreatment both for the wounded and for the dead.

He shall arrange that a careful examination of the bodies is made before the dead are buried or cremated.

ARTICLE 4

As early as possible each belligerent shall send to the authorities of the country or army to which they belong the military identification marks or tokens found on the dead, and a nominal roll of the wounded or sick who have been collected by him.

The belligerents shall keep each other mutually informed of any internments and changes, as well as of admissions into hospital and deaths among the wounded and sick in their hands. They shall collect all the articles of personal use, valuables, letters, &c., which are found on the field of battle or left by the wounded or sick who have died in the medical establishments or units, in order that such objects may be transmitted to the persons interested by the authorities of their own country.

ARTICLE 5

The competent military authority may appeal to the charitable zeal of the inhabitants to collect and take care of, under his direction, the wounded or sick of armies, granting to those who respond to the appeal special protection and certain immunities.

CHAPTER II.—*Medical Units and Establishments*

ARTICLE 6

Mobile medical units (that is to say, those which are intended to accompany armies into the field) and the fixed establishments of the medical service shall be respected and protected by the belligerents.

ARTICLE 7

The protection to which medical units and establishments are entitled ceases if they are made use of to commit acts harmful to the enemy.

ARTICLE 8

The following facts are not considered to be of a nature to deprive a medical unit or establishment of the protection guaranteed by Article 6:—

1. That the personnel of the unit or of the establishment is armed, and that it uses its arms for its own defence or for that of the sick and wounded under its charge.
2. That in default of armed orderlies the unit or establishment is guarded by a piquet or by sentinels furnished with an authority in due form.
3. That weapons and cartridges taken from the wounded and not yet handed over to the proper department are found in the unit or establishment.

CHAPTER III.—*Personnel*

ARTICLE 9

The personnel engaged exclusively in the collection, transport, and treatment of the wounded and the sick, as well as in the administration of medical

units and establishments, and the Chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be treated as prisoners of war.

These provisions apply to the guard of medical units and establishments under the circumstances indicated in Article 8 (2).

Article 10

The personnel of Voluntary Aid Societies, duly recognized and authorized by their Government, who may be employed in the medical units and establishments of armies, is placed on the same footing as the personnel referred to in the preceding Article, provided always that the first-mentioned personnel shall be subject to military law and regulations.

Each State shall notify to the other, either in time of peace or at the commencement of or during the course of hostilities, but in every case before actually employing them, the names of the Societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armies.

Article 11

A recognized Society of a neutral country can only afford the assistance of its medical personnel and units to a belligerent with the previous consent of its own Government and the authorization of the belligerent concerned.

A belligerent who accepts such assistance is bound to notify the fact to his adversary before making any use of it.

Article 12

The persons designated in Articles 9, 10, and 11, after they have fallen into the hands of the enemy, shall continue to carry on their duties under his direction.

When their assistance is no longer indispensable, they shall be sent back to their army or to their country at such time and by such route as may be compatible with military exigencies.

They shall then take with them such effects, instruments, arms, and horses as are their private property.

Article 13

The enemy shall secure to the persons mentioned in Article 9, while in his hands, the same allowances and the same pay as are granted to the persons holding the same rank in his own army.

Chapter IV.—*Material*

Article 14

If mobile medical units fall into the hands of the enemy they shall retain their material, including their teams, irrespectively of the means of transport and the drivers employed.

Nevertheless, the competent military authority shall be free to use the material for the treatment of the wounded and sick. It shall be restored under the conditions laid down for the medical personnel and so far as possible at the same time.

ARTICLE 15

The buildings and material of fixed establishments remain subject to the laws of war, but may not be diverted from their purpose so long as they are necessary for the wounded and the sick.

Nevertheless, the Commanders of troops in the field may dispose of them, in case of urgent military necessity, provided they make previous arrangements for the welfare of the wounded and sick who are found there.

ARTICLE 16

The material of Voluntary Aid Societies which are admitted to the privileges of the Convention under the conditions laid down therein is considered private property, and, as such, to be respected under all circumstances, saving only the right of requisition recognized for belligerents in accordance with the laws and customs of war.

CHAPTER V.—*Convoys of Evacuation*

ARTICLE 17

Convoys of evacuation shall be treated like mobile medical units, subject to the following special provisions:—

1. A belligerent intercepting a convoy may break it up if military exigencies demand, provided he takes charge of the sick and wounded who are in it.

2. In this case, the obligations to send back the medical personnel, provided for in Article 12, shall be extended to the whole of the military personnel detailed for the transport or the protection of the convoy and furnished with an authority in due form to that effect.

The obligation to restore the medical material, provided for in Article 14, shall apply to railway trains, and boats used in internal navigation, which are specially arranged for evacuations, as well as to the material belonging to the medical service for fitting up ordinary vehicles, trains, and boats.

Military vehicles, other than those of the medical service, may be captured with their teams.

The civilian personnel and the various means of transport obtained by requisition, including railway material and boats used for convoys, shall be subject to the general rules of international law.

CHAPTER VI.—*The Distinctive Emblem*

ARTICLE 18

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the medical service of armies.

ARTICLE 19

With the permission of the competent military authority this emblem shall be shown on the flags and armlets (brassards), as well as on all the material belonging to the Medical Service.

ARTICLE 20

The personnel protected in pursuance of Articles 9 (paragraph 1), 10, and 11 shall wear, fixed to the left arm, an armlet (brassard) with a red cross on a white ground, delivered and stamped by the competent military authority, and accompanied by a certificate of identity in the case of persons who are attached to the medical service of armies, but who have not a military uniform.

ARTICLE 21

The distinctive flag of the Convention shall only be hoisted over those medical units and establishments which are entitled to be respected under the Convention, and with the consent of the military authorities. It must be accompanied by the national flag of the belligerent to whom the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy, so long as they are in that situation, shall not fly any other flag than that of the Red Cross

ARTICLE 22

The medical units belonging to neutral countries which may be authorized to afford their services under the conditions laid down in Article 11 shall fly, along with the flag of the Convention, the national flag of the belligerent to whose army they are attached.

The provisions of the second paragraph of the preceding Article are applicable to them

ARTICLE 23

The emblem of the red cross on a white ground and the words "Red Cross" or "Geneva Cross" shall not be used, either in time of peace or in time of war, except to protect or to indicate the medical units and establishments and the personnel and material protected by the Convention.

CHAPTER VII.—*Application and Carrying out of the Convention*

ARTICLE 24

The provisions of the present Convention are only binding upon the Contracting Powers in the case of war between two or more of them. These provisions shall cease to be binding from the moment when one of the belligerent Powers is not a party to the Convention.

ARTICLE 25

The Commanders-in-chief of the belligerent armies shall arrange the details for carrying out the preceding Articles, as well as for cases not provided for, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

ARTICLE 26

The Signatory Governments will take the necessary measures to instruct their troops, especially the personnel protected, in the provisions of the present Convention, and to bring them to the notice of the civil population.

CHAPTER VIII.—*Prevention of Abuses and Infractions*

ARTICLE 27

The Signatory Governments, in countries the legislation of which is not at present adequate for the purpose, undertake to adopt or to propose to their legislative bodies such measures as may be necessary to prevent at all times the employment of the emblem or the name of Red Cross or Geneva Cross by

private individuals or by Societies other than those which are entitled to do so under the present Convention, and in particular for commercial purposes as a trade-mark or trading mark.

The prohibition of the employment of the emblem or the names in question shall come into operation from the date fixed by each legislature, and at the latest five years after the present Convention comes into force. From that date it shall no longer be lawful to adopt a trade-mark or trading mark contrary to this prohibition.

ARTICLE 28

The Signatory Governments also undertake to adopt, or to propose to their legislative bodies, should their military law be insufficient for the purpose, the measures necessary for the repression in time of war of individual acts of pillage and maltreatment of the wounded and sick of armies, as well as for the punishment, as an unlawful employment of military insignia, of the improper use of the Red Cross flag and armlet (brassard) by officers and soldiers or private individuals not protected by the present Convention.

They shall communicate to one another, through the Swiss Federal Council, the provisions relative to these measures of repression at the latest within five years from the ratification of the present Convention.

General Provisions

ARTICLE 29

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at Berne.

When each ratification is deposited a *procès-verbal* shall be drawn up, and a copy thereof certified as correct shall be forwarded through the diplomatic channel to all the Contracting Powers.

ARTICLE 30

The present Convention shall come into force for each Power six months after the date of the deposit of its ratification.

ARTICLE 31

The present Convention, duly ratified, shall replace the Convention of the 22nd August, 1864, in relations between the Contracting States. The Convention of 1864 remains in force between such of the parties who signed it who may not likewise ratify the present Convention.

ARTICLE 32

The present Convention may be signed until the 31st December next by the Powers represented at the Conference which was opened at Geneva on the 11th June, 1906, as also by the Powers, not represented at that Conference, which signed the Convention of 1864.

Such of the aforesaid Powers as shall have not signed the present Convention by the 31st December, 1906, shall remain free to accede to it subsequently. They shall notify their accession by means of a written communication addressed to the Swiss Federal Council, and communicated by the latter to all the Contracting Powers.

Other Powers may apply to accede in the same manner, but their request shall only take effect if within a period of one year from the notification of it to the Federal Council no objection to it reaches the Council from any of the Contracting Powers.

ARTICLE 33

Each of the Contracting Powers shall be at liberty to denounce the present Convention. The denunciation shall not take effect until one year after the written notification of it has reached the Swiss Federal Council. The Council shall immediately communicate the notification to all the other Contracting Parties.

The denunciation shall only affect the Power which has notified it.

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

Done at Geneva the 6th July, 1906, in a single copy, which shall be deposited in the archives of the Swiss Confederation, and of which copies certified as correct shall be forwarded to the Contracting Powers through the diplomatic channel.

For Great Britain and Ireland:

(L.S.) JOHN C. ARDAGH.
(L.S.) T. E. HOLLAND.
(L.S.) JOHN FURLEY.
(L.S.) WM. GRANT MACPHERSON.

(*Under reserve of Articles* 23, 27, 28.)

For Germany:

(L.S.) v. BULOW.
(L.S.) FRHR. v. MANTEUFFEL.
(L.S.) VILLARET.
ZORN.

For the Argentine Republic:

(L.S.) ENRIQUE B. MORENO.
(L.S.) FRANCO. MOLINA SALAS.

For Austria-Hungary:

(L.S.) FRHR. v. HEIDLER (*ad referendum*).[1]

For Belgium:

(L.S.) CTE. J. DE T'SERCLAES.

For Bulgaria:

(L.S.) DR. ROUSSEFF.
(L.S.) CAPITAINE SIRMANOFF.

For Chile:

(L.S.) AGUSTIN EDWARDS.

For China:

(L.S.) LOUTSENGTSIANG.

For the Congo:

(L.S.) CTE. J. DE T'SERCLAES.

For Corea:

(L.S.) KATO TSUNETADA.[2]

[1] The Convention has since been approved by the Austrian and Hungarian Governments.

[2] His Majesty's Government have received from the Swiss Minister a notification that by a Declaration dated the 15th October, 1906, the Japanese Chargé d'Affaires at Berne stated that, in virtue of the Agreement between Japan and Corea of the 17th November, 1905, the Imperial Japanese Government has the right of entirely controlling the foreign relations and affairs of Corea. Consequently the inclusion of Corea in the preamble of the Convention and the signature of the latter by the Japanese Plenipotentiary on behalf of Corea as a separate Contracting Party, being erroneous and incompatible with the aforesaid arrangement, are considered by the Japanese Government as null and void.

For Denmark:
(L.S.) H. LAUB.

For Spain:
(L.S.) CTE. SILVERIO DE BAGUER.

For the United States of America:
WM. CARY SANGER.
(L.S.) C. S. SPERRY.
(L.S.) GEO. B. DAVIS.
(L.S.) R. M. O'REILLY.

For the United States of Brazil:
(L.S.) C. LEMGRUBER-KROPF.
CEL. ROBERTO TROMPOWSKI LEITAO D'ALMEIDA.

For the United States of Mexico:
(L.S.) JOSÉ M. PEREZ *(ad referendum)*.[1]

For France:
(L.S.) RÉVOIL.
(L.S.) L. RENAULT.
(L.S.) S. OLIVIER.
(L.S.) E. PAUZAT.

For Greece:
(L.S.) MICHEL KEBEDGY.

For Guatemala:
(L.S.) MANUEL ARROYO.
(L.S.) H. WISWALD.

For Honduras:
OSCAR HŒPFL.

For Italy:
(L.S.) MAURIGI.
(L.S.) RANDONE.

For Japan:
(L.S.) KATO TSUNETADA.

For Luxemburg:
(L.S.) CTE. J. DE T'SERCLAES.

For Montenegro:
(L.S.) E. ODIER.
COLONEL MÜRSET.

For Norway:
HANS DAAE.

For the Netherlands:
(L.S.) DEN BEER POORTUGAEL.
(L.S.) QUANJER.

For Peru:
(L.S.) GUSTAVO DE LA FUENTE.

[1] The Convention has since been approved by the Mexican Government.

For Persia:
(*Under reserve of Article* 18)
(L.S.) MOMTAZ-OS-SALTANEH M. SAMAD KHAN.

For Portugal:
(L.S.) ALBERTO D'OLIVEIRA.
(L.S.) JOSÉ NICOLAU RAPOSO-BOTELHO.

For Roumania:
(L.S.) DR. SACHE STEPHANESCO.

For Russia:
(L.S.) MARTENS.

For Servia:
(L.S.) MILAN ST. MARKOVITCH.
(L.S.) DR. ROMAN SONDERMAYER.

For Siam:
(L.S.) CHAROON.
(L.S.) CORRAGIONI D'ORELLI.

For Sweden:
(L.S.) OLOF SÖRENSEN.

For Switzerland:
(L.S.) E. ODIER.
COLONEL MURSET.

For Uruguay:
(L.S.) A. HEROSA.

FINAL PROTOCOL OF THE CONFERENCE FOR THE REVISION OF THE GENEVA CONVENTION

The Conference convoked by the Swiss Federal Council with a view to the revision of the International Convention of the 22nd August, 1864, for the amelioration of the condition of soldiers wounded in armies in the field has assembled at Geneva on the 11th June, 1906. The Powers enumerated below have taken part in the Conference, for which purpose they had designated the under-mentioned Delegates:

Great Britain and Ireland:
Major-General Sir John Charles Ardagh, K.C.M.G., K.C.I.E., C.B.,
Professor Thomas Erskine Holland, K.C., D.C.L.,
Sir John Furley, C.B.,
Lieutenant-Colonel William Grant Macpherson, C.M.G., R.A.M.C.;

Germany:
His Excellency Chamberlain and Privy Councillor A. de Bülow, Envoy Extraordinary and Minister Plenipotentiary at Berne,
Brigadier-General Baron de Manteuffel,
Medical-Superintendent Surgeon-General Dr. Villaret (holding the rank of Brigadier-General),
Dr. Zorn, Judicial Privy Councillor, Professor of Law at the University of Bonn, Syndic of the Crown;

Argentine Republic:

His Excellency M. Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary at Berne,

M. Molina Salas, Consul-General in Switzerland;

Austria-Hungary:

His Excellency Baron Heidler Egeregg et Syrgenstein, Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary at Berne,

The Chevalier Joseph d'Uriel, Surgeon-in-Chief of the Imperial and Royal Austro-Hungarian Army, Chief of the Corps of Sanitary Officers, and Head of the 14th Department of the I. and R. Ministry of War.

Lieutenant-Colonel Arthur Edler de Mecenseffy, Lieutenant-Colonel, General Staff Corps.

Dr. Alfred Schücking, Surgeon-Lieutenant-Colonel, Surgeon-in-Chief of the Garrison of Salzburg;

Belgium:

Staff-Colonel Count de T'Serclaes, Brigade-Major of the 4th Military District.

Dr. A. Deltenre, Surgeon of the Regiment of Carabineers;

Bulgaria:

Dr. Marin Rousseff, Director of the Sanitary Service,

Staff-Captain Boris Sirmanoff;

Chile:

M. Agustin Edwards, Envoy Extraordinary and Minister Plenipotentiary,

M. Charles Ackermann, Consul of Chili at Geneva.

Corea:[1]

His Excellency Mr. Lou Tseng Tsiang, Envoy Extraordinary and Minister Plenipotentiary at The Hague,

Mr. Ou Wen Tai, Secretary of Legation at The Hague,

Mr. Yo Tsao Yeu, Secretary of the Chinese Special Mission in Europe;

Congo:

Staff-Colonel Count de T'Serclaes, Brigade-Major of the 4th Military District of Belgium,

Dr. A. Deltenre, Surgeon of the Belgian Regiment of Carabineers;

Corea:[1]

His Excellency Mr. Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary of Japan at Brussels,

Mr. Motojiro Akashi, Colonel of Infantry,

Dr. Eijiro Haga, Principal Surgeon of the 1st Class (with the rank of Colonel),

Prince Saneteru Itchijo, Capitaine de Frégate (with the rank of Lieutenant-Colonel),

Doctor in Law Masanosuke Akiyama, Councillor at the Japanese Ministry of War.

Denmark:

M. Laub, Surgeon-General, Head of the Army Medical Corps;

Spain:

His Excellency M. Silverio de Baguer y Corsi, Comte de Baguer, Minister Resident,

[1] See foot-note 2, page 188.

Don José Jofre Montojo, Staff-Colonel, Aide-de-Camp of the Ministry of War,

Don Joaquin Cortès Bayona, Sub-Inspector of the 1st Class of the Military Sanitary Corps;

United States of America:

Mr. William Cary Sanger, late Under-Secretary of War of the United States of America,

Rear-Admiral Charles S. Sperry, President of the School of Naval War,

Brigadier-General George B. Davis, Army Advocate-General.

Brigadier-Generai Robert M. O'Reilly, Army Surgeon-General;

United States of Brazil:

Dr. Carlos Lemgruber-Kropf, Chargé d'Aflaires at Berne,

Colonel of Engineers Roberto Trompowski Leitão d'Almeida, Military Attaché to the Legation of Brazil at Berne;

United States of Mexico:

Brigadier-General José-Maria Perez;

France:

His Excellency M. Révoil, Ambassador at Berne,

M. Louis Renault, Member of the Institute of France, Minister Plenipotentiary, Legal Adviser of the Ministry for Foreign Affairs, Professor at the Faculty of Law, Paris,

Brevet Colonel of Artillery Olivier (Reserve),

Chief Surgeon Pauzat (2nd Class);

Greece:

M. Michel Kebedgy, Professor of International Law at the University of Berne;

Guatemala:

M. Manuel Arroyo, Chargé d'Affaires at Paris,

M. Henri Wiswald, Consul-General at Berne, resident at Geneva;

Honduras:

M. Oscar Hœpfl, Consul-General at Berne;

Italy:

Marquis Roger Maurigi di Castel Maurigi, Colonel, Grand Officer of the Royal Order of St. Maurice and St. Lazarus,

Surgeon-Major-General Giovanni Randone, Military Sanitary Inspector, Commander of the Royal Order of the Crown of Italy;

Japan:

His Excellency Mr. Kato Tsunetada, Envoy Extraordinary and Minister Plenipotentiary at Brussels,

Mr. Motojiro Akashi, Colonel of Infantry,

Dr. Eijiro Haga, Principal Surgeon of the 1st Class (with the rank of Colonel),

Prince Saneteru Itchijo, Capitaine de Frégate (with the rank of Lieutenant-Colonel),

Doctor in Law Masanosuke Akiyama, Councillor at the Japanese Ministry of War;

Luxemburg:

Staff-Colonel Count de T'Serclaes, Brigade-Major of the 4th Military District of Belgium,

Dr. A. Deltenre, Surgeon of the Belgian Regiment of Carabineers;

Montenegro:

M. E. Odier, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Russia,

Colonel Mürset, Surgeon-in-Chief of the Swiss Federal Army;

Nicaragua:

M. Oscar Hœpfl, Consul-General of Honduras at Berne;

Norway:

Captain Daae of the Sanitary Corps of the Norwegian Army;

Netherlands:

Lieutenant-General Jonkheer J. C. C. den Beer Poortugael (retired), Member of the State Council,

Colonel A. A. J. Quanjer, Chief Officer of Health (1st Class);

Peru:

M. Gustavo de la Fuente, 1st Secretary of the Peruvian Legation at Paris;

Persia:

His Excellency M. Samad Khan Momtaz-os-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris;

Portugal:

His Excellency M. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne,

M. José Nicolau Raposo-Botelho, Colonel of Infantry, ex-Deputy, Director of the Royal Military College at Lisbon;

Roumania:

Dr. Sache Stephanesco, Colonel (Reserve);

Russia:

His Excellency M. Martens, Privy Councillor, Permanent Member of the Council of the Ministry for Foreign Affairs,

Major-General Yermoloff, of the Russian General Staff,

Dr. de Hubbenet, Councillor of State,

M. de Wreden, Councillor of State, Professor at the Imperial Academy of Medicine,

Lieutenant-Colonel J. Owtchinnikoff, Professor of International Law at the Naval Academy, St. Petersburg,

M. A. Goutchkoff, Red Cross Delegate;

Servia:

M. Milan St. Markovitch, Secretary-General of the Ministry of Justice,

Colonel Dr. Sondermayer, Head of the Sanitary Department at Ministry of War;

Siam:

Prince Charoon, Chargé d'Affaires at Paris,

M. Corragioni d'Orelli, Councillor of Legation at Paris;

Sweden:

M. Sörensen, Surgeon-in-Chief of the 2nd Division of the Army;

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Switzerland:

M. E. Odier, Envoy Extraordinary and Minister Plenipotentiary in Russia, Colonel Mürset, Surgeon-in-Chief of the Swiss Federal Army;

Uruguay:

M. Alexandre Herosa, Chargé d'Affaires at Paris.

In a series of meetings held from the 11th June to the 5th July, 1906, the Conference has discussed and drawn up, with a view to its being signed by the Plenipotentiaries, the text of a Convention which shall bear the date 6th July, 1906.

In addition, and in accordance with Article 16 of the Convention for the Pacific Settlement of International Disputes of the 29th July, 1899, which recognizes arbitration as the most efficacious and the most equitable means for the settlement of disputes which have not been determined diplomatically, the Conference has framed the following Resolution:—

The Conference expresses the desire that, in order to arrive at an interpretation and application as exact as possible of the Geneva Convention, the Contracting Powers should submit to the Permanent Court at The Hague, if the cases and the circumstances permit, any differences which may from time to time arise between them relative to the interpretation of the said Convenion.

This Resolution has been voted by the following States:—

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (*ad. ref.*), United States of America, United States of Brazil, United States of Mexico, France, Greece, Guatemala, Honduras, Italy, Luxemburg, Montenego, Nicaragua, Norway, Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Uruguay.

This Resolution has been declined by the following States: Corea, Great Britain, and Japan.

In witness whereof the Delegates have signed the present Protocol.

Done at Geneva, the 6th July, 1906, in a single copy, which shall be deposited in the archives of the Swiss Confederation, and of which copies, certified as correct, shall be delivered to all the Powers represented at the Conference.

For Great Britain and Ireland:
JOHN C. ARDAGH.
T. E. HOLLAND.
JOHN FURLEY.
W. G. MACPHERSON.

For Germany:
v. BULOW.
FRHR. v. MANTEUFFEL.
VILLARET.
ZORN.

For the Argentine Republic:
ENRIQUE B. MORENO.
FRANCO. MOLINA SALAS.

For Austria-Hungary:
BARON HEIDLER-EGEREGG.
DR. JOS. RITTER v. URIEL.
ARTUR VON MECENSEFFY.
DR. ALFRED SCHUCKING.

For Belgium:
CTE. J. DE T'SERCLAES.
DR. A. DELTENRE.

For Bulgaria:
DR. ROUSSEFF.
CAPITAINE SIRMANOFF.

For Chile:
AGUSTIN EDWARDS.
CH. ACKERMANN.

For China:
LOUTSENGTSIANG.
OU WENTAI.
YOTSAOYEU.

For France:
REVOIL.
L. RENAULT.
S. OLIVIER.
E. PAUZAT.

For Greece:
MICHEL KEBEDGY.

For Guatemala:
MANUEL ARROYO.
H. WISWALD.

For Honduras:
OSCAR HŒPFL.

For Italy:
MAURIGI.
G. RANDONE.

For Japan:
KATO TSUNETADA.
COL. M. AKASHI.
PRINCE ITCHIJO.
M. AKIYAMA.

For Luxemburg:
CTE. J. DE T'SERCLAES.
DR. A. DELTENRE.

For Montenegro:
E. ODIER.
COLONEL MURSET.

For Nicaragua:
OSCAR HŒPFL.

For Norway:
HANS DAAE.

For the Congo:
CTE. J. DE T'SERCLAES.
DR. A. DELTENRE.

Corea:[1]
KATO TSUNETADA.
COLONEL M. AKASHI.
PRINCE ITCHIJO.
M. AKIYAMA.

For Denmark:
H. LAUB.

For Spain:
CTE. DE BAGUER.
JOSE JOFRE MONTOJO.
JOAQUIN CORTES Y BAYONA.
(ad referendum).

For the United States of America:
WM. CARY SANGER.
C. S. SPERRY.
GEO. B. DAVIS.
R. M. O'REILLY.

For the United States of Brazil:
C. LEMGRUBER-KROPF.
COLONEL ROBERTO TROMPOWSKI LEITAO D'ALMEIDA.

For the United States of Mexico:
JOSE M. PEREZ.

For the Netherlands:
DEN BEER POORTUGAEL.
QUANJER.

For Peru:
GUSTAVO DE LA FUENTE.

For Persia:
M. SAMAD KHAN.

For Portugal:
ALBERTO D'OLIVEIRA.
JOSE NICOLAU RAPOSO-BOTELHO.

For Roumania:
DR. SACHE STEPHANESCO.

For Russia:
MARTENS.
YERMOLOFF.
V. DE HUBBENET.
J. OWTCHINNIKOFF.

For Servia:
MILAN ST. MARKOVITCH.
DR. ROMAN SONDERMAYER.

For Siam:
CHAROON.
CORRAGIONI D'ORELLI.

For Sweden:
OLOF SORENSEN.

For Switzerland:
E. ODIER.
COLONEL MURSET.

For Uruguay:
A. HEROSA.

[1] See footnote 2, page 188.

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PROCÈS-VERBAL OF DEPOSIT OF BRITISH RATIFICATION

(Translation)

The Undersigned declare, the first to have delivered, and the second to have received, for deposit in the archives of the Swiss Confederation, the Ratification by the United Kingdom of Great Britain and Ireland of the Convention of the 6th July, 1906, for the amelioration of the condition of the wounded and sick in armies in the field.

In witness whereof, the Undersigned have drawn up the present *procès-verbal* in a single copy, of which a copy, certified as correct, shall be transmitted through the diplomatic channel to all the Powers which have been represented at the Geneva International Conference.

Done at Berne, April 16th, 1907.

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the United Kingdom of Great Britain and Ireland:

G. F. BONHAM.

The President of the Swiss Confederation:

MULLER.

NOTE

The Ratifications of the following States have up to the present been deposited, on the dates mentioned:—

Siam	January	29,	1907
United States of America	February	9,	"
Russia	"	9,	"
Italy	March	9,	"
Switzerland	April	16,	"
Congo	"	16,	"
German Empire	May	27,	"

[1]INTERNATIONAL RADIOTELEGRAPHIC CONVENTION

Signed at Berlin, November 3, 1906

[*British Ratification deposited at Berlin, June 30, 1908*]

[*United States Ratification deposited at Berlin, 17 May, 1912*]

[*Accession of Canada, 1 July, 1908*]

(Translation)

International Radiotelegraphic Convention concluded between Great Britain, Germany, the United States of America, the Argentine Republic, Austria, Hungary, Belguim, Brazil, Bulgaria, Chili, Denmark, Spain, France, Greece, Italy, Japan, Mexico, Monaco, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Sweden, Turkey, and Uruguay.

THE undersigned, Plenipotentiaries of the Governments of the countries enumerated above being assembled in conference at Berlin, have, by common consent and subject to ratification, agreed to the following Convention:—

[1] From Treaty Series No. 8, 1909.

ARTICLE 1

The High Contracting Parties undertake to apply the provisions of the present Convention at all radiotelegraph stations—coast stations and ship stations—open for the service of public correspondence between the land and ships at sea which are established or worked by the Contracting Parties.

They undertake, moreover, to impose the observance of these provisions upon private enterprises authorized either to establish or work radiotelegraph coast stations open for the service of public correspondence between the land and ships at sea, or to establish or work radiotelegraph stations, whether open for public correspondence or not, on board ships which carry their flag.

ARTICLE 2

The term "Coast Station" means any radiotelegraph station which is established on land or on board a ship permanently moored, and which is used for the exchange of correspondence with ships at sea.

The term "Ship Station" means any radiotelegraph station established on board a ship which is not permanently moored.

ARTICLE 3

Coast stations and ship stations are bound to exchange radiotelegrams reciprocally without regard to the particular system of radiotelegraphy adopted by these stations.

ARTICLE 4

Notwithstanding the provisions of Article 3 a station may be appropriated to a service of public correspondence of a restricted character, determined by the object of the correspondence, or by other circumstances independent of the system employed.

ARTICLE 5

Each of the High Contracting Parties undertakes to cause its coast stations to be connected with the telegraph system by means of special wires, or at least to take such other measures as will ensure an expeditious exchange of traffic between the coast stations and the telegraph system.

ARTICLE 6

The High Contracting Parties shall acquaint one another mutually with the names of the coast stations and ship stations indicated in Article 1, as well as with all such particulars, proper for facilitating and accelerating the exchange of radiotelegrams, as shall be specified in the regulations.

ARTICLE 7

Each of the High Contracting Parties reserves the right of prescribing or permitting the establishment and working, at the stations indicated in Article 1—independently of the installation of which particulars are published in accordance with Article 6—of other arrangements designed for radiotelegraphic transmission of a special character, without publishing the particulars of these arrangements.

ARTICLE 8

The working of radiotelegraph stations shall be organized, as far as possible, in such a manner as not to interfere with the working of other stations of the kind.

ARTICLE 9

Radiotelegraph stations are bound to accept with absolute priority calls of distress from ships, to answer such calls with similar priority, and to take the necessary steps with regard to them.

ARTICLE 10

The total charge for radiotelegrams comprises:—

1. The charge proper to the transmission over sea, viz.:

(*a*) The " coast charge ' which belongs to the coast station;

(*b*) The " ship charge " which belongs to the ship station.

2. The charge for transmission over the lines of the telegraph system, calculated according to the general rules.

The rate of the coast charge is subject to the approval of the Government to whose authority the coast station is subject, and the rate of the ship charge to the approval of the Government whose flag the ship flies.

Each of these two charges shall be fixed according to a tariff per word pure and simple, with the option of fixing a minimum charge per telegram, on the basis of an equitable remuneration for the radiotelegraphic work. Each of these charges must not exceed a maximum to be fixed by the High Contracting Parties.

Nevertheless, each of the High Contracting Parties has the right to authorize charges exceeding this maximum in the case of stations of a range exceeding 800 kilometres, or of stations which are exceptionally costly by reason of the material conditions of their installation and working.

As regards radiotelegrams originating in or destined for a country with whose coast stations they are directly exchanged, the High Contracting Parties shall acquaint one another mutually with the charges applicable to transmission over the lines of their telegraph systems. The charges shall be those which follow from the principle that the coast station is to be regarded as the station of origin or of destination.

ARTICLE 11

The provisions of the present Convention are completed by Regulations which have the same validity and come into force at the same time as the Convention.

The provisions of the present Convention and of the Regulations relative thereto may be modified at any time by the High Contracting Parties by common consent. Conferences of Plenipotentiaries or simple administrative Conferences, according as the Convention or the Regulations are in question, shall take place periodically; each Conference will itself fix the place and date of the following Conference.

ARTICLE 12

These Conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations, each country shall have one vote only.

If a Government adheres to the Convention for its Colonies, Possessions or Protectorates, subsequent Conferences may determine that the whole or a part of these Colonies, Possessions or Protectorates is to be regarded as forming a Country for the purposes of the foregoing paragraph. But the number of votes which one Government, including its Colonies, Possessions or Protectorates, may exercise cannot exceed six.

ARTICLE 13

An International Bureau shall be entrusted with the duty of collecting, arranging, and publishing information of every kind relative to radiotelegraphy; of circulating in proper form proposals for the modification of the Convention and Regulations; of notifying the alterations adopted, and, generally, of carrying out any work bearing on matters of administration which may be assigned to it in the interests of international radiotelegraphy.

The expenses of this institution shall be borne by all the contracting countries.

ARTICLE 14

Each of the High Contracting Parties reserves the right of prescribing the conditions on which it admits radiotelegrams from or to a station—whether ship or coast—which is not subject to the provisions of the present Convention.

If a radiotelegram is admitted, the ordinary charges must be applied to it.

Every radiotelegram originating at a ship station and received by a coast station of a contracting country, or accepted in transit by the Administration of a contracting country, must be sent forward.

Every radiotelegram intended for a ship must also be sent forward if the Administration of a contracting country has accepted it from the sender, or if the Administration of a contracting country has accepted it in transit from a non-contracting country, subject to the right of the coast station to refuse to transmit it to a ship station belonging to a non-contracting country.

ARTICLE 15

The provisions of Articles 8 and 9 of this Convention are also applicable to radiotelegraph installations other than those indicated in Article 1.

ARTICLE 16

Governments which have not taken part in the present Convention shall be allowed to adhere thereto on their request.

This adhesion shall be notified through the diplomatic channel to the contracting Government under whose auspices the last Conference has been held and by it to all the others.

Adhesion involves as a matter of right acceptance of all the clauses of the present Convention and admission to all the advantages stipulated therein.

ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention of St. Petersburg of the 10/22 July 1875* are applicable to international radiotelegraphy.

ARTICLE 18

In case of difference between two or more of the Contracting Governments concerning the interpretation or execution of the present Convention or of the Regulations provided for in Article 11, the question at issue may, by common consent, be submitted to arbitration. In that event, each of the Governments concerned shall choose another not interested in the question.

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

* See Appendix, p. 526.

In the event of an equality of votes, the arbitrators shall choose, in order to settle the difference, another Contracting Government, also without interest in the question. In default of agreement as to this choice, each arbitrator shall propose another disinterested Contracting Government; and lots shall be drawn between the Governments proposed. The drawing of the lots appertains to the Government on whose territory the International Bureau provided for in Article 13 carries on its work.

ARTICLE 19

The High Contracting Parties undertake to carry out or to propose to their respective Legislatures the measures necessary to ensure the execution of the present Convention.

ARTICLE 20

The High Contracting Parties shall communicate to one another the laws which may have already been adopted or which may hereafter come into force in their countries relative to the subject matter of the present Convention.

ARTICLE 21

The High Contracting Parties retain their full liberty concerning radiotelegraph installations not covered by Article 1, and, in particular, concerning naval and military installations, which are subject only to the obligations of Articles 8 and 9 of the present Convention.

Nevertheless, when these installations carry on public correspondence, they shall conform, for the performance of this service, to the stipulations of the Regulations so far as concerns the manner of transmission and the accounting.

ARTICLE 22

The present Convention shall come into operation on and from the 1st July, 1908, and shall remain in force for an indefinite period, or until the expiration of a year from the date of its denunciation.

Denunciation only takes effect as regards the Government in whose name it is made. The Convention shall remain in force as regards the other Contracting Parties.

ARTICLE 23

The present Convention shall be ratified and the ratifications shall be deposited at Berlin with as little delay as possible.

In witness whereof the respective Plenipotentiaries have signed the Convention in a single copy, which will remain deposited in the archives of the Imperial German Government, and of which a copy will be sent to each Party.

Done at Berlin, the 3rd November, 1906.

For Great Britain:
H. BABINGTON SMITH.
A. E. BETHELL.
R. L. HIPPISLEY.

For Germany:
KRAETKE.
SYDOW.

For the United States of America:
CHARLEMAGNE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For the Argentine Republic:
J. OLMI.

For Austria:
BARTH.
FRIES.

For Hungary:
PIERRE DE SZALAY.
Dr. DE HENNYEY.
HOLLÓS.

For Belgium:
F. DELARGE.
E. BUELS.

For Brazil:
CESAR DE CAMPOS.

For Bulgaria:
IV. STOYANOVITCH.

For Chili:
J. MUÑOZ HURTADO.
J. MERY.

For Denmark:
N. R. MEYER.
I. A. VOEHTZ.

For Spain:
IGNACIO MURCIA.
RAMON ESTRADA.
RAFAEL RÁVENA.
ISIDRO CALVO.
MANUEL NORÍEGA.
ANTONIO PELÁEZ-CAMPOMANES.

For France:
J. BORDELONGUE.
L. GASCHARD.
BOULANGER.
A. DEVOS.

For Greece:
T. ARGYROPOULOS.

For Italy:
J. COLOMBO.

For Japan:
OSUKE ASANO.
ROKURE YASHIRO.
SHUNKICHI KIMURA.
ZIRO TANAKA.
SABURO HYAKUTAKE.

For Mexico:
JOSÉ M. PÉREZ.

For Monaco:
J. DEPELLEY.

For Norway:
HEFTYE.
O. T. EIDEM.

For the Netherlands:
KRUYT.
PERK.
HOVEN.

For Persia:
HOVANNÈS KHAN.

For Portugal:
PAULO BENJAMIN CABRAL.

For Roumania:
GR. CERKEZ.

For Russia:
A. EICHHOLZ.
A. EULER.
VICTOR BILIBINE.
A. REMMERT.
W. KÉDRINE.

For Sweden:
HERMAN RYDIN.
A. HAMILTON.

For Turkey:
NAZIF BEY.

For Uruguay:
F. A. COSTANZO.

(Translation.)

Final Protocol

At the moment of proceeding to the signature of the Convention adopted by the International Radiotelegraphic Conference of Berlin, the undersigned Plenipotentiaries have agreed as follows:—

I.

The High Contracting Parties agree that at the next Conference the number of votes which each country shall have (Article 12 of the Convention) shall be

determined at the outset of the deliberations, so that the Colonies, Possessions, or Protectorates admitted to the enjoyment of votes may be able to exercise their right of voting throughout all the proceedings of that Conference.

The decision arrived at shall have immediate effect, and shall remain in force until it is varied by a later Conference.

So far as the next Conference is concerned, proposals for the admission of new votes in favour of Colonies, Possessions or Protectorates which may have adhered to the Convention shall be addressed to the International Bureau six months at least before the date of meeting of that Conference. These proposals shall immediately be notified to the other Contracting Governments, which may, within a period of two months from the receipt of the notification, put forward similar proposals.

II

Each Contracting Government may reserve the power of designating, according to circumstances, certain coast stations which shall be exempt from the obligation imposed by Article 3 of the Convention, on condition that, on and from the application of this provision, there shall be open on its territory one or more stations subject to the obligations of Article 3 and providing for the radiotelegraphic service in the region served by the exempted stations in such a manner as to satisfy the requirements of public correspondence. The Governments which wish to reserve this power must notify their desire in the form prescribed in the second paragraph of Article 16 of the Convention, not later than three months before the Convention comes into operation, or, in the case of later adhesions, at the moment of adhesion.

The countries whose names appear below declare, at once, that they will not reserve this power:—

Germany.	Greece.
United States of America.	Mexico.
Argentine Republic.	Monaco.
Austria.	Norway.
Hungary.	Netherlands.
Belgium.	Roumania.
Brazil.	Russia.
Bulgaria.	Sweden.
Chili.	Uruguay.

III

The manner of carrying out the provisions of the preceding Article is left to the Government which avails itself of the right of exemption; this Government has full liberty to decide, from time to time, according to its own judgment, how many and what stations shall be exempted. This Government has the same liberty in regard to the manner of carrying out the condition relative to the keeping open of other stations subject to the obligations of Article 3 and providing for the radiotelegraphic service in the region served by the exempted stations in such a manner as to satisfy the requirements of public correspondence.

IV

It is understood that, in order that scientific progress may not be impeded, the provisions of Article 3 of the Convention do not prevent the possible use of a system of radiotelegraphy incapable of communicating with other systems, provided always that this incapacity is due to the specific nature of the system, and is not the result of arrangements adopted solely with a view to prevent intercommunication.

V

The adhesion to the Convention of the Government of a country having Colonies, Possessions, or Protectorates does not imply the adhesion of its Colonies, Possessions, or Protectorates in the absence of a declaration to that effect on the part of such Government. A separate adhesion or a separate denunciation may be made in respect of the whole of such Colonies, Possessions, or Protectorates, taken together, or in respect of each of them separately, under the conditions laid down in Articles 16 and 22 of the Convention.

It is understood that stations on board ships having their port of registry in a Colony, Possession, or Protectorate may be deemed to be subject to the authority of such Colony, Possession, or Protectorate.

VI

Note has been taken of the following declaration:—

The Italian delegation, while signing the Convention, must nevertheless make the reservation that the Convention can only be ratified by Italy at the date of expiration of its contracts with Mr. Marconi and his Company, or at an earlier date if the Italian Government is able to arrange accordingly by negotiation with Mr. Marconi and his Company.

VII

The Convention, in the event of one or more of the High Contracting Parties not ratifying it, shall be none the less valid for the Parties which shall have ratified it.

In witness whereof, the undermentioned Plenipotentiaries have drawn up the present Final Protocol, which shall have the same force and the same validity as if its provisions were inserted in the actual text of the Convention to which it relates, and they have signed it in a single copy, which will remain deposted in the archives of the Imperial German Government, and of which a copy will be sent to each Party.

Done at Berlin, the 3rd November, 1906.

For Great Britain:
H. BABINGTON SMITH.
A. E. BETHELL.
R. L. HIPPISLEY.

For Germany:
KRAETKE.
SYDOW.

For the United States of America:
CHARLEMAGNE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For the Argentine Republic:
J. OLMI.

For Austria:
BARTH.
FRIES.

For Hungary:
PIERRE DE SZALAY
DR. DE HENNYEY.
HOLLOS.

For Belguim:
F. DELARGE.
E. BUELS.

For Brazil:
CESAR DE CAMPOS.

For Bulgaria:
IV. STOYANOVITCH.

For Chile:
J. MUNOZ HURTADO.
J. MERY.

For Denmark:
N. R. MEYER.
I. A. VOEHTZ.

For Spain:
IGNACIO MURCIA.
RAMON ESTRADA.
RAFAEL RAVENA.
ISIDRO CALVO.
MANUEL NORIEGA.
ANTONIO PELAEZ-CAMPOMANES.

For France:
J. BORDELONGUE.
L. GASCHARD.
BOULANGER.
A. DEVOS.

For Greece:
T. ARGYROPOULOS.

For Italy.
J. COLOMBO.

For Japan:
OSUKE ASANO.
ROKURE YASHIRO.
SHUNKICHI KIMURA.
ZIRO TANAKA.
SABURO HYAKUTAKE.

For Mexico:
JOSE M. PEREZ.

For Monaco:
J. DEPELLEY.

For Norway:
HEFTYE.
O. T. EIDEM.

For the Netherlands:
KRUYT.
PERK.
HOVEN.

For Persia:
HOVHANNES KHAN.

For Portugal:
PAULO BENJAMIN CABRAL.

For Roumania:
G. R. CERKEZ.

For Russia:
A. EICHHOLZ.
A. EULER.
VICTOR BILIBINE.
A. REMMERT.
W. KEDRINE.

For Sweden:
HERMAN RYDIN.
A. HAMILTON.

For Turkey:
NAZIF BEY.

For Uruguay:
F. A. COSTANZO.

(Translation)

Service Regulations annexed to the International Radiotelegraphic Convention

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(*d*) Acknowledgment of Receipt and End of Work.. .. .. p. 210
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9. Records.. .. .. p. 212
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1. Organization of Radiotelegraph Stations

I

The choice of the radiotelegraphic apparatus and arrangements to be used by coast stations and ship stations is unrestricted. The installation of these stations must keep pace as far as possible with scientific and technical progress.

II

Two wave-lengths, one of 300 and the other of 600 metres, are allowed for general public correspondence. Every coast station open for this service employs one or other of these two wave-lengths. During the whole period for which it is open for service, every station must be in a position to receive calls made by means of its own wave-length, and it must not make use of any other wave-length for the service of general public correspondence. Nevertheless, each Government may authorize the use at any coast station of other wave-lengths for the purpose of providing a long-distance service, or a service other than that of general public correspondence, established in accordance with the provisions of the Convention, on condition that these wave-lengths do not exceed 600 metres or do exceed 1,600 metres.

III

1. The normal wave-length for ship stations is 300 metres. Every ship station must be installed in such a way as to be capable of using this wave-length. Other wave-lengths may be used by the stations on condition that they do not exceed 600 metres.

2. Ships of small tonnage, which it would be materially impossible to equip with plant producing a wave-length of 300 metres, may be authorized to use a shorter wave-length.

IV

1. By the agency of the International Bureau, a list shall be prepared of the radiotelegraph stations indicated in Article 1 of the Convention. This list shall give the following particulars regarding each station:—

(1) Name, nationality, and geographical position in the case of coast stations; name, nationality, distinguishing signal under the International Code and indication of the ship's port of registry, in the case of ship stations;

(2) Call-signal (the call-signals must be distinguished from one another and must each be composed of a group of three letters);

(3) Normal range;

(4) System of radiotelegraphy;

(5) Nature of receiving apparatus (recording, sound-reading, or other apparatus);

(6) Wave-lengths used by the station (the normal wave-length is underlined);

(7) Nature of the service performed by the station:—

General public correspondence;

Restricted public correspondence (correspondence with the ships . . . .; correspondence with the shipping lines . . . .; correspondence with ships equipped with apparatus of the . . . . system; &c.);

Long-distance public correspondence;

Private correspondence of the owners of the station;

Special correspondence (correspondence of an exclusively official nature); &c.;

(8) Hours of service;

(9) Coast or ship charge.

2. The list shall also comprise such particulars with regard to radiotelegraph stations other than those indicated in Article 1 of the Convention as are communicated to the International Bureau by the Administration to whose authority these stations are subject.

V

The stations indicated in Article 1 of the Convention are prohibited from exchanging superfluous signals and words. Trials and practice are only permitted at these stations in so far as they do not interfere with the service of other stations.

VI

1. No ship station may be established or worked by any private enterprise without the authorisation of the Government to whose authority the ship is subject. This authorisation is given by a licence issued by that Government.

2. Every ship station which is authorised must satisfy the following conditions:—

(*a*) The system used must be a syntonised system;

(*b*) The speed of transmission and reception must, in normal circumstances, not be less than 12 words a minute, five letters being counted as one word;

(*c*) The power imparted to the radiotelegraphic apparatus must not, in normal circumstances, exceed one kilowatt. Power in excess of one kilowatt may be used if the ship finds it necessary to exchange messages at a distance of more than 300 kilometres from the nearest coast station, or if, by reason of intervening obstacles, communication can only be effected by an increase of power.

3. The service of the ship station must be carried on by a telegraphist holding a certificate issued by the Government to whose authority the ship is subject. This certificate testifies to the technical proficiency of the telegraphist as regards—

(*a*) The adjustment of apparatus;

(*b*) Transmission and sound-reading at a speed which must not fall short of 20 words a minute;

(*c*) Knowledge of the regulations applicable to the exchange of radiotelegraphic traffic.

4. In addition, the certificate testifies that the Government has bound the telegraphist to the obligation of preserving the secrecy of correspondence.

VII

1. If an Administration has information of a breach of the Convention or of the Regulations committed at one of the stations which it has authorised, it shall verify the facts and fix the responsibility.

In the case of ship stations, if the responsibility falls on the telegraphist, the Administration shall take the necessary steps, and, if need be, withdraw his certificate. If it is proved that the breach was due to the condition of the apparatus, or to instructions given to the telegraphist, similar steps shall be taken with regard to the licence granted to the ship.

2. In the event of repeated breaches by the same ship, if the representations made to the Administration to whose authority the ship is subject by another Administration remain without effect, the latter is empowered, after giving notice, to authorise its coast stations to refuse communications from the ship in question. In case of difference between the two Administrations, the question shall be submitted to arbitration at the instance of one of the Governments in question. The procedure followed shall be that indicated in Article 18 of the Convention.

2. Duration of Service at Coast Stations

VIII

1. The service at coast stations is, as far as possible, permanent, day and night, without interruption.

Nevertheless, certain coast stations may provide a service of limited duration. Each Administration fixes the hours of service.

2. Those coast stations at which the service is not permanent must not close before they have transmitted all their radiotelegrams to such ships as are within their range of transmission, and have received from these ships all the radiotelegrams of which notice has been given. This provision applies also when ships notify their presence before work has actually ceased.

3. Form and Acceptance of Radiotelegrams

IX

If part of the route followed by a radiotelegram lies over telegraph lines or through radiotelegraph stations belonging to a non-contracting country, the radio-telegram may be forwarded on condition that the Administrations of the countries to which these lines or stations belong have at the least declared their willingness to apply, when occasion arises, those provisions of the Convention and Regulations which are essential for the proper disposal of radiotelegrams, and provided also that adequate arrangements are made for accounting.

X.

1. Radiotelegrams bear the service instruction "Radio" in the preamble.

2. In the transmission of radiotelegrams from ship stations to coast stations the date and the time of handing in are omitted from the preamble.

On retransmission over the ordinary telegraph system, the coast station inserts, as the indication of the office of origin, its own name followed by that of the ship, and gives, as the time of handing in, the time of receipt.

XI

The address of radiotelegrams for ships at sea should be as complete as possible. It must contain the following:—

(*a*) Name of addressee, with further particulars, if necessary.

(*b*) Name of ship as it appears in the list, supplemented, in the case of ships bearing the same name, by the nationality of the ship, and, if necessary, its distinguishing signal under the international Code.

(*c*) Name of coast station as it appears in the list.

4. Charges.

XII

The coast charge must not exceed 60 centimes a word, nor the ship charge 40 centimes a word.

A minimum not exceeding the coast charge or the ship charge for a radiotelegram of 10 words may be fixed either for the coast charge or for the ship charge.

XIII

A country on whose territory a coast station is established which serves as a medium for the exchange of radiotelegrams between a ship station and another country is considered, for the purpose of applying the telegraph rates, as the country of origin or of destination of those radiotelegrams and not as a country of transit.

5. Collection of Charges.

XIV

The whole charge for radiotelegrams is collected from the sender.

For this purpose ship stations must have the necessary tariffs. Nevertheless they have the right to obtain information from coast stations with regard to the assessment of the charge for radiotelegrams in respect of which they do not possess all the requisite particulars.

6. Transmission of Radiotelegrams.

(*a*) *Signals.*

XV

The signals used are those of the International Morse Code.

XVI

Ships in distress make use of the following signal:—

... — — — ...

repeated at short intervals.

As soon as a station receives the signal of distress it must suspend all correspondence and must not resume work until it has made sure that the communication consequent upon the call for assistance has been completed.

When a ship in distress adds, after a series of signals of distress, the call-signal of a particular station, the duty of answering the call rests with that station only. Failing any mention of a particular station in the signal of distress, every station which perceives the call is bound to answer it.

XVII

1. The call-signal followed by the letters . — — . . — . — . . . "P R B" signifies that the ship or the station making the call wishes to communicate with the station called by means of the International Code of Signals.

The combination of the letters "P R B" is prohibited, as a service signal, for any other purpose than that above indicated.

2. The International Code of Signals may be used for radiotelegrams.

Those which are addressed to a radiotelegraph station for onward transmission are not translated by that station.

(*b*) *Order of Transmission.*

XVIII

Between two stations radiotelegrams of the same rank are transmitted separately in alternate order or in series consisting of several radiotelegrams, as may be determined by the coast station, provided that the time occupied in the transmission of any one series does not exceed 20 minutes.

(*c*) *Calling of Radiotelegraph Stations and Transmission of Radiotelegrams.*

XIX

1. As a general rule, it is the ship station which calls the coast station.

2. The call must only be made, as a general rule, when the distance of the ship from the coast station is less than 75 per cent of the normal range of the latter.

3. Before beginning to call, the ship station must adjust its receiving apparatus to the highest possible degree of sensitiveness and make sure that the coast station which it wishes to call is not engaged in communication. If it finds that transmission is taking place it awaits the first break.

4. The ship station uses, for calling purposes, the normal wave-length of the coast station.

5. If in spite of these precautions the exchange of public radiotelegraphic traffic is interfered with, the call must cease at the first request made by a coast station open for public correspondence. This station must then indicate approximately how long it will be necessary to wait.

XX

1. The call comprises the signal —.—.—, the call-signal of the coast station thrice repeated, the word "de" followed by the call-signal of the transmitting station thrice repeated.

2. The station called answers by giving the signal —.—.—, followed by the call-signal of the calling station thrice repeated, by the word "de," by its own call-signal, and by the signal —.—

XXI

If a station called does not reply as the result of the call (Article XX) thrice repeated at intervals of two minutes, the call can only be renewed after an interval of half-an-hour, the station making the call having first ascertained that no radiotelegraphic communication is in progress.

XXII

1. As soon as the coast station has answered, the ship station makes known—

(*a*) The distance of the ship from the coast station in nautical miles.
(*b*) Its true bearings in degrees reckoned from 0 to 360.
(*c*) Its true course in degrees reckoned from 0 to 360.
(*d*) Its speed in nautical miles.
(*e*) The number of words which it has to transmit.

2. The coast station replies by indicating the number of words which it has to transmit to the ship.

3. If transmission cannot take place at once the coast station informs the ship station approximately how long it will be necessary to wait.

XXIII

When a coast station receives calls from several ship stations, the coast station decides the order in which the ship stations shall be allowed to transmit their correspondence.

The sole consideration which must govern the coast station in settling this order is the necessity of allowing every station concerned to exchange the greatest possible number of radiotelegrams.

XXIV

Before beginning the exchange of correspondence the coast station informs the ship station whether transmission is to take place in alternate order or in series (Article XVIII); it then begins transmission or follows up these service instructions with the signal — . — (invitation to transmit).

XXV

The transmission of a radiotelegram is preceded by the signal — . — . — and terminated by the signal . — . — ., followed by the call-signal of the transmitting station.

XXVI

When the radiotelegram to be transmitted contains more than 40 words the transmitting station interrupts transmission after each series of about 20 words with a mark of interrogation . . — — . ., and only continues transmission after having obtained from the receiving station the repetition of the last word duly received, followed by a mark of interrogation.

In the case of transmission by series, an acknowledgment of receipt is given after each radiotelegram.

XXVII

1. When the signals become doubtful, it is important that recourse should be had to all possible means for effecting transmission. For this purpose the radiotelegram is repeated, at the request of the receiving station, but not more than three times. If, in spite of this triple transmission, the signals are still unreadable, the radiotelegram is cancelled. If an acknowledgment of receipt is not received the transmitting station again calls the receiving station. If no reply is made after three calls, transmission is not continued.

2. If the receiving station, in spite of defective reception, thinks that the radiotelegram may be delivered, it inserts the service instruction "Reception doubtful" at the end of the preamble and sends on the radiotelegram.

XXVIII

All stations are bound to exchange traffic with the minimum expenditure of energy required for obtaining effective communication.

(*d*) *Acknowledgment of Receipt and End of Work.*

XXIX

1. The acknowledgment of receipt is given in the form prescribed by the International Telegraph Regulations preceded by the call-signal of the transmitting station and followed by the call-signal of the receiving station.

The end of work between two stations is indicated by each station by means of the signal . . . — . — followed by its call-signal.

(*e*) *Route to be followed by Radiotelegrams.*

XXX

1. As a general principle, the ship station transmits its radio telegrams to the nearest coast station.

2. Nevertheless, a sender on board ship is at liberty to indicate the coast station by which he desires his radiotelegram to be despatched.

The ship station then waits until this coast station becomes the nearest. If this condition cannot be fulfilled, the sender's wishes are only complied with if transmission can be effected without interfering with the service of other stations.

7. Delivery of Radiotelegrams.

XXXI

When for any reason whatever a radiotelegram from a ship at sea cannot be delivered to the addressee, an advice of non-delivery is sent. This advice is transmitted, if possible, to the ship. When a radiotelegram reaching a ship station cannot be delivered, that station informs the office of origin by means of a service advice. This advice is transmitted, as far as possible, to the coast station through which the radiotelegram has been received, or, if the circumstances require it, to the nearest coast station.

XXXII

If the ship to which a radiotelegram is addressed has not notified its presence to the coast station within the period indicated by the sender, or, failing such indication, before the morning of the 29th day, the coast station advises the sender to that effect.

The latter has the right to request, by a paid telegraphic or postal service message addressed to the coast station, that his radiotelegram may be retained for a further period of 30 days for transmission to the ship, and so on. Failing a request to this effect, the radiotelegram is treated as undeliverable at the end of the 30th day (the day of handing in not included).

Nevertheless, if the coast station knows that the ship has passed beyond its range of transmission before the radiotelegram could be transmitted to it, that station advises the sender accordingly.

8. Special Telegrams

XXXIII

The following are not admitted:—

(*a*) Telegrams with prepaid replies.

(*b*) Telegraph Money Orders.

(*c*) Collated telegrams.

(*d*) Telegrams with acknowledgement of receipt.

(*e*) Telegrams "to follow."

(*f*) Paid service telegrams, except as regards transmission over the ordinary telegraph system.

(*g*) Urgent telegrams, except as regards transmission over the ordinary telegraph system, subject to the provisions of the International Telegraph Regulations.

(*h*) Telegrams to be delivered by express or by post.

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9. Records

XXXIV

The originals of radiotelegrams and the documents relating to them retained by the Administrations or private enterprises are preserved for at least 12 months, reckoned from the month following that of handing in, with all necessary precautions to secure secrecy.

These originals and documents are, as far as possible, sent at least once a month by ship stations to the Administrations to whose authority they are subject.

10. Refunds and Reimbursements

XXXV

1. Refunds and reimbursements are governed by the provisions of the International Telegraph Regulations, regard being had to the restrictions indicated in Article XXXIII of the present Regulations and subject to the following reservations:—

The time occupied in transmission by radiotelegraphy and the time during which the radiotelegram remains at the coast station or at the ship station are not reckoned in the periods of delay which give rise to refunds and reimbursements.

The reimbursements is borne by the different Administrations or private enterprises which have taken part in the transmission of the radiotelegram, each Administration foregoing its proportion of the charge. Nevertheless, radiotelegrams which come under Articles VII and VIII of the Convention of St. Petersburg remain subject to the provisions of the International Telegraph Regulations, except when it is due to an error of service that such radiotelegrams have been accepted.

2. When the acknowledgement of receipt of a radiotelegram has not reached the station which transmitted the radiotelegram, the charge is only refunded after it has been proved that the radiotelegram is one which gives rise to reimbursement.

11. Accounts

XXXVI

1. The coast and ship charges do not enter into the accounts for which provision is made in the International Telegraph Regulations.

The accounts relating to these charges are settled by the Administrations of the Governments concerned. They are prepared by the Administrations responsible for the coast stations and are communicated by them to the Administrations concerned.

2. In respect of transmission over the ordinary telegraph system a radiotelegram is treated, for accounting purposes, in accordance with the International Telegraph Regulations.

3. In respect of radiotelegrams from ships, the Administration responsible for the ship station is debited by the Administration responsible for the coast station with the coast and ordinary telegraph charges collected on board the ship.

In respect of radiotelegrams addressed to ships, the Administration which has collected the charges is debited directly by the Administration responsible for the coast station with the coast and ship charges. The latter Administration credits the Administration responsible for the ship with the ship charge.

Nevertheless, in cases where the Administration which has collected the charges is that responsible for the ship station, the ship charge is not debited by the Administration responsible for the coast station.

4. The monthly accounts on which the special accounting in respect of radiotelgrams is based are prepared radiotelegram by radiotelegram, with all the necessary particulars, within six months from the month to which they relate.

5. The Governments reserve the right of making between themselves and in their dealings with private enterprises (organizations working radiotelegraph stations, shipping companies, &c.) special arrangements for the adoption of other methods of accounting.

12. International Bureau

XXXVII

The International Bureau of Telegraph Administrations will be entrusted, subject to the consent of the Government of the Swiss Confederation and to the approval of the Telegraph Union, with the functions specified in Article 13 of the Convention.

The additional expenses resulting from the exercise by the International Bureau of its functions in respect of radiotelegraphy must not exceed 40,000 francs per annum, not including extraordinary expenditure occasioned by the assembling of an International Conference.

These expenses form the subject of a special account, and the provisions of the International Telegraph Regulations are applicable to them. Nevertheless, pending the meeting of the next Conference, each contracting Government shall notify to the International Bureau the class in which it wishes to be included.

XXXVIII

The various Administrations shall supply the International Bureau with a Return in conformity with the annexed model, containing the particulars specified therein in respect of the stations indicated in Article IV of the Regulations. Subsequent modifications and additions shall be communicated by the Administrations to the International Bureau between the 1st and 10th of each month. By means of the information thus communicated the International Bureau shall prepare a list and keep it up to date. The list and its supplements shall be printed and distributed to the Administrations concerned; they may also be sold to the public at cost price.

The International Bureau shall take care that the same call-signals are not adopted for different radiotelegraph stations.

13. Miscellaneous Provisions

XXXIX

The Administrations shall facilitate arrangements for communicating to such maritime news agencies as they think fit such information respecting wrecks and shipping casualties, or of general interest for purposes of navigation, as can properly be communicated to them by their coast stations.

XL

Traffic exchanged between the ship stations indicated in Article 1 of the Convention must be so regulated as not to interfere with the service of coast stations, the latter being entitled as a general rule to priority for purposes of public correspondence.

XLI

1. In the absence of special arrangements between the parties concerned, the provisions of the present regulations are applicable, by analogy, to the exchange of radiotelegraphic traffic between two ships at sea, with the following exceptions:—

(*a*) Article XIV.—The ship charge accruing to the transmitting ship is collected from the sender, and that accruing to the receiving ship is collected from the addressee.

(*b*) Article XVIII.—The order of transmission is settled on each occasion by mutual agreement between the communicating stations.

(*c*) Article XXXVI.—The charges in respect of the radiotelegrams in question do not enter into the accounts provided for in Article XXXVI these charges being retained by the Administrations which have collected them.

2. The retransmission of radiotelegrams exchanged between ships at sea is subject to special arrangements between the parties concerned.

XLII

The provisions of the International Telegraph Regulations are applicable, by analogy, to radiotelegraphic correspondence in so far as they are not inconsistent with the provisions of the present Regulations.

In conformity with Article XI of the Convention of Berlin, these Regulations shall come into force on the 1st July, 1908.

In witness whereof the respective Plenipotentiaries have signed the Regulations in a single copy, which will remain deposited in the archives of the Imperial German Government, and of which a copy shall be sent to each Party.

Done at Berlin, the 3rd November, 1906.

For Great Britain:
H. BABINGTON SMITH.
A. E. BETHELL.
R. L. HIPPISLEY.

For Germany:
KRAETKE.
SYDOW.

For the United States of America:
CHARLEMANGE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For the Argentine Republic:
J. OLMI.

For Austria:
BARTH.
FRIES.

For Hungary:
PIERRE DE SZALAY.
Dr. DE HENNYEY.
HOLLOS.

For Belgium:
F. DELARGE.
E. BUELS.

For Brazil:
CESAR DE CAMPOS.

For Bulgaria:
IV. STOYANOVITCH.

For Chile:
J. MUNOZ HURTADO.
J. MERY.

For Denmark:
N. R. MEYER.
I. A. VOEHTZ.

For Spain:
IGNACIO MURCIA.
RAMON ESTRADA.
RAFAEL RAVENA.
ISIDRO CALVO.
MANUEL NORIEGA.
ANTONIO PELAEZ-CAMPOMANES.

For France:
J. BORDELONGUE.
L. GASCHARD.
BOULANGER.
A. DEVOS.

For Greece:
T. ARGYROPOULOS.

For Italy:
J. COLOMBO.

For Japan:
OSUKE ASANO.
ROKURE YASHIRO.
SHUNKICHI KIMURA.
ZIRO TANAKA.
SABURO HYAKUTAKE.

For Mexico:
JOSE M. PEREZ.

For Monaco:
J. DEPELLEY.

For Norway:
HEFTYE.
O. T. EIDEM.

For the Netherlands:
KRUYT.
PERK.
HOVEN.

For Persia:
HOVHANNES KHAN.

For Portugal:
PAULO BENJAMIN CABRAL.

For Roumania:
GR. CERKEZ.

For Russia:
A. EICHHOLZ.
A. EULER.
VICTOR BILIBINE.
A. REMMERT.
W. KEDRINE.

For Sweden:
HERMAN RYDIN.
A. HAMILTON.

For Turkey:
NAZIF BEY.

For Uruguay:
F. A. COSTANZO.

Annexe to Article XXXVIII of Regulations

Administration of.....

PARTICULARS of Radiotelegraph Stations

(a.) *Coast stations*

Name	Nationality	Geographical Position	Call-Signal	Normal Range	System of Radiotelegraphy.	Nature of Receiving Apparatus (Recording Apparatus, Sound-Reading, or other Apparatus)	Wave-lengths (the normal Wave-length is underlined).	Nature of Service performed by the Station	Hours of Service (showing the Meridian to which they refer)	Coast Charge, showing Minimum Charge	Remarks

(b.) *Ship stations*

Name	Nationality	Distinguishing Signal under the International Code of Signals	Port of Registry	Call-Signal	Normal Range	System of Radiotelegraphy	Nature of Receiving Apparatus (Recording Apparatus, Sound-Reading, or other Apparatus)	Wave-lengths (the normal Wave-length is underlined)	Nature of Service performed by the Station	Hours of Service	Ship Charge, showing Minimum Charge	Remarks
1. Ships of War												
2. Merchant Ships												

RATIFICATIONS

THE Ratifications of the following States have, up to the present, been deposited at Berlin on the dates mentioned:—

GREAT BRITAIN[1]	June	30,	1908
AUSTRIA-HUNGARY	Jan.	17,	1909
BELGIUM	Feb.	21,	1907
BRAZIL	July	2,	1908
BULGARIA	May	29,	1908
DENMARK	June	10,	1907
GERMANY	Mar.	18,	1908
JAPAN[1]	June	14,	1908
MEXICO	Oct.	15,	1907
NETHERLANDS	July	14,	1907
NORWAY	Oct.	19,	1907
PORTUGAL	Feb.	26,	1909
ROUMANIA	May	31,	1907
RUSSIA	July	8,	1908
SPAIN	May	29,	1908
SWEDEN	Feb.	6,	1908

[1] (Subject to the reservation as regards the right of exemption referred to in Article II of the Final Protocol.)

ACCESSIONS

(1) BRITISH COLONIES, &c.[1]

Ashanti.
Australia, Commonwealth of.
Bahamas.
Barbados.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
British Guiana.
British Honduras.
Canada, Dominion of.
Cape Colony.
Ceylon.
Cyprus.
East Africa Protectorate.
Falkland Islands.
Nyasaland Protectorate.
St. Helena.
Seychelles.
Sierra Leone.
Somaliland Protectorate.
Southern Nigeria.
Southern Rhodesia.
Straits Settlements.
Swaziland.
Transvaal.
Fiji.
Gambia.
Gibraltar.
Gold Coast Colony.
Hong Kong.
India.
Jamaica.
Labuan.
Leeward Islands.
Malta.
Mauritius.
Natal.
New Zealand, Dominion of.
Northern Nigeria.
North-Western Rhodesia.
Trinidad.
Turks Islands.
Uganda Protectorate.
Weihaiwei.
Western Pacific Protectorates.
Windward Islands, viz.:—
Grenada.
St. Lucia.
St. Vincent.

[1] See foot-note, page 216.

(2). GERMANY acceded on behalf of her Protectorates.

[1]PROTOCOL FOR THE ACCESSION OF NON-SIGNATORY POWERS TO THE CONVENTION OF JULY 29, 1899, FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

Signed at The Hague, June 14, 1907

(Translation)

The Powers which have ratified the Convention for the Pacific Settlement of International Disputes, signed at The Hague, July 29th, 1899, desiring to permit of the accession to that Convention of those States, not represented at the First Peace Conference, which have been invited to attend the Second Conference, the Undersigned, Delegates or Diplomatic Representatives of the aforesaid Powers, namely:—

Great Britain, Germany, Austria-Hungary, Belgium, Bulgaria, China, Denmark, Spain, the United States of America, the United States of Mexico, France, Greece, Italy, Japan, Luxemburg, Montenegro, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Turkey, duly authorized to that effect, have agreed that there shall be opened

[1] From Treaty Series No. 26, 1907.

by the Ministry of Foreign Affairs of the Netherlands a *procés-verbal* of accession, in order to serve the purpose of receiving and recording the said accessions, which shall immediately thereupon take effect.

In faith of which the present Protocol has been drawn up in a single copy, which shall remain deposited in the archives of the Ministry for Foreign Affairs of the Netherlands, and of which a certified copy shall be transmitted to each of the Signatory Powers.

Done at The Hague, the 14th June, 1907.

[Here follow the signatures].

[1]INTERNATIONAL CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS.

Signed at The Hague, October 18, 1907

[*British Ratification deposited at The Hague, November 27, 1909*]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; the President of the Republic of Bolivia; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay:

Being desirous of preventing between nations armed conflicts originating in a pecuniary dispute respecting contract debts claimed from the Government of one country by the Government of another country as due to its subjects or citizens, have resolved to conclude a Convention to this effect, and have appointed as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency the Right Honourable Sir Edward Fry, G.C.B., Privy Councillor, His Ambassador Extraordinary, member of the Permanent Court of Arbitration;

[1] From Treaty Series No. 7, 1910.

His Excellency the Right Honourable Sir Ernest Mason Satow, G.C.M.G., Privy Councillor, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Donald James Mackay, Baron Reay, G.C.S.I., G.C.I.E., Privy Councillor, formerly President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the German Emperor, King of Prussia:

His Excellency Baron Marschall de Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Doctor Johannes Kriege, His Special Envoy to the present Conference, His Privy Councillor of Legation and Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary of the Republic at The Hague;

Rear-Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the Federal Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency M. Roque Saenz Peña, late Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Luis M. Drago, late Minister for Foreign Affairs and Public Worship of the Republic, National Deputy, member of the Permanent Court of Arbitration;

His Excellency M. Carlos Rodriguez Larreta, late Minister for Foreign Affairs and Public Worship of the Republic, member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Gaëtan Mérey de Kapos-Mére, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

The President of the Republic of Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London.

His Royal Highness the Prince of Bulgaria:

M. Vrban Vinaroff, Major-General on the Staff, His General *à la suite;*

M. Ivan Karandjouloff, Procurator-General of the Court of Cassation.

The President of the Republic of Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency M. Carlos Concha, late Minister of War, late President of the Chamber of Deputies, late Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

M. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of Cuba:

M. Antonio Sanchez de Bustamante, Professor of International Law at the Havana University, Senator of the Republic;

His Excellency M. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Manuel Sanguily, late Director of the Institute of Secondary Education at Havana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency M. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear-Admiral Christian Frederik Scheller.

M. Axel Vedel, His Chamberlain, head of a department in the Royal Ministry for Foreign Affairs.

The President of the Dominican Republic:

M. Francisco Henriquez y Carvajal, late Secretary of State in the Ministry for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

M. Apolinar Tejera, Rector of the Professional Institute of the Republic, member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and Madrid;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency M. W. R. de Villa-Urrutia, Senator, late Minister for Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency M. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

M. Gabriel Maura y Gamazo, Count de la Mortera, Deputy in the Cortes.

The President of the French Republic:

His Excellency M. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, late President of the Council of Ministers, late Minister for Foreign Affairs, member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration;

M. Louis Renault, Professor at the Faculty of Law at the Paris University, honorary Minister Plenipotentiary, Legal Adviser to the Minister for Foreign Affairs, member of the Institute of France, member of the Permanent Court of Arbitration;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the Hellenes:

His Excellency M. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

M. Georges Streit, Professor of International Law at the Athens University, member of the Permanent Court of Arbitration.

The President of the Republic of Guatémala:

M. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, member of the Permanent Court of Arbitration;

M. Enrique Gomez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haïti:

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Pierre Hudicourt, late Professor of Public International Law, advocate at the Port-au-Prince Bar.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, His Majesty's Ambassador at Paris, member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commander Guido Pompilj, Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs;

Commander Guido Fusinato, Councillor of State, Deputy, late Minister of Instruction.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United States of Mexico:

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris:

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency M. Nélidow, Imperial Privy Councillor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency M. de Martens, Imperial Privy Councillor, permanent member of the Council of the Imperial Russian Ministry for Foreign Affairs;

His Excellency M. Tcharykow, Imperial Councillor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency M. Francis Hagerup, late President of the Council, late Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, member of the Permanent Court of Arbitration.

The President of the Republic of Panamá:

M. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency M. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris:

Count G. Du Monceau de Bergendel, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

M. W. H. de Beaufort, Her late Minister for Foreign Affairs, member of the Second Chamber of the States-General;

His Excellency M. T. M. C. Asser, Her Minister of State, member of the Council of State, member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, retired Lieutenant-General, late Minister for War, member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, retired Vice-Admiral, late Minister of Marine;

M. J. A. Loeff, Her late Minister of Justice, member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and London, member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and the Algarves, &c.:

His Excellency the Marquis of Soveral, His Councillor of State, Peer of the Realm, late Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency M. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the Emperor of All the Russias:

His Excellency M. Nélidow, His Privy Councillor, His Ambassador at Paris;

His Excellency M. de Martens, His Privy Councillor, permanent member of the Council of the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration;

His Excellency M. Tcharykow, His Councillor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

M. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, member of the Permanent Court of Arbitration;

M. Santiago Pérez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouïtch, President of the Council of State;

His Excellency M. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and The Hague.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Vice-Admiral Mehemmed Pasha.

The President of the Oriental Republic of Uruguay:

His Excellency M. José Batlle y Ordoñez, late President of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Juan P. Castro, late President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, member of the Permanent Court of Arbitration.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:—

ARTICLE 1

The Contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its subjects or citizens.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, renders the settlement of the *Compromis* impossible, or, after the arbitration, fails to comply with the award.

ARTICLE 2

It is further agreed that the arbitration mentioned in the second paragraph of the preceding Article shall be subject to the procedure laid down in Part IV, Chapter 3, of the Convention of The Hague for the Pacific Settlement of International Disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

ARTICLE 3

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the

Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 4

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 5

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

ARTICLE 6

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

ARTICLE 7

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 3, paragraphs 3 and 4, as well as the date on which the notifications of accession (Article 4, paragraph 2) or of denunciation (Article 6, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent through the diplomatic channel to the Contracting Powers.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.

For Germany:
MARSCHALL.
KRIEGE.

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
LUIS M. DRAGO.
ROQUE SAENZ PENA.
C. RUEZ LARRETA.

(The Argentine Republic makes the following reservations:—

1. In regard to debts arising from ordinary contracts between the subject or citizen of a State and a foreign Government, recourse shall not be had to arbitration except in the specific case of denial of justice by the Tribunals of the country which made the contract; the legal remedies must first be exhausted.

2. Public loans, with issue of bonds, constituting the national debt, cannot in any circumstances give rise to military aggression nor to the effective occupation of the territory of any American State.)

For Austria-Hungary:
MEREY.
BON MACCHIO.

For Bolivia:
CLAUDIO PINILLA.
(Under the reservationmade to the First Commission.)

For Bulgaria:
MAJOR-GENERAL VINAROFF.
IV. KARANDJOULOFF.

For Chile:
DOMINGO GANA.
AUGUSTO MATTE.
CARLOS CONCHA.

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

(Colombia makes the following reservations: It does not in any circumstances admit the employment of force for the recovery of debts whatever their nature may be. It does not accept arbitration until the Tribunals of the debtor States have pronounced their final sentence.)

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For Denmark:
C. BRUN.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.
(With the reservation made at the plenary meeting of the 16th October, 1907.)

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALSUA.
(With the reservations made at the plenary meeting of the 16th October, 1907.)

For Spain:
W. R. DE VILLA URRUTIA.
JOSE DE LA RICA Y CALVO.
GABRIEL MAURA.

For France:
LEON BOURGEOIS.
D'ESTOURNELLES DE CONSTANT.
L. RENAULT.
MARCELLIN PELLET.

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.
(With the reservation made at the plenary meeting of the 16th October.)

For Guatemala:
JOSE TIBLE MACHADO.

(1. In regard to debts arising from ordinary contracts between the subjects or citizens of a State and a foreign Government, recourse shall not be had to arbitration except in the case of denial of justice by the Tribunals of the country which made the contract; the legal remedies must first be exhausted.

2. Public loans, with issue of bonds, constituting national debts, cannot in any circumstances give rise to military aggression nor to the effective occupation of the territory of any American State.)

For Haïti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Italy:
POMPILJ.
G. FUSINATO.

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For Japan:
AIMARO SATO.

For Mexico:
G. A. ESTEVA.
S. B. DE MIER.
F. L. DE LA BARRA.

For Montenegro:
NELIDOW.
MARTENS.
N. TCHARYKOW.

For Norway:
F. HAGERUP.

For Panama:
B. PORRAS.

For Paraguay:
G. DU MONCEAU.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER POORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

(Under the reservation that the principles laid down in this Convention cannot apply to claims or differences arising from contracts entered into by a State with the subjects of a foreign State when it is expressly stipulated in the said contracts that the claims or differences must be submitted to the Judges and Tribunals of the country.)

For Persia:
MOMTAZOS-SALTANEH M. SAMAD KHAN.
SADIGH UL MULK M. AHMED KHAN.

For Portugal:
MARQUIS DE SOVERAL.
CONDE DE SELIR.
ALBERTO D'OLIVEIRA.

For Russia:
NELIDOW.
MARTENS.
N. TCHARYKOW.

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.
(We make the same reservations as the Argentine Republic above.)

For Servia:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.

For Turkey:
TURKHAN.

For Uruguay:
JOSE BATLLE Y ORDONEZ.

(Under reservation of the second paragraph of Article 1, because the Delegation considers that refusal to submit to arbitration can always be legitimately made if the fundamental law of the debtor State, prior to the contract which gave rise to the misunderstandings or disputes, or the said contract itself, has laid down that such misunderstandings or disputes shall be decided by the Tribunals of the said country.)

(Translation)

PROTOCOL

In execution of Article 3 of the Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts, signed at The Hague on the 18th October, 1907, the Undersigned, duly authorized to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments, having been presented and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands, with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Convention.

Done at The Hague, November 27, 1909.

For Great Britain:
GEORGE W. BUCHANAN.

For Germany:
F. VON MULLER.

For the United States of America:
CHARLES D. WHITE.*

For Austria-Hungary:
C. A. WYDENBRUCK.

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For Mexico:
ENRIQUE OLARTE.

For the Netherlands:
R. DE MAREES VAN SWINDEREN.

For Russia:
P. PAHLEN.

The Minister for Foreign Affairs,
R. de MAREES *van* SWINDEREN.

Certified to be a true copy:

The General Secretary of the Ministry for Foreign Affairs of the Netherlands,

HANNEMA.

SALVADOR.—The Ratification of the Republic of Salvador has also been received by the Netherland Government, and is regarded as having been deposited on November 27, 1909. Such Ratification is subject to the reservations made at the time of the signature of the Convention.

HAITI.—The Ratification of the Republic of Haiti was received by the Netherland Government on February 2, 1910.

ACCESSIONS

CHINA.—The accession of China to the Convention has been notified to the Netherland Government by means of a notification made by the Chinese Minister on January 15, 1910, and received by them on the same date.

NICARAGUA.—The accession of the Republic of Nicaragua to the Convention has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

This accession is subject to the same reservations as those made by the Argentine Republic and Salvador.

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* The Ratification of the United States of America contains the following reservation:—

"That the United States approves this Convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said Convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute."

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[1]INTERNATIONAL CONVENTION RELATIVE TO THE OPENING OF HOSTILITIES

Signed at The Hague, October 18, 1907

[*British Ratification deposited at The Hague November* 27, 1909]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty th Emperor of all the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning;

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers; and

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency the Right Honourable Sir Edward Fry, G.C.B., Privy Councillor, His Ambassador Extraordinary, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Sir Ernest Mason Satow, G.C.M.G., Privy Councillor, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Donald James Mackay, Baron Reay, G.C.S.I., G.C.I.E., Privy Councillor, formerly President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

[1] From Treaty Series No. 8, 1910.

His Majesty the German Emperor, King of Prussia:

His Excellency Baron Marschall de Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Doctor Johannes Kriege, His Special Envoy to the present Conference, His Privy Councillor of Legation and Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary of the Republic at The Hague;

Rear-Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the Federal Army, Minister Plenipotentiary.

Mr. I. William Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency M. Roque Saenz Peña, late Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Luis M. Drago, late Minister for Foreign Affairs and Public Worship of the Republic, National Deputy, member of the Permanent Court of Arbitration;

His Excellency M. Carlos Rodriguez Larreta, late Minister for Foreign Affairs and Public Worship of the Republic, member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Gaëtan Mérey de Kapos-Mére, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency M. Beernaert, His Minister of State, member of the Chamber of Representatives, member of the Institute of France and of the Royal Academies of Belgium and Roumania, honorary member of the Institute of International Law, member of the Permanent Court of Arbitration;

His Excellency M. J. Van den Heuvel, His Minister of State, late Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, member of the Permanent Court of Arbitration;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

M. Vrban Vinaroff, Major-General on the Staff, His General *à la suite;*

M. Ivan Karandjouloff, Procurator-General of the Court of Cassation.

The President of the Republic of Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency M. Carlos Concha, late Minister of War, late President of the Chamber of Deputies, late Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

M. Santiago Perez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

M. Antonio Sanchez de Bustamante, Professor of International Law at the Havana University, Senator of the Republic;

His Excellency M. Gonzalo de Quesada y Arostegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Manuel Sanguily, late Director of the Institute of Secondary Education at Havana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency M. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear-Admiral Christian Frederik Scheller;

M. Axel Vedel, His Chamberlain, head of a department in the Royal Ministry for Foreign Affairs.

The President of the Dominican Republic:

M. Francisco Henriquez y Carvajal, late Secretary of State in the Ministry for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

M. Apolinar Tejera, Rector of the Professional Institute of the Republic, member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency M. Victor Rendon, Envoy Extraordinary, and Minister Plenipotentiary of the Republic at Paris and Madrid;

M. Enrique Dorn y de Alsua, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency M. W. R. de Villa-Urrutia, Senator, late Minister for Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency M. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

M. Gabriel Maura y Gamazo, Count de Mortera, Deputy in the Cortes.

The President of the French Republic:

His Excellency M. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, late President of the Council of Ministers, late Minister for Foreign Affairs, member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration;

M. Louis Renault, Professor at the Faculty of Law at the Paris University, honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute of France, member of the Permanent Court of Arbitration;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the Hellenes:

His Excellency M. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

M. Georges Streit, Professor of International Law at the Athens University, member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

M. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, member of the Permanent Court of Arbitration;

M. Enrique Gomez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Pierre Hudicourt, late Professor of Public International Law, Advocate at the Port-au-Prince Bar.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, His Majesty's Ambassador at Paris, member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commander Guido Pompilj, Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs;

Commander Guido Fusinato, Councillor of State, Deputy, late Minister of Instruction.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency M. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United States of Mexico:

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency M. Nélidow, Imperial Privy Councillor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency M. de Martens, Imperial Privy Councillor, permanent member of the Council of the Imperial Russian Ministry for Foreign Affairs;

His Excellency M. Tcharykow, Imperial Councillor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency M. Francis Hagerup, late President of the Council, late Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

M. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency M. Eusebio Machaîn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. Du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

M. W. H. de Beaufort, Her late Minister for Foreign Affairs, member of the Second Chamber of the States-General;

His Excellency M. T. M. C. Asser, Her Minister of State, member of the Council of State, member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, retired Lieutenant-General, late Minister for War, member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, retired Vice-Admiral, late Minister of Marine;

M. J. A. Loeff, Her late Minister of Justice, member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and London, member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and the Algarves, &c.:

His Excellency the Marquis of Soveral, His Councillor of State, Peer of the Realm, late Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency M. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency M. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency M. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency M. Nélidow, His Privy Councillor, His Ambassador at Paris;

His Excellency M. de Martens, His Privy Councillor, permanent member of the Council of the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration;

His Excellency M. Tcharykow, His Councillor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

M. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, member of the Permanent Court of Arbitration;

M. Santiago Pérez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouïtch, President of the Council of State;

His Excellency M. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and The Hague.

His Majesty the King of Siam:

Major-General Mom Chatidej Udom;

M. C. Corragioni d'Orelli, His Councillor of Legation;

Captain Luang Bhüvanarth Narübal.

His Majesty the King of Sweden, of the Goths and the Wends:

His Excellency M. Knut Hjalmar Leonard Hammarskjöld, His late Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, member of the Permanent Court of Arbitration;

M. Johannes Hellner, His late Minister (without portfolio), late member of the Supreme Court of Sweden, member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and The Hague;

M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva;

M. Max Huber, Professor of Law at the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Vice-Admiral Mehemmed Pasha.

The President of the Oriental Republic of Uruguay:

His Excellency M. José Batlle y Ordoñez, late President of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Juan P. Castro, late President of the Senafe, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

M. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:

ARTICLE 1

The Contracting Powers recognize that hostilities between them must not commence without a previous and explicit warning, in the form of either a declaration of war, giving reasons, or an ultimatum with a conditional declaration of war.

ARTICLE 2

The existence of a state of war must be notified to the neutral Powers without delay, and shall not be held to affect them until after the receipt of a notification, which may, however, be given by telegraph. Nevertheless, neutral Powers may not rely on the absence of notification if it be established beyond doubt that they were in fact aware of the existence of a state of war.

ARTICLE 3

Article 1 of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article 2 applies as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

ARTICLE 4

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 5

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 6

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

ARTICLE 7

In the event of one of the High Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

ARTICLE 8

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of accession (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.

For Germany:
MARSCHALL.
KRIEGE.

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
ROQUE SAENZ PENA.
LUIS M. DRAGO.
C. RUEZ LARRETA.

For Austria-Hungary:
MEREY.
BON MACCHIO.

For Belgium:
A. BEERNAERT.
J. VAN DEN HEUVEL.
GUILLAUME.

For Bolivia:
CLAUDIO PINILLA.

For Brazil:
RUY BARBOSA.
E. LISBOA.

For Bulgaria:
MAJOR-GENERAL VINAROFF.
IV. KARANDJOULOFF.

For Chile:
DOMINGO GANA.
AUGUSTO MATTE.
CARLOS CONCHA.

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For Denmark:
C. BRUN.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALSUA.

For Spain:
W. R. DE VILLA URRUTIA.
JOSE DE LA RICA Y CALVO.
GABRIEL MAURA.

For France:
LEON BOURGEOIS.
D'ESTOURNELLES DE CONSTANT.
L. RENAULT.
MARCELLIN PELLET.

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.

For Guatemala:
JOSE TIBLE MACHADO.

For Haïti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Italy:
POMPILJ .
G. FUSINATO.

For Japan:
AIMARO SATO.

For Luxemburg:
EYSCHEN.
CTE. DE VILLERS.

For Mexico:
G. A. ESTEVA.
S. B. DE MIER.
F. L. DE LA BARRA.

For Montenegro:
NELIDOW.
MARTENS.
N. TCHARYKOW.

For Norway:
F. HAGERUP.

For Panama:
B. PORRAS.

For Paraguay:
G. DU MONCEAU.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER POORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

For Persia:
MOMTAZOS-SALTANEH M. SAMAD KHAN.
SADIGH UL MULK M. AHMED KHAN.

For Portugal:
ALBERTO D'OLIVEIRA.

For Roumania:
EDG. MAVROCORDATO.

For Russia:
NELIDOW.
MARTENS.
N. TCHARYKOW.

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.

For Servia:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.

For Siam:

MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHUVANARTH NARUBAL.

For Sweden:

K. H. L. HAMMARSKJOLD.
JOH. HELLNER.

For Switzerland:

CARLIN.

For Turkey:

TURKHAN.

For Uruguay:

JOSE BATLLE Y ORDONEZ.

For Venezuela:

J. GIL FORTOUL.

(Translation)

PROTOCOL

IN execution of Article 4 of the Convention relative to the Opening of Hostilities, signed at The Hague on the 18th October, 1907, the Undersigned, duly authorized to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments, having been presented and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands, with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Convention.

Done at The Hague, November 27, 1909.

For Great Britain:

GEORGE W. BUCHANAN.

For Germany:

F. VON MULLER.

For the United States of America:

CHARLES D. WHITE.

For Austria-Hungary:

C. A. WYDENBRUCK.

For Denmark:

W. GREVENKOP CASTENSKJOLD.

For Mexico:

ENRIQUE OLARTE.

For the Netherlands:

R. DE MAREES VAN SWINDEREN.

For Russia:

P. PAHLEN.

For Sweden:

DE DARDEL.

The Minister for Foreign Affairs,
R. de MAREES van SWINDEREN.

Certified to be a true copy:

The Secretary-General of the Ministry for Foreign Affairs of the Netherlands.
HANNEMA.

BOLIVIA and SALVADOR.—The Ratifications of the Republics of Bolivia and Salvador have also been received by the Netherland Government, and are regarded as having been deposited on November 27, 1909.

HAÏTI.—The Ratification of the Republic of Haïti was received by the Netherland Government on February 2, 1910.

ACCESSIONS

CHINA.—The accession of China to the Convention has been notified to the Netherland Government by means of a notification made by the Chinese Minister on January 15, 1910, and received by them on the same date.

NICARAGUA.—The accession of the Republic of Nicaragua to the Convention has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

[1]INTERNATIONAL CONVENTION CONCERNING THE LAWS AND CUSTOMS OF WAR ON LAND

Signed at The Hague, October 18, 1907

[*British Ratification deposited at The Hague, November 27, 1909*]

(Translation)

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Considering that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where an appeal to arms may be brought about by events beyond their responsibility to control;

Being animated also by the desire to serve, even in this extreme case, the interests of humanity and the ever-progressive needs of civilization; and

[1] From Treaty Series No. 9, 1910.

Thinking it important, with this object, to revise the general laws and customs of war, with the view on the one hand of defining them with greater precision, and, on the other hand, of confining them within limits intended to mitigate their severity as far as possible;

Have deemed it necessary to complete and render more precise in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and regulate the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the drafting of which has been inspired by the desire to diminish the evils of war, so far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert stipulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in default of written agreement, be left to the arbitrary opinion of military commanders.

Until a more complete code of the laws of war can be drawn up, the High Contracting Parties deem it expedient to declare that, in cases not covered by the rules adopted by them, the inhabitants and the belligerents remain under the protection and governance of the principles of the law of nations, derived from the usages established among civilized peoples, from the laws of humanity, and from the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency the Right Honourable Sir Edward Fry, G.C.B., Privy Councillor, His Ambassador Extraordinary, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Sir Ernest Mason Satow, G.C.M.G., Privy Councillor, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Donald James Mackay, Baron Reay, G.C.S.I., G.C.I.E., Privy Councillor, formerly President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the German Emperor, King of Prussia:

His Excellency Baron Marschall de Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Doctor Johannes Kriege, His Special Envoy to the present Conference, His Privy Councillor of Legation and Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;
His Excellency Mr. Horace Porter, Ambassador Extraordinary;
His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary of the Republic at The Hague;

Rear-Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the Federal Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency M. Roque Saenz Peña, late Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Luis M. Drago, late Minister for Foreign Affairs and Public Worship of the Republic, National Deputy, member of the Permanent Court of Arbitration;

His Excellency M. Carlos Rodriguez Larreta, late Minister for Foreign Affairs and Public Worship of the Republic, member of the Permanent Court of Arbitration;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary;

His Excellency M. Gaëtan Mérey de Kapos-Mére, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency M. Beernaert, His Minister of State, member of the Chamber of Representatives, member of the Institute of France and of the Royal Academies of Belgium and Roumania, honorary member of the Institute of International Law, member of the Permanent Court of Arbitration;

His Excellency M. J. Van den Heuvel, His Minister of State, late Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, member of the Permanent Court of Arbitration;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

M. Vrban Vinaroff, Major-General on the Staff, His General *à la suite;*

M. Ivan Karandjouloff, Procurator-General of the Court of Cassation.

The President of the Republic of Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency M. Carlos Concha, late Minister of War, late President of the Chamber of Deputies, late Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

M. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

M. Antonio Sanchez de Bustamante, Professor of International Law at the Havana University, Senator of the Republic;

His Excellency M. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington:

M. Manuel Sanguily, late Director of the Institute of Secondary Education at Havana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency M. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear-Admiral Christian Frederik Scheller;

M. Axel Vedel, His Chamberlain, head of a department in the Royal Ministry for Foreign Affairs.

The President of the Dominican Republic:

M. Francisco Henriquez y Carvajal, late Secretary of State in the Ministry for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

M. Apolinar Tejera, Rector of the Professional Institute of the Republic, member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and Madrid;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency M. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, late President of the Council of Ministers, late Minister for Foreign Affairs, member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration;

M. Louis Renault, Professor at the Faculty of Law at the Paris University, honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute of France, member of the Permanent Court of Arbitration;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the Hellenes:

His Excellency M. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

M. Georges Streit, Professor of International Law at the Athens University, member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

M. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, member of the Permanent Court of Arbitration;

M. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

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The President of the Republic of Haïti:

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Pierre Hudicourt, late Professor of Public International Law, Advocate at the Port-au Prince Bar.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, His Majesty's Ambassador at Paris, member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commander Guido Pompilj, Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs;

Commander Guido Fusinato, Councillor of State, Deputy, late Minister of Instruction.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency M. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United States of Mexico:

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency M. Nélidow Imperial Privy Councillor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency M. de Martens, Imperial Privy Councillor, permanent member of the Council of the Imperial Russian Ministry for Foreign Affairs;

His Excellency M. Tcharykow, Imperial Councillor of State Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency M. Francis Hagerup, late President of the Council, late Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, member of the Permanent Court of Arbitration.

The President of the Republic of Panamá:

M. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency M. Eusebio Machaïn Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. Du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

M. W. H. de Beaufort, Her late Minister for Foreign Affairs, member of the Second Chamber of the States-General;

His Excellency M. T. M. C. Asser, Her Minister of State, member of the Council of State, member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, retired Lieutenant-General, late Minister for War, member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, retired Vice-Admiral, late Minister of Marine;

M. J. A. Loeff, Her late Minister of Justice, member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Rpublic at Paris and London, member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and the Algarves, &c.:

His Excellency the Marquis of Soveral, His Councillor of State, Peer of the Realm, late Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency M. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency M. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency M. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency M. Nélidow, His Privy Councillor, His Ambassador at Paris;

His Excellency M. de Martens, His Privy Councillor, permanent member of the Council of the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration;

His Excellency M. Tcharykow, His Councillor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

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The President of the Republic of Salvador:

M. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, member of the Permanent Court of Arbitration;

M. Santiago Pérez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouïtch, President of the Council of State;

His Excellency M. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and The Hague.

His Majesty the King of Siam:

Major-General Mom Chatidej Udom;

M. C. Corragioni d'Orelli, His Councillor of Legation;

Captain Luang Bhüvanarth Narübal.

His Majesty the King of Sweden, of the Goths and the Wends:

His Excellency M. Knut Hjalmar Leonard Hammarskjöld, His late Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, member of the Permanent Court of Arbitration;

M. Johannes Hellner, His late Minister (without porfolio), late member of the Supreme Court of Sweden, member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and The Hague;

M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva;

M. Max Huber, Professor of Law at the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Vice-Admiral Mehemmed Pasha.

The President of the Oriental Republic of Uruguay:

His Excellency M. José Batlle y Ordoñez, late President of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Juan P. Castro, late President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

M. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following:—

ARTICLE 1

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.*

* See p. 248.

ARTICLE 2

The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 3

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE 4

The present Convention, duly ratified, shall replace, as between the Contracting Powers, the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, but which do not ratify the present Convention.

ARTICLE 5

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 6

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 7

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

ARTICLE 8

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

ARTICLE 9

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of accession (Article 6, paragraph 2) or of denunciation (Article 8, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.

For Germany:
MARSCHALL.
KRIEGE.
(Under reservation of Article 44 of the annexed Regulations.)

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.

For Belgium:
A. BEERNAERT.
J. VAN DEN HEUVEL.
GUILLAUME.

For Bolivia:
CLAUDIO PINILLA.

For Brazil:
RUY BARBOSA.
E. LISBOA.

For Bulgaria:
MAJOR-GENERAL VINAROFF.
IV. KARANDJOULOFF.

For Chile:
DOMINGO GANA.
AUGUSTO MATTE.
CARLOS CONCHA.

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For Denmark:
C. BRUN.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALUSA.

For France:
LEON BOURGEOIS.
D'ESTOURNELLES DE CONSTANT.
L. RENAULT.
MARCELLIN PELLET.

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.

For Guatemala:
JOSE TIBLE MACHADO.

For Haïti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Italy:
POMPILJ.
G. FUSINATO.

For Japan:
AIMARO SATO.
(With the reservation of Article 44.)

For Luxemburg:
EYSCHEN.
CTE. DE VILLERS.

For Mexico:
G. A. ESTEVA.
S. B. DE MIER.
F. L. DE LA BARRA.

For Montenegro:
NELIDOW.
MARTENS.
N. TCHARYKOW.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
ROQUE SAENZ PEÑA.
LUIS M. DRAGO.
C. RUEZ LARRETA.

For Austria-Hungary:
MEREY.
BON MACCHIO.
(Under reservation of the Declaration made at the plenary meeting of the Conference held on August 17, 1907.)
(Under reservations made as to Article 44 of the Regulations annexed to the present Convention, and recorded in the Minutes of the proceedings of the fourth plenary meeting held on August 17, 1907.)

For Norway:
F. HAGERUP.

For Panama:
B. PORRAS:

For Paraguay:
G. DU MONCEAU.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER POORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

For Persia:
MOMTAZOS-SALTANEH.
M. SAMAD KHAN.
SADIGH UL MULK M.
AHMED KHAN.

For Portugal:
MARQUIS DE SOVERAL.
CONDE DE SELIR.
ALBERTO D'OLIVEIRA.

For Roumania:
EDG. MAVROCORDATO:

For Russia:
NELIDOW.
MARTENS.
N. TCHARYKOW.
(Under reservations made as to Article 44 of the Regulations annexed to the present Convention, and recorded in the Minutes of the proceedings of the fourth plenary meeting held on August 17, 1907.)

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.

For Servia:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.

For Siam:
MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHUVANARTH NARUBAI.

For Sweden:
K. H. L. HAMMARSKJOLD.
JOH. HELLNER.

For Switzerland:
CARLIN.

For Turkey:
TURKHAN.
(Under reservation of Article 3.)

For Uruguay:
JOSE BATTLE Y ORDONEZ.

For Venezuela:
J. GIL FORTOUL.

Annex to the Convention

Regulations respecting the Laws and Customs of War on Land

Section I.—Of Belligerents

Chapter I.—*The Status of Belligerent*

Article 1

The laws, rights, and duties of war apply not only to the army, but also to militia and volunteer corps fulfilling all the following conditions:—

1. They must be commanded by a person responsible for his subordinates;
2. They must have a fixed distinctive sign recognizable at a distance;
3. They must carry arms openly; and
4. They must conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination " army."

Article 2

The inhabitants of a territory not under occupation, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

Article 3

The armed forces of the belligerents may consist of combatants and non-combatants. In the case of capture by the enemy, both have the right to be treated as prisoners of war.

Chapter II.—*Prisoners of War*

Article 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and are bound not to go beyond certain fixed limits; but they cannot be placed in confinement except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE 6

The State may employ the labour of prisoners of war, other than officers, according to their rank and capacity. The work shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid for at rates proportional to the work of a similar kind executed by soldiers of the national army, or, if there are no such rates in force, at rates proportional to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, deductions on account of the cost of maintenance excepted.

ARTICLE 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In default of special agreement between the belligerents, prisoners of war shall be treated as regards rations, quarters, and clothing on the same footing as the troops of the Government which captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in the power of which they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of their previous escape.

ARTICLE 9

Every prisoner of war is bound to give, if questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow it, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil both towards their own Government and the Government by which they were made prisoners, the engagements they may have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war cannot be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of a prisoner to be set at liberty on parole.

ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the Government to which they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and may be put on trial before the Courts.

ARTICLE 13

Individuals following an army without directly belonging to it, such as newspaper correspondents or reporters, sutlers or contractors, who fall into the enemy's hands and whom the latter thinks it expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE 14

A bureau for information relative to prisoners of war is instituted at the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents on their territory. The business of this bureau is to reply to all inquiries about the prisoners, to receive from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as all other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The bureau must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is also the business of the information bureau to gather and keep together all personal effects, valuables, letters, &c., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE 15

Societies for the relief of prisoners of war, if properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort, shall receive from the belligerents, for themselves and their duly accredited agents, every facility for the efficient performance of their humane task within the bounds imposed by military exigencies and administrative regulations. Representatives of these societies, when furnished with a personal permit by the military authorities, may, on giving an undertaking in writing to comply with all measures of order and police which they may have to issue, be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners.

ARTICLE 16

Information bureaux enjoy the privilege of free carriage. Letters, money orders, and valuables, as well as postal parcels, intended for prisoners of war,

or dispatched by them, shall be exempt from all postal charges in the countries of origin and destination as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as any payment for carriage by State railways.

ARTICLE 17

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained; the amount shall be refunded by their own Government.

ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of their own Church, on the sole condition that they comply with the police regulations issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be followed as regards documents concerning the certification of the death and also as to the burials of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

Chapter III.—*The Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

Section II.—OF HOSTILITIES

Chapter I.—*Means of Injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

Belligerents have not got an unlimited right as to the choice of means of injuring the enemy.

ARTICLE 23

In addition to the prohibitions provided by special Conventions, it is particularly forbidden:

(*a*) To employ poison or poisoned weapons;

(*b*) To kill or wound by treachery individuals belonging to the hostile nation or army;

(*c*) To kill or wound an enemy who, having laid down his arms, or no longer having means of defence, has surrendered at discretion;

(*d*) To declare that no quarter will be given;

(*e*) To employ arms, projectiles, or material calculated to cause unnecessary suffering;

(*f*) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as of the distinctive signs of the Geneva Convention;

(*g*) To destroy or seize enemy property, unless such destruction or seizure be imperatively demanded by the necessities of war;

(*h*) To declare abolished, suspended, or inadmissible the right of the subjects of the hostile party to institute legal proceedings.

A belligerent is likewise forbidden to compel the subjects of the hostile party to take part in the operations of war directed against their own country, even if they were in the service of the belligerent before the commencement of the war.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE 25

The attack or bombardment, by any means whatever, of undefended towns, villages, dwellings or buildings, is forbidden.

ARTICLE 26

The officer in command of an attacking force must do all in his power to warn the authorities before commencing a bombardment, except in cases of assault.

ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to public worship, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

The giving over to pillage of a town or place, even when taken by assault, is forbidden.

Chapter II.—*Spies*

ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Accordingly, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians intrusted with the delivery of despatches intended either for their own army or for the enemy's army, and carrying out their mission openly. To this class likewise belong persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE 30

A spy taken in the act shall not be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts as a spy.

Chapter III.—*Flags of Truce*

ARTICLE 32

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who presents himself under a white flag. He is entitled to inviolability, as also the trumpeter, bugler or drummer, the flag-bearer and the interpreter who might accompany him.

ARTICLE 33

The commander to whom a flag of truce is sent is not obliged in every case to receive it.

He may take all steps necessary in order to prevent the envoy from taking advantage of his mission to obtain information.

In case of abuse, he has the right temporarily to detain the envoy.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved in a positive and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

Chapter IV.—*Capitulations*

ARTICLE 35

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

Chapter V.—*Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends the entire military operations of the belligerent States; the second between certain portions of the belligerent armies only and within a fixed zone.

ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or at the time fixed.

ARTICLE 39

It rests with the contracting parties to settle, in the terms of the armistice, the relations which may be allowed in the theatre of war with, and between, the civil populations.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even in cases of urgency, of recommencing hostilities immediately.

ARTICLE 41

A violation of the terms of the armistice by individuals acting on their own initiative only entitles the injured party to demand the punishment of the offenders and, if there is occasion for it, compensation for the losses sustained.

SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE

ARTICLE 42

Territory is considered occupied when actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and is in a position to assert itself.

ARTICLE 43

The authority of the power of the State having passed *de facto* into the hands of the occupant, the latter shall do all in his power to restore, and ensure, as far as possible, public order and safety, respecting at the same time, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

A belligerent is forbidden to compel the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLE 45.

It is forbidden to force the inhabitants of occupied territory to swear allegiance to the hostile Power.

ARTICLE 46

Family honour and rights, individual life, and private property, as well as religious convictions and worship, must be respected.

Private property may not be confiscated.

ARTICLE 47

Pillage is expressly forbidden.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls payable to the State, he shall do so, as far as is possible, in accordance with

the legal basis and assessment in force at the time, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the national Government had been so bound.

ARTICLE 49

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, they shall only be applied to the needs of the army or of the administration of the territory in question.

ARTICLE 50

No collective penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

ARTICLE 51

No contribution shall be collected except under a written order, and on the rseponsibility of a General in command.

The collection of the said contribution shall only be effected in accordance, as far as is possible, with the legal basis and assessment of taxes in force at the time.

For every contribution a receipt shall be given to the contributories.

ARTICLE 52

Requisitions in kind and services shall not be demanded from local authorities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in ready money; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE 53

An army of occupation shall only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

Except in cases governed by naval law, all appliances adapted for the transmission of news, or for the transport of persons or goods, whether on land, at sea, or in the air, depôts of arms, and, in general, all kinds of war material may be seized, even if they belong to private individuals, but they must be restored at the conclusion of peace, and indemnities must be paid for them.

ARTICLE 54

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They also must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE 55

The occupying State shall be regarded only as administrator and usufructuary of public buildings, landed property, forests, and agricultural under-

takings belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of such properties, and administer them in accordance with the rules of usufruct.

ARTICLE 56

The property of local authorities, as well as that of institutions dedicated to public worship, charity, education, and to science and art, even when State property, shall be treated as private property.

Any seizure or destruction of, or wilful damage to, institutions of this character, historic monuments and works of science and art, is forbidden, and should be made the subject of legal proceedings.

(Translation)

PROTOCOL

In execution of Article 5 of the Convention concerning the Laws and Customs of War on Land, signed at The Hague on the 18th October, 1907, the undersigned, duly authorised to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments, having been presented and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Convention.

Done at The Hague, November 27, 1909.

For Great Britain:
GEORGE W. BUCHANAN.

For Germany:
F. VON MULLER.*

For the United States of America:
CHARLES D. WHITE.

For Austria-Hungary:
C. A. WYDENBRUCK.
(Under reserve of the Declaration made at the plenary meeting of the Conference on August 17, 1907.)

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For Mexico:
ENRIQUE OLARTE.

For the Netherlands:
R. DE MAREES VAN SWINDEREN.

For Russia:
P. PAHLEN.*

For Sweden:
DE DARDEL.

The Minister for Foreign Affairs,
R. de MAREES van SWINDEREN.

Certified to be a true copy:
The Secretary-General of the Ministry for Foreign Affairs of the Netherlands,
HANNEMA.

BOLIVIA and SALVADOR.—The Ratifications of the Republics of Bolivia and Salvador have also been received by the Netherland Government, and are regarded as having been deposited on November 27, 1909.

HAÏTI.—The Ratification of the Republic of Haïti was received by the Netherland Government on February 2, 1910.

* Subject to the reservation made at the time of signature of the Convention.

ACCESSION

NICARAGUA.—The accession of the Republic of Nicaragua to the Convention has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

[1]INTERNATIONAL CONVENTION RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES

Signed at The Hague, October 18, 1907

[*British Ratification deposited at The Hague November* 27, 1909]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Majesty the King of Norway; the President of the Republic of Panamá, the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Roumania; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Inspired by the principle of the freedom of the seas as the common highway of all nations;

Seeing that, while the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless expedient to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it may be found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention to this effect, and have appointed as their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

[1] From Treaty Series No. 12, 1910.

His Excellency the Right Honourable Sir Edward Fry, G.C.B., Privy Councillor, His Ambassador Extraordinary, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Sir Ernest Mason Satow, G.C.M.G., Privy Councillor, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Donald James Mackay, Baron Reay, G.C.S.I., G.C.I.E., Privy Councillor, formerly President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the German Emperor, King of Prussia:

His Excellency Baron Marschall de Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Doctor Johannes Kriege, His Special Envoy to the present Conference, His Privy Councillor of Legation and Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary of the Republic at The Hague;

Rear-Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the Federal Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary;

The President of the Argentine Republic:

His Excellency M. Roque Saenz Peña, late Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Luis M. Drago, late Minister for Foreign Affairs and Public Worship of the Republic, National Deputy, member of the Permanent Court of Arbitration;

His Excellency M. Carlos Rodriguez Larreta, late Minister for Foreign Affairs and Public Worship of the Republic, member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Gaëtan Mérey de Kapos-Mére, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic

His Excellency M. Beernaert, His Minister of State, member of the Chamber of Representatives, member of the Institute of France and of the Royal Academies of Belgium and Roumania, honorary member of the Institute of International Law, member of the Permanent Court of Arbitration;

His Excellency M. J. Van den Heuvel, His Minister of State, late Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, member of the Permanent Court of Arbitration;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

M. Vrban Vinaroff, Major-General on the Staff, His General *à la suite;*

M. Ivan Karandjouloff, Procurator-General of the Court of Cassation.

The President of the Republic of Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency M. Carlos Concha, late Minister of War, late President of the Chamber of Deputies, late Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

M. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

M. Antonio Sanchez de Bustamante, Professor of International Law at the Havana University, Senator of the Republic;

His Excellency M. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Manuel Sanguily, late Director of the Institute of Secondary Education at Havana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency M. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear-Admiral Christian Frederik Scheller;

M. Axel Vedel, His Chamberlain, head of a department in the Royal Ministry for Foreign Affairs.

The President of the Dominican Republic:

M. Francisco Henriquez y Carvajal, late Secretary of State in the Ministry for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

M. Apolinar Tejera, Rector of the Professional Institute of the Republic, member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and Madrid;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires.

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The President of the French Republic:

His Excellency M. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, late President of the Council of Ministers, late Minister for Foreign Affairs, member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration;

M. Louis Renault, Professor at the Faculty of Law at the Paris University, honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute of France, member of the Permanent Court of Arbitration;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the Hellenes:

His Excellency M. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

M. Georges Streit, Professor of International Law at the Athens University, member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

M. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, member of the Permanent Court of Arbitration;

M. Enrique Gomez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haïti:

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Pierre Hudicourt, late Professor of Public International Law, Advocate at the Port-au-Prince Bar.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, His Majesty's Ambassador at Paris, member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commander Guido Pompilj, Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs;

Commander Guido, Fusinato, Councillor of State, Deputy, late Minister of Instruction.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudsuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency M. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United States of Mexico:

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and The Hague.

His Majesty the King of Norway:

His Excellency M. Francis Hagerup, late President of the Council, late Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, member of the Permanent Court of Arbitration.

The President of the Republic of Panamá:

M. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency M. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

Count G. Du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands.

M. W. H. de Beaufort, Her late Minister for Foreign Affairs, member of the Second Chamber of the States-General;

His Excellency M. T. M. C. Asser, Her Minister of State, member of the Council of State, member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. de Beer Poortugael, retired Lieutenant-General, late Minister for War, member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, retired Vice-Admiral, late Minister of Marine;

M. J. A. Loeff, Her late Minister of Justice, member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and London, member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania:

His Excellency M. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency M. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

M. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, member of the Permanent Court of Arbitration;

M. Santiago Pérez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouïtch, President of the Council of State;

His Excellency M. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and The Hague.

His Majesty the King of Siam:

Major-General Mom Chatidej Udom;
M. C. Corragioni d'Orelli, His Councillor of Legation;
Captain Luang Bhüvanarth Narübal.

The Swiss Federal Council:

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and The Hague;
M. Eugene Borel, Colonel on the General Staff, Professor at the University of Geneva;
M. Max Huber, Professor of Law at the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;
His Excellency Rechid Bey, His Ambassador at Rome;
His Excellency Vice-Admiral Mehemmed Pasha.

The President of the Oriental Republic of Uruguay:

His Excellency M. José Batlle y Ordoñez, late President of the Republic, member of the Permanent Court of Arbitration;
His Excellency M. Juan P. Castro, late President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

M. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:—

Article 1

It is forbidden:

1. To lay unanchored automatic contact mines, unless they be so constructed as to become harmless one hour at most after the person who laid them has ceased to control them;
2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;
3. To use torpedoes which do not become harmless when they have missed their mark.

Article 2

The laying of automatic contact mines off the coast and ports of the enemy with the sole object of intercepting commercial shipping, is forbidden.

Article 3

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless after a limited time has elapsed, and, should the mines cease to be under observation, to notify the danger zones as soon as military exigencies permit, by a notice to mariners, which must also be communicated to the Governments through the diplomatic channel.

ARTICLE 4

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must give notice to mariners in advance of the places where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

ARTICLE 5

At the close of the war, the Contracting Powers undertake to do their utmost to remove the mines which they have laid, each Power removing its own mines.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

ARTICLE 6

The Contracting Powers which do not at present own perfected mines of the description contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

ARTICLE 7

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 8

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 9

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 10

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

ARTICLE 11

The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Unless denounced, it shall continue in force after the expiry of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of six months after the notification has reached the Netherland Government.

ARTICLE 12

The Contracting Powers agree to reopen the question of the employment of automatic contact mines six months before the expiry of the period contemplated in the first paragraph of the preceding Article, in the event of the question not having been already taken up and settled by the Third Peace Conference.

If the Contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment when it comes into force.

ARTICLE 13

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of accession (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 3) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.

(Under reservation of the following Declaration:—

"In affixing their signatures to the above Convention, the British Plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy.")

For Germany:
MARSCHALL.
KRIEGE.
(Under reservation of Article 2.)

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
ROQUE SAENZ PENA.
LUIS M. DRAGO.
C. RUEZ LARRETA.

For Austria-Hungary:
MEREY.
BON MACCHIO.

For Belgium:
A. BEERNAERT.
VAN DEN HEUVEL.
GUILLAUME.

For Bolivia:
CLAUDIO PINILLA.

For Brazil:
RUY BARBOSA.
E. LISBOA.

For Bulgaria:
MAJOR-GENERAL VINAROFF.
IV. KARANDJOULOFF.

For Chile:
DOMINGO GANA.
AUGUSTO MATTE.
CARLOS CONCHA.

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For Denmark:
A. VEDEL.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.
(With reservation in regard to paragraph 1 of Article 1.)

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALSUA.

For France:
MARCELLIN PELLET.
(Under reservation of Article 2.)

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.

For Guatemala:
JOSE TIBLE MACHADO.

For Haïti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Italy:
POMPILJ.
G. FUSINATO.

For Japan:
AIMARO SATO.

For Luxemburg:
EYSCHEN.
CTE DE VILLERS.

For Mexico:
G. A. ESTEVA.
S. B. DE MIER.
F. L. DE LA BARRA.

For Norway:
F. HAGERUP.

For Panamâ:
B. PORRAS.

For Paraguay:
G. DU MONCEAU.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER PORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

For Persia:
MOMTAZOS-SALTANEH M. SAMAD KHAN.
SADIGH UL MULK M. AHMED KHAN.

For Roumania:
EDG. MAVROCORDATO.

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.

For Servia:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.

For Siam:
MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHUVANARTH NARUBAL.
(Under reservation of Article 1, paragraph 1.)

For Switzerland:
CARLIN.

For Turkey:
TURKHAN.
(Under reservation of the Declarations recorded in the Minutes of the proceedings of the eighth plenary meeting of the Conference held on October 9, 1907.)

For Uruguay:
JOSE BATLLE Y ORDONEZ.

For Venezuela:
J. GIL FORTOUL.

(Translation)

PROTOCOL

In execution of Article 8 of the Convention relative to the Laying of Automatic Submarine Contact Mines, signed at The Hague on the 18th October, 1907, the Undersigned, duly authorized to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments, having been presented and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands, with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Convention.

Done at The Hague, November 27, 1909.

For Great Britain:
GEORGE W. BUCHANAN[1].

For Germany:
F. VON MULLER[1].

For the United States of America:
CHARLES D. WHITE.

For Austria-Hungary:
C. A. WYDENBRUCK.

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For Mexico:
ENRIQUE OLARTE.

For the Netherlands:
R. DE MAREES VAN SWINDEREN.

The Minister for Foreign Affairs,
R. de MAREES van SWINDEREN.

Certified to be a true copy:
The Secretary-General of the Ministry for Foreign Affairs of the Netherlands,
HANNEMA.

[1] Subject to the reservation made at the time of signature of the Convention.

SALVADOR.—The Ratification of the Republic of Salvador has also been received by the Netherland Government, and is regarded as having been deposited on November 27, 1909.

HAÏTI.—The Ratification of the Republic of Haïti was received by the Netherland Government on February 2, 1910.

ACCESSION

NICARAGUA.—The accession of the Republic of Nicaragua to the Convention has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

[1]INTERNATIONAL CONVENTION RESPECTING BOMBARDMENTS BY NAVAL FORCES IN TIME OF WAR

Signed at The Hague, October 18, 1907

[*British Ratification deposited at The Hague November* 27, 1909]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Columbia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

[1] From Treaty Series No. 13, 1910.

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application to safeguard the rights of the inhabitants and to assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulations of 1899 respecting the Laws and Customs of Land War; and

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a Convention to this effect, and have, for this purpose, appointed as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency the Right Honourable Sir Edward Fry, G.C.B., Privy Councillor, His Ambassador Extraordinary, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Sir Ernest Mason Satow, G.C.M.G., Privy Councillor, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Donald James Mackay, Baron Reay, G.C.S.I., G.C.I.E., Privy Councillor, formerly President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the German Emperor, King of Prussia:

His Excellency Baron Marschall de Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Doctor Johannes Kriege, His Special Envoy to the present Conference, His Privy Councillor of Legation and Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary of the Republic at The Hague;

Rear-Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the Federal Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency M. Roque Saenz Peña, late Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Luis M. Drago, late Minister for Foreign Affairs and Public Worship of the Republic, National Deputy, member of the Permanent Court of Arbitration;

His Excellency M. Carlos Rodriguez Larreta, late Minister for Foreign Affairs and Public Worship of the Republic, member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Gaëtan Mérey de Kapos-Mére, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency M. Beernaert, His Minister of State, member of the Chamber of Representatives, member of the Institute of France and of the Royal Academies of Belgium and Roumania, honorary member of the Institute of International Law, member of the Permanent Court of Arbitration;

His Excellency M. J. Van den Heuvel, His Minister of State, late Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, member of the Royal Acadeny of Roumania.

The President of the Republic of Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, member of the Permanent Court of Arbitration;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

M. Vrban Vinaroff, Major-General on the Staff, His General *à la suite;*

M. Ivan Karandjouloff, Procurator-General of the Court of Cassation.

The Provisional Governor of the Republic of Cuba:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency M. Carlos Concha, late Minister of War, late President of the Chamber of Deputies, late Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

M. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provincial Governor of the Republic of Cuba:

M. Antonio Sanchez de Bustamante, Professor of International Law at the Havana University, Senator of the Republic;

His Excellency M. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Manuel Sanguily, late Director of the Institute of Secondary Education at Havana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency M. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear-Admiral Christian Frederik Scheller;

M. Axel Vedel, His Chamberlain, head of a department in the Royal Ministry for Foreign Affairs.

The President of the Dominican Republic:

M. Francisco Henriquez y Carvajal, late Secretary of State in the Ministry for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

M. Apolinar Tejera, Rector of the Professional Institute of the Republic member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and Madrid;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency M. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, late President of the Council of Ministers, late Minister for Foreign Affairs, member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration;

M. Louis Renault, Professor at the Faculty of Law at the Paris University, honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute of France, member of the Permanent Court of Arbitration;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the Hellenes:

His Excellency M. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

M. Georges Streit, Professor of International Law at the Athens University, member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

M. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, member of the Permanent Court of Arbitration;

M. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Pierre Hudicourt, late professor of Public International Law, advocate at the Port-au-Prince Bar.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, His Majesty's Ambassador at Paris, member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commander Guido Pompilj, Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs;

Commander Guido Fusinato, Councillor of State, Deputy, late Minister of Instruction.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency M. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United States of Mexico:

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency M. Nelidow, Imperial Privy Councillor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency M. de Martens, Imperial Privy Councillor, permanent member of the Council of the Russian Imperial Ministry for Foreign Affairs;

His Excellency M. Tcharykow, Imperial Councillor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency M. Francis Hagerup, late President of the Council, late Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, member of the Permanent Court of Arbitration.

The President of the Republic of Panamá:

M. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency M. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. Du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

M. W. H. de Beaufort, Her late Minister for Foreign Affairs, member of the Second Chamber of the States-General;

His Excellency M. T. M. C. Asser, Her Minister of State, member of the Council of State, member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, retired Lieutenant-General, late Minister for War, member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, retired Vice-Admiral, late Minister of Marine;

M. J. A. Loeff, Her late Minister of Justice, member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and London, member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and the Algarves, &c.:

His Excellency the Marquis of Soveral, His Councillor of State, Peer of the Realm, late Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency M. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency M. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency M. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency M. Nelidow, His Privy Councillor, His Ambassador at Paris;

His Excellency M. de Martens, His Privy Councillor, permanent member of the Council of the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration;

His Excellency M. Tcharykow, His Councillor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

M. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, member of the Permanent Court of Arbitration;

M. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouïtch, President of the Council of State;

His Excellency M. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and The Hague.

His Majesty the King of Siam:

Major-General Mom Chatidej Udom;

M. C. Corragioni d'Orelli, His Councillor of Legation;

Captain Luang Bhüvanarth Narübal.

His Majesty the King of Sweden, of the Goths and the Wends:

His Excellency M. Knut Hjalmar Leonard Hammarskjöld, His late Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, member of the Permanent Court of Arbitration;

M. Johannes Hellner, His late Minister (without portfolio), late member of the Supreme Court of Sweden, member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and The Hague;

M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva;

M. Max Huber, Professor of Law at the University of Zurich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Vice-Admiral Mehemmed Pasha.

The President of the Oriental Republic of Uruguay:

His Excellency M. José Batlle y Ordoñez, late President of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Juan P. Castro, late President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

M. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:—

Chapter I.—*Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings.*

Article 1.

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place may not be bombarded solely on the ground that automatic submarine contact mines are anchored off the harbour.

Article 2.

Military works, military or naval establishments, depôts of arms or war material, workshops or plant which could be utilized for the needs of the hostile fleet or army, and ships of war in the harbour, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable interval of time, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

The Commander incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

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If for military reasons immediate action is necessary, and no delay can be allowed to the enemy, it is nevertheless understood that the prohibition to bombard the undefended town holds good, as in the case given in the first paragraph, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE 3.

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, on a formal summons being made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

Such requisitions shall be proportional to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in ready money; if not, receipts shall be given.

ARTICLE 4.

The bombardment of undefended ports, towns, villages, dwellings, or buildings, on account of failure to pay money contributions, is forbidden.

Chapter II.—*General Provisions.*

ARTICLE 5.

In bombardments by naval forces all necessary steps must be taken by the commander to spare as far as possible buildings dedicated to public worship, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, provided that they are not used at the time for military purposes.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two painted triangular portions, the upper portion black, the lower portion white.

ARTICLE 6.

Unless military exigencies render it impossible, the officer in command of an attacking naval force must, before commencing the bombardment, do all in his power to warn the authorities.

ARTICLE 7.

The giving over to pillage of a town or place, even when taken by assault, is forbidden.

Chapter III.—*Final Provisions.*

ARTICLE 8

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 9.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein, and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 10

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 11

The Present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

ARTICLE 12

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

ARTICLE 13

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 9, paragraphs 3 and 4, as well as the date on which the notifications of accession (Article 10, paragraph 2) or of denunciation (Article 12, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

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Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.
(Under reservation of paragraph 2 of Article 1.)

For Germany:
MARSCHALL.
KRIEGE.
(Under reservation of Article 1, paragraph 2.)

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
ROQUE SAENZ PENA.
LUIS M. DRAGO.
C. RUEZ LARRETA.

For Austria-Hungary:
MEREY.
BON MACCHIO.

For Belgium:
A. BEERNAERT.
J. VAN DEN HEUVEL.
GUILLAUME.

For Bolivia:
CLAUDIO PINILLA.

For Brazil:
RUY BARBOSA.
E. LISBOA.

For Bulgaria:
MAJOR-GENERAL VINAROFF.
IV. KARANDJOULOFF.

For Chile:
DOMINGO GANA.
AUGUSTO MATTE.
CARLOS CONCHA.
(Under the reservation of Article 3 made at the fourth plenary meeting held on August 17.)

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For Denmark:
C. BRUN.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALSUA.

For France:
MARCELLIN PELLET.
(Under reservation of paragraph 2 of Article 1.)

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.

For Guatémala:
JOSE TIBLE MACHADO.

For Haïti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Italy:
POMPILJ.
G. FUSINATO.

For Japan:
AIMARO SATO.
(With reservation of paragraph 2 of Article 1.)

For Luxemburg:
EYSCHEN.
CTE. DE VILLERS.

For Mexico:
G. A. ESTEVA.
S. B. DE MIER.
F. L. DE LA BARRA.

For Montenegro:
NELIDOW.
MARTENS.
N. TCHARYKOW.

For Norway:
F. HAGERUP.

For Panamá:
B. PORRAS.

For Paraguay:
G. DU MONCEAU.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER PORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

For Persia:
MONTAZOS-SALTANEH
M. SAMAD KHAN.
SADIGH UL MULK
M. AHMED KHAN.

For Portugal:
ALBERTO D'OLIVEIRA.

For Roumania:
EDG. MAVROCORDATO.

For Russia:
NELIDOW.
MARTENS.
N.TCHARYKOW.

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.

For Servia:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.

For Siam:
MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHUVANARTH
NARUBAL.

For Sweden:
K. H. L. HAMMARSKJOLD.
JOH. HELLNER.

For Switzerland:
CARLIN.

For Turkey:
TURKHAN.

For Uruguay.
JOSE BATLLE Y ORDONEZ.

For Venezuela:
J. GIL FORTOUL.

(Translation)

PROTOCOL

In execution of Article 9 of the Convention concerning Bombardments by Naval Forces in Time of War, signed at The Hague, October 18, 1907, the Undersigned, duly authorized to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments having been presented, and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated through the diplomatic channel

to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Convention.

Done at The Hague, November 27, 1909.

For Great Britain:
GEORGE W. BUCHANAN.[1]

For Germany:
F. VON MULLER.[1]

For the United States of America:
CHARLES D. WHITE.

For Austria-Hungary:
C. A. WYDENBRUCK.

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For Mexico:
ENRIQUE OLARTE.

For the Netherlands:
R. DE MAREES VAN SWINDEREN.

For Russia:
P. PAHLEN.

For Sweden:
DE DARDEL.

The Minister for Foreign Affairs,
R. de MAREES van SWINDEREN.

Certified to be a true copy:

The Secretary-General of the Netherland Ministry for Foreign Affairs,

HANNEMA.

BOLIVIA and SALVADOR.—The Ratifications of the Republics of Bolivia and Salvador have also been received by the Netherland Government, and are regarded as having been deposited on November 27, 1909.

HAÏTI.—The Ratification of the Republic of Haïti was received by the Netherland Government on February 2, 1910.

ACCESSIONS

CHINA.—The accession of China to the Convention has been notified to the Netherland Government by means of a notification made by the Chinese Minister on January 15, 1910, and received by them on the same date.

NICARAGUA.—The accession of the Republic of Nicaragua to the Convention has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

[2]INTERNATIONAL CONVENTION RELATIVE TO CERTAIN RESTRICTIONS ON THE EXERCISE OF THE RIGHT OF CAPTURE IN MARITIME WAR.

Signed at The Hague, October 18, 1907.

[*British Ratification deposited at The Hague November 27, 1909.*]

(Translation.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of

[1] Subject to the reservation made at the time of signature of the Convention.
[2] From Treaty Series No. 14, 1910.

Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; The President of the French Republic; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Recognizing the necessity of ensuring more effectively than hitherto the equitable application of law to the international relations of maritime Powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to undertake to codify in regulations of general application the guarantees due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of Governments;

That a certain number of rules may be made forthwith, without thereby affecting the law now in force with regard to the matters which these rules do not touch;

Have appointed as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency the Right Honourable Sir Edward Fry, G.C.B., Privy Councillor, His Ambassador Extraordinary, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Sir Ernest Mason Satow, G.C.M.G., Privy Councillor, member of the Permanent Court of Arbitration;

His Excellency the Right Honourable Donald James Mackay, Baron Reay, G.C.S.I., G.C.I.E., Privy Councillor, formerly President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the German Emperor, King of Prussia:

His Excellency Baron Marschall de Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Doctor Johannes Kriege, His Special Envoy to the present Conference, His Privy Councillor of Legation and Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary of the Republic at The Hague;

Rear-Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the Federal Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency M. Roque Saenz Peña, late Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Luis M. Drago, late Minister for Foreign Affairs and Public Worship of the Republic, National Deputy, member of the Permanent Court of Arbitration;

His Excellency M. Carlos Rodriguez Larreta, late Minister for Foreign Affairs and Public Worship of the Republic, member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Gaëtan Mérey de Kapos-Mére, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency M. Beernaert, His Minister of State, member of the Chamber of Representatives, member of the Institute of France and of the Royal Academies of Belgium and Roumania, honorary member of the Institute of International Law, member of the Permanent Court of Arbitration;

His Excellency M. J. Van den Heuvel, His Minister of State, late Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United State of Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, member of the Permanent Court of Arbitration;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

M. Vrban Vinaroff, Major-General on the Staff, His General *à la suite;*

M. Ivan Karandjouloff, Procurator-General of the Court of Cassation.

The President of the Republic of Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency M. Carlos Concha, late Minister of War, late President of the Chamber of Deputies, late Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

M. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

M. Antonio Sanchez de Bustamante, Professor of International Law at Havana University, Senator of the Republic;

His Excellency M. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Manuel Sanguily, late Director of the Institute of Secondary Education at Havana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency M. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear-Admiral Christian Frederik Scheller;

M. Axel Vedel, His Chamberlain, head of a department in the Royal Ministry for Foreign Affairs.

The President of the Dominican Republic:

M. Francisco Henriquez y Carvajal, late Secretary of State in the Ministry for Foreign Affairs of the Republic, member of the Permanent Court of Arbitration;

M. Apolinar Tejera, Rector of the Professional Institute of the Republic, member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and Madrid;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires.

His Majesty the King of Spain:

His Excellency M. W. R. de Villa-Urrutia, Senator, late Minister for Foreign Affairs, His Ambassador Extraordinary and Plenipotentiary at London;

His Excellency M. José de la Rica y Calvo, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

M. Gabriel Maura y Gamazo, Count de Mortera, Deputy in the Cortes.

The President of the French Republic:

His Excellency M. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, late President of the Council of Ministers, late Minister for Foreign Affairs, member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration;

M. Louis Renault, Professor at the Faculty of Law at the Paris University, honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute of France, member of the Permanent Court of Arbitration;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the Hellenes:

His Excellency M. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

M. Georges Streit, Professor of International Law at the Athens University, member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

M. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, member of the Permanent Court of Arbitration;

M. Enrique Gomez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haïti:

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

M. Pierre Hudicourt, late professor of Public International Law, advocate at the Port-au-Prince Bar.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, His Majesty's Ambassador at Paris, member of the Permanent Court of Arbitration, President of the Italian Delegation, Delegate Plenipotentiary;

His Excellency Commander Guido Pompilj, Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs;

Commander Guido Fusinato, Councillor of State, Deputy, late Minister of Instruction.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency M. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United States of Mexico:

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and The Hague.

His Majesty the King of Norway:

His Excellency M. Francis Hagerup, late President of the Council late Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, member of the Permanent Court of Arbitration.

The President of the Republic of Panamá:

M. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency M. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. Du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

M. W. H. de Beaufort, Her late Minister for Foreign Affairs, member of the Second Chamber of the States-General;

His Excellency M. T. M. C. Asser, Her Minister of State, member of the Council of State, member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, retired Lieutenant-General, late Minister for War, member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, retired Vice-Admiral, late Minister of Marine;

M. J. A. Loeff, Her late Minister of Justice, member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and London, member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia:

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and the Algarves, &c.:

His Excellency the Marquis of Soveral, His Councillor of State, Peer of the Realm, late Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency M. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania:

His Excellency M. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency M. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador:

M. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, member of the Permanent Court of Arbitration;

M. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia:

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency M. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration;

His Excellency M. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and The Hague.

His Majesty the King of Siam:

Major-General Mom Chatidej Udom;
M. C. Corragioni d'Orelli, His Councillor of Legation;
Captain Luang Bhüvanarth Narübal.

His Majesty the King of Sweden, of the Goths and the Wends:

His Excellency M. Knut Hjalmar Leonard Hammarskjöld, His late Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, member of the Permanent Court of Arbitration;

M. Johannes Hellner, His late Minister (without portfolio), late member of the Supreme Court of Sweden, member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and The Hague;

M. Eugene Borel, Colonel on the General Staff, Professor at the University of Geneva;

M. Max Huber, Professor of Law at the University of Zurich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Vice-Admiral Mehemmed Pasha.

The President of the Oriental Republic of Uruguay:

His Excellency M. José Batlle y Ordoñez, late President of the Republic, member of the Permanent Court of Arbitration;

His Excellency M. Juan P. Castro, late President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

M. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:—

Chapter I.—*Postal Correspondence.*

Article 1

The postal correspondence of neutrals or belligerents, whatever its official or private character, found at sea on board a neutral or enemy ship is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph do not, in case of violation of blockade, apply to correspondence proceeding to or from a blockaded port.

Article 2.

The inviolability of postal correspondence does not exempt a neutral mail-ship from the laws and customs of naval war respecting neutral merchant-ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

Chapter II.—*Exemption from Capture of certain Vessels.*

Article 3.

Vessels employed exclusively in coast fisheries, or small boats employed in local trade, together with their appliances, rigging, tackle, and cargo, are exempt from capture.

This exemption no longer applies from the moment that they take any part whatever in hostilities.

The Contracting Powers bind themselves not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

Article 4.

Vessels employed on religious, scientific, or philanthropic missions are likewise exempt from capture.

Chapter III.—*Regulations regarding the Crews of Enemy Merchant-ships captured by a Belligerent.*

Article 5.

When an enemy merchant-ship is captured by a belligerent, such of its crew as are subjects or citizens of a neutral State are not made prisoners of war.

The same principle applies in the case of the captain and officers, likewise subjects or citizens of a neutral State, if they give a formal undertaking in writing not to serve on an enemy ship while the war lasts.

Article 6.

The captain, officers, and members of the crew, if subjects or citizens of the enemy State, are not made prisoners of war, provided that they undertake, on the faith of a written promise, not to engage, while hostilities last, in any service connected with the operations of the war.

Article 7.

The names of the persons retaining their liberty under the conditions laid down in article 5, in the second paragraph, and in article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

Article 8

The provisions of the three preceding articles do not apply to ships taking part in hostilities.

Chapter IV.—*Final Provisions*

Article 9

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 10

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 11

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 12

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession, has been received by the Netherland Government.

ARTICLE 13

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

ARTICLE 14

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of article 10, paragraphs 3 and 4, as well as the date on which the notifications of accession (article 11, paragraph 2) or of denunciation (article 13, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.

For Germany:
MARSCHALL.
KRIEGE.

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
ROQUE SAENZ PENA.
LUIS M. DRAGO.
C. RUEZ LARRETA.

For Austria-Hungary:
MEREY.
BON MACCHIO.

For Belgium:
A. BEERNAERT.
VAN DEN HEUVEL.
GUILLAUME.

For Bolivia:
CLAUDIO PINILLA.

For Brazil:
RUY BARBOSA.
E. LISBOA.

For Bulgaria:
MAJOR-GENERAL VINAROFF.
IV. KARANDJOULOFF.

For Chile:
DOMINGO GANA.
AUGUSTO MATTE.
CARLOS CONCHA.

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For Denmark:
C. BRUN.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALSUA.

For Spain:
W. R. DE VILLA URRUTIA.
JOSE DE LA RICA Y CALVO.
GABRIEL MAURA.

For France:
LEON BOURGEOIS.
D'ESTOURNELLES DE CONSTANT.
L. RENAULT.
MARCELLIN PELLET.

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.

For Guatemala:
JOSE TIBLE MACHADO.

For Haiti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Italy:
POMPILJ.
G. FUSINATO.

For Japan:
AIMARO SATO.

For Luxemburg:
EYSCHEN.
CTE. DE VILLERS.

For Mexico:
G. A. ESTEVA.
S. B. DE MIER.
F. L. DE LA BARRA.

For Norway:
F. HAGERUP.

For Panamá:
B. PORRAS.

For Paraguay:
J. DU MONCEAU.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER POORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

For Persia:
MOMTAZOS-SALTANEH M. SAMAD KHAN.
SADIGH UL MULK M. AHMED KHAN.

Pour le Portugal:
MARQUIS DE SOVERAL.
CONDE DE SELIR.
ALBERTO D'OLIVEIRA.

For Roumania:
EDG. MAVROCORDATO.

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.

For Servia:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.

For Siam:
MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHUVANARTH NARUBAL.

For Sweden:
JOH. HELLNER.

For Switzerland:
CARLIN.

For Turkey:
TURKHAN.

For Uruguay:
JOSE BATLLE Y ORDONEZ.

For Venezuela:
J. GIL FORTOUL.

(Translation)

PROTOCOL

In execution of Article 10 of the Convention relative to certain Restrictions on the Exercise of the Right of Capture in Maritime War, signed at The Hague on the 18th October, 1907, the Undersigned, duly authorized to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments, having been presented and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Convention.

Done at The Hague, November 27, 1909.

For Great Britain:
GEORGE W. BUCHANAN.

For Germany:
F. VON MULLER.

For the United States of America:
CHARLES D. WHITE.

For Austria-Hungary:
C. A. WYDENBRUCK.

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For Mexico:
ENRIQUE OLARTE.

For the Netherlands:
R. DE MAREES VAN SWINDEREN.

For Sweden:
DE DARDEL.

The Minister for Foreign Affairs,
R. de MAREES van SWINDEREN.

Certified to be a true copy:

The Secretary-General of the Ministry for Foreign Affairs of the Netherlands,

HANNEMA.

SALVADOR.—The Ratification of the Republic of Salvador has also been received by the Netherland Government, and is regarded as having been deposited on November 27, 1909.

HAÏTI.—The Ratification of the Republic of Haïti was received by the Netherland Government on February 2, 1910.

ACCESSION

NICARAGUA.—The accession of the Republic of Nicaragua to the Convention has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

[1]INTERNATIONAL DECLARATION PROHIBITING THE DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS.

Signed at The Hague, October 18, 1907.

[*British Ratification deposited at The Hague November* 27, 1909]

(Translation)

The Undersigned, Plenipotentiaries of the Powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburgh of the 29th November (11th December), 1868, and being desirous of renewing the Declaration of The Hague of the 29th July, 1899, which has now expired,

Declare:

The Contracting Powers agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

[1] From Treaty Series No. 15, 1910.

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It shall cease to be binding from the moment when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A Protocol shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the Contracting Powers.

Non-Signatory Powers may accede to the present Declaration. To do so, they must make known their accession to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall only operate on the expiry of one year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only operate in respect of the denouncing Power.

In faith whereof the Plenipotentiaries have appended their signatures to the present Declaration.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Contracting Powers.

For Great Britain:
EDW. FRY.
ERNEST SATOW.
REAY.
HENRY HOWARD.

For the United States of America:
JOSEPH H. CHOATE.
HORACE PORTER.
U. M. ROSE.
DAVID JAYNE HILL.
C. S. SPERRY.
WILLIAM I. BUCHANAN.

For the Argentine Republic:
LUIS M. DRAGO.

For Austria-Hungary:
MEREY.
BON MACCHIO.

For Belgium:
A. BEERNAERAT.
VAN DEN HEUVEL.
GUILLAUME.

For Bolivia:
CLAUDIO PINILLA.

For Brazil:
RUY BARBOSA.
E. LISBOA.

For Bulgaria:
Major-General VINAROFF.
IV. KARANDJOULOFF.

For China:
LOUTSENGTSIANG.
TSIENSUN.

For Colombia:
JORGE HOLGUIN.
S. PEREZ TRIANA.
M. VARGAS.

For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE.
GONZALO DE QUESADA.
MANUEL SANGUILY.

For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL.
APOLINAR TEJERA.

For Ecuador:
VICTOR M. RENDON.
E. DORN Y DE ALSUA.

For Greece:
CLEON RIZO RANGABE.
GEORGES STREIT.

For Hayti:
DALBEMAR JN. JOSEPH.
J. N. LEGER.
PIERRE HUDICOURT.

For Luxemburg:
EYSCHEN.
CTE. DE VILLERS.

For Norway:
F. HAGERUP.

For Panamà:
B. PORRAS.

For the Netherlands:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER POORTUGAEL.
J. A. ROELL.
J. A. LOEFF.

For Peru:
C. G. CANDAMO.

For Persia:
MOMTAZOS-SALTANEH M. SAMAD KHAN.
SADIGH UL MULK M. AHMED KHAN.

For Portugal:
MARQUIS DE SOVERAL.
CONDE DE SELIR.
ALBERTO D'OLIVEIRA.

For Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.

For Siam:
MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHUVANARTH NARUBAL.

For Switzerland:
CARLIN.

For Turkey:
TURKHAN.

For Uruguay:
JOSE BATLLE Y ORDONEZ.

(Translation)

PROTOCOL

In execution of the Declaration Prohibiting the Discharge of Projectiles and Explosives from Balloons, signed at The Hague on the 18th October, 1907, the undersigned, duly authorized to that effect, have met together in order to proceed to the deposit of the Ratifications by their respective Governments of the aforesaid Convention.

These instruments, having been presented and found to be in good and due form, have been handed over to the Minister for Foreign Affairs of Her Majesty the Queen of the Netherlands, with a view to their deposit in the archives of the Kingdom.

In testimony whereof the present Protocol has been drawn up, of which a duly certified copy shall be communicated through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which shall have acceded to the Declaration.

Done at The Hague, November 27, 1909.

For Great Britain:
GEORGE W. BUCHANAN.

For the United States of America:
CHARLES D. WHITE.

For China:
LOUTSENGTSIANG.

For the Netherlands:
R. DE MAREES VAN SWINDEREN.

The Minister for Foreign Affairs,
R. de MAREES van SWINDEREN.

Certified to be a true copy:
The Secretary-General of the Ministry for Foreign Affairs of the Netherlands,
HANNEMA.

18794—19½

BOLIVIA and SALVADOR.—The Ratifications of the Republics of Bolivia and Salvador have also been received by the Netherland Government, and are regarded as having been deposited on November 27, 1909.

HAÏTI.—The Ratification of the Republic of Haïti was received by the Netherland Government on February 2, 1910.

ACCESSION

NICARAGUA.—The accession of the Republic of Nicaragua to the Declaration has been notified to the Netherland Government by means of a notification made by the Nicaraguan Minister on December 14, 1909, and received by them on December 16, 1909.

[1]INTERNATIONAL AGREEMENT RESPECTING THE CREATION OF AN INTERNATIONAL OFFICE OF PUBLIC HEALTH

Signed at Rome, December 9, 1907

[*Procès-verbal recording Deposit of Ratifications at Rome, dated November 15, 1908*]

[Accession of Canada, April 11, 1910; classed in fifth category]

(Translation)

THE Governments of Great Britain and Ireland, of Belgium, Brazil, Spain, the United States, the French Republic, Italy, the Netherlands, Portugal, Russia, Switzerland, and the Government of His Highness the Khedive of Egypt, deeming it useful to organize the International Office of Public Health contemplated in the Paris Sanitary Convention of the 3rd December, 1903, have decided to conclude an Agreement to that effect, and have agreed as follows:

ART. 1. The High Contracting Parties undertake to found and maintain an International Office of Public Health, which shall be established in Paris.

ART. 2. The Office shall be under the authority and control of a Committee formed of Delegates of the Contracting Governments. The composition and attributes of this Committee, as well as the organisation and powers of the said Office, shall be determined by the statutes of constitution which are annexed to the present Agreement and are considered as forming an integral part of it.

ART. 3. The cost of installation, as well as the annual expenses of working and upkeep of the Office, shall be met by the contributions of the Contracting States as fixed in accordance with the conditions laid down by the statutes of constitution referred to in Article 2.

ART. 4. The sums representing the contribution of each of the Contracting States shall be paid by the latter at the commencement of each year through the Ministry for Foreign Affairs of the French Republic, to the "Caisse des Dépôts et Consignations" at Paris, from which they will be withdrawn, according to requirements, on orders signed by the Director of the Office.

ART. 5. The High Contracting Parties reserve to themselves the right of introducing into the present Agreement, by mutual consent, such modifications as experience may show to be useful.

ART. 6. The Governments which have not signed the present Agreement shall be permitted to accede to it on their request. This accession shall be

[1] From Treaty Series No. 6, 1909.

notified through the diplomatic channel to the Italian Government, and by the latter to the other Contracting Governments; it will involve an undertaking to participate in the expenses of the Office by a contribution in accordance with the conditions referred to in Article 3.

ART. 7. The present Agreement shall be ratified, and the ratifications shall be deposited at Rome as soon as possible; it shall be put into force from the date on which the deposit of the ratifications shall have been effected.

ART. 8. The present Agreement is concluded for a period of seven years. At the expiration of this term it shall continue to remain in force for fresh periods of seven years between the States which shall not have notified, one year before the expiration of each period their intention of suspending its provisions in so far as they are concerned.

In witness whereof the Undersigned, duly authorized thereto, have drawn up the present Agreement, to which they have affixed their seals.

Done at Rome, the ninth day of December, nineteen hundred and seven, in a single copy which shall remain deposited in the archives of the Italian Government and of which duly certified copies shall be transmitted, through the diplomatic channel, to the Contracting Parties.

For Great Britain:
(L.S.) THEODORE THOMPSON.
(L.S.) B. FRANKLIN.

For Belgium:
(L.S.) E. BECO.
(L.S.) O. VELGHE.

For Brazil:
(L.S.) DR. EGYDIO DE SALLES GUERRA.
(L.S.) DR. HENRIQUE DE ROCHA LIMA.

For Spain:
(L.S.) MANUEL DE TOLOSA LATOUR.
(L.S.) PABLO SOLER.

For the United States:
(L.S.) A. M. LAUGHLIN.
(L.S.) R. S. REYNOLDS HITT.

For France:
(L.S.) CAMILLE BARRERE.
(L.S.) J. DE CAZOTTE.
(L.S.) ER. RONSSIN.

For Italy:
(L.S.) ROCCO SANTOLIQUIDO.
(L.S.) ADOLFO COTTA.

For the Netherlands:
(L.S.) H. DE WEEDE.

For Portugal:
(L.S.) M. DE CARVALHO E. VASCONCELLOS.

For Russia
(L.S.) BARON KORFF.

For Switzerland:
(L.S.) J. B. PIODA.

For Egypt:
(L.S.) IBRAHIM NEGUIB.
(L.S.) MARC ARMAND RUFFER.

(Translation)

Annex

Statutes of Constitution of the International Office of Public Health

ART. 1. An International Office of Public Health, dependent upon the States who agree to take part in its conduct, shall be established at Paris.

ART. 2. The Office may not interfere in any way in the administration of the different States.

It shall be independent of the authorities of the country in which it is situated.

It shall correspond directly with the higher health authorities of the different countries and with the Sanitary Councils.[1]

ART. 3. The Government of the French Republic shall, at the request of the International Committee referred to in Article 6, take the steps necessary to have the Office recognized as an establishment of public utility.

ART. 4. The principal object of the Office is to collect and bring to the knowledge of the participating States the facts and documents of a general character which relate to public health, and especially as regards infectious diseases, notably, cholera, plague, and yellow fever, as well as the measures taken to combat these diseases.

ART. 5. The Governments shall inform the Office of the steps taken by them to insure the application of International Sanitary Conventions. The Office shall suggest the modifications which it might be advantageous to introduce into the provisions of these Conventions.

ART. 6. The Office shall be placed under the authority and control of an International Committee composed of technical representatives, designated by the participating States, in the proportion of one representative for every State.

To each State shall be allotted a number of votes in inverse ratio to the number of the category to which it belongs for the purpose of participation in the expenses of the office (see Article 11).

ART. 7. The Committee of the Office shall assemble periodically at least once a year; the duration of its sessions shall not be restricted.

The members of the Committee shall elect, by ballot, a President to hold office for a term of three years.

ART. 8. The work of the Office shall be performed by a paid staff, comprising:—

A Director;
A General Secretary;
The persons necessary for carrying on the work of the Office.

The Staff of the Office shall not be allowed to fill any other paid position whatever.

The Director and the General Secretary shall be appointed by the Committee.

The Director shall take part in the meetings of the Committee without the right of voting.

The appointment and dismissal of the employees in every category shall be vested in the Director, who shall report to the Committee.

[1] By "Sanitary Council" is understood the Councils of Alexandria, Constantinople, Tangier, Tehran, and all other Councils which may be entrusted with the duty of applying International Sanitary Conventions.

ART. 9. The information collected by the Office shall be brought to the notice of the participating States by means of a Bulletin or by special communications which shall be addressed to them either in the ordinary course or at their request.

The Office shall, moreover, periodically set forth the results of its activities in official reports, which shall be communicated to the participating Governments.

ART. 10. The Bulletin, which shall be issued at least once a month, shall comprise especially:—

(1) Laws and general or local regulations promulgated in the various countries respecting transmissible diseases;
(2) Information respecting the spread of infectious diseases;
(3) Information respecting the works executed or the measures taken for improving the healthiness of localities;
(4) Statistics dealing with public health;
(5) Bibliographical notes.

French shall be the official language of the Office and of the Bulletin. The Committee shall have power to decide that parts of the Bulletin shall be published in other languages.

ART. 11. The expenses necessary for the working of the Office, estimated at 150,000 fr. a year, shall be met by the States signatories of the Convention, whose contribution is fixed according to the following categories:—

First category: Brazil, Spain, United States, France,
Great Britain, British India, Italy, Russia....with 25 units each;
Second category .....with 20 units each;
Third category: Belgium, Egypt, the Netherlands..with 15 units each;
Fourth category: Switzerland .....with 10 units each;
Fifth category .....with 5 units each;
Sixth category .....with 3 units each;

It shall not be possible to exceed this sum of 150,000 fr. without the consent of the Signatory Powers.

Each State has the right to inscribe itself subsequently in a higher category.

The States which shall subsequently accede to the Convention shall choose the category in which they wish to inscribe themselves.

ART. 12. A sum, destined for the formation of a reserve fund, shall be set aside from the annual resources. The total amount of this reserve, which may not exceed the amount of the annual budget, shall be invested in first-class Government stocks.

ART. 13. The members of the Committee shall be indemnified for their travelling expenses from the funds applied to the working of the Office. They shall also receive an attendance fee for each meeting at which they are present.

ART. 14. The Committee shall fix the sum to be set aside annually in its budget as a contribution towards insuring a pension for the staff of the Office.

ART. 15. The Committee shall draw up its annual budget and approve the statement of expenditure. It shall frame regulations for the control of the staff, and also make all the provisions necessary for the working of the Office.

These regulations and these provisions shall be communicated by the Committee to the participating States, and shall not be modified without their consent.

ART. 16. A statement of the administration of the funds of the Office shall be presented annually to the participating States after the close of the financial year.

For Great Britain:
THEODORE THOMSON.
B. FRANKLIN.

For Belgium:
E. BECO.
O. VELGHE.

For Brazil:
DR. EGYDIO DE SALLES GUERRA.
DR. HENRIQUE DE ROCHA LIMA.

For Spain:
MANUEL DE TOLOSA LATOUR.
PABLO SOLER.

For the United States:
A. M. LAUGHLIN.
R. S. REYNOLDS HITT.

For France:
CAMILLE BARRERE.
J. DE CAZOTTE.
ER. RONSSIN.

For Italy:
ROCCO SANTOLIQUIDO.
ADOLFO COTTA.

For the Netherlands:
H. DE WEEDE.

For Portugal:
M. DE CARVALHO E VASCONCELLOS.

For Russia:
BARON KORFF.

For Switzerland:
J. B. PIODA.

For Egypt:
IBRAHIM NEGUIB.
MARC ARMAND RUFFER.

(Translation)

PROCÈS-VERBAL

ARTICLE 7 of the Agreement signed at Rome on the 9th December, 1907, for the creation of an International Office of Public Health having provided that the ratifications of the said Agreement are to be exchanged by means of deposit with the Italian Government, the present *Procès-verbal* has been opened for the purpose at the Italian Ministry for Foreign Affairs.

There have been presented for deposit:

ALBERT LEGRAND	on the 28th July, 1908, the ratification of the President of the French Republic;
Baron KORFF	on the 28th July, 1908, the ratification of His Majesty the Emperor of All the Russias;
WILLIAM ERSKINE	on the 28th July, 1908, the ratification of His Majesty the King of Great Britain and Ireland;
GARRETT	on the 1st August, 1908, the ratification of the President of the United States of America;
CARLOS GASSAND	on the 7th August, 1908, the ratification of His Majesty the King of Spain;
van GROOTVEN	on the 8th August, 1908, the ratification of His Majesty the King of the Belgians;
R. SANTOLIQUIDO	on the 20th October, 1908, the ratification of His Majesty the King of Italy;
J. B. PIODA	on the 24th October, 1908, the ratification of the President of the Swiss Confederation;
ALBERT FIALHO	on the 28th October, 1908, the ratification of the President of the United States of Brazil.

In pursuance of an understanding arrived at between all the Governments signatory of the above-mentioned Agreement of the 9th December, 1907, the present *Procès-verbal* has been closed this day, the 15th November, 1908, with the reservation on behalf of the Netherlands, Portugal, and Egypt[1] of the right of depositing their ratifications at a later date, and within the shortest possible period. The Government of the King shall take note of these ratifications, and shall inform the other ratifying Powers of the deposit of the ratifications of the three Powers above mentioned.

A certified copy of the present *Procès-verbal* shall be communicated by the Royal Italian Government to each of the other Powers which have ratified the Agreement of the 9th December, 1907.

Rome, the 15th November, 1908.

The Minister for Foreign Affairs of Italy,
TITTONI.

ACCESSIONS

SERVIA acceded April 3, 1908.
TUNIS " November 3, 1908.
PERU " December 2, 1908.

1908

[2]ARBITRATION CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA, TOGETHER WITH AN EXCHANGE OF NOTES AS TO THE INTERPRETATION OF ARTICLE 2.

Signed at Washington, April 4, 1908

(Ratifications exchanged at Washington, June 4, 1908)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India and the President of the United States of America, desiring in pursuance of the principles set forth in Articles 15-19 of the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, to enter into negotiations for the conclusion of an Arbitration Convention, have named as their Plenipotentiaries, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, The Right Honourable James Bryce, O.M., and,

The President of the United States of America, Elihu Root, Secretary of State of the United States,

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

ARTICLE I

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention

[1] The Ratification of His Highness the Khedive of Egypt was deposited at Rome, November 20, 1908.
[2] From Treaty Series No. 21, 1908.

of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE 2

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States by and with the advice and consent of the Senate thereof: His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing Dominion of the British Empire to obtain the concurrence therein of the Government of that Dominion.

Such Agreements shall be binding only when confirmed by the two Governments by an Exchange of Notes.

ARTICLE 3

The present Convention shall be ratified by His Britannic Majesty, and by the President of the United States of America by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

ARTICLE 4

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, this Fourth day of April, in the year 1908.

JAMES BRYCE.
ELIHU ROOT.

ANNEX

WASHINGTON, April 4, 1908.

SIR,—I have the honour to inform you that I have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place on record on behalf of His Majesty's Government, with reference to the General Arbitration Treaty just signed by you and myself, that the final sentence of Article 2 has been inserted in order to reserve to both Governments the freedom of action secured to the United States' Government under their Constitution until any Agreement which may have been arrived at shall have been notified to be finally binding and operative by an exchange of notes. It is understood that this Treaty will not apply to existing pecuniary claims nor to the negotiation and conclusion of the special Treaty recently recommended by the International Waterways Commission or any other such Treaty for the settlement of questions connected with boundary waters.

I shall be obliged if you will inform me of the concurrence of the United States' Government in the terms of this note.

I have, etc.,

JAMES BRYCE.

The Honourable ELIHU ROOT,
Secretary of State.

DEPARTMENT OF STATE, WASHINGTON, April 4, 1908.

EXCELLENCY,

In signing with you to-day a General Arbitration Treaty which has been negotiated between our respective Governments, I have the honour to acknowledge and take due cognizance of your note of this day's date, whereby you inform me that you are instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place on record, on behalf of His Majesty's Government, with reference to said Treaty, that the final sentence of Article 2 has been inserted in order to reserve to both Governments the freedom of action secured to the United States' Government under their Constitution until any Agreement which may have been arrived at shall have been notified to be finally binding and operative by an exchange of notes. The Government of the United States, in turn, declares that its understanding of the final sentence of Article 2 aforesaid is that which you set forth on behalf of His Majesty's Government.

I also take note of and concur in the understanding expressed in your note that the Treaty we have just signed will not apply to existing pecuniary claims nor to the negotiation and conclusion of the special Treaty recently recommended by the International Waterways Commission or any other such Treaty for the settlement of questions connected with boundary waters.

I have, etc.,

ELIHU ROOT.

His Excellency the Right Honourable
JAMES BRYCE, O.M.,
Etc., etc.

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RESPECTING THE DEMARCATION OF THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND THE DOMINION OF CANADA.

Signed at Washington, April 11, 1908

(Ratifications exchanged at Washington, June 4, 1908)

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, and the United States of America, being desirous of providing for the more complete definition and demarcation of the international boundary between the United States and the Dominion of Canada, have for that purpose resolved to conclude a Treaty, and to that end have appointed as their Plenipotentiaries:

His Britannic Majesty, Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

[1] From Treaty Series No. 18, 1908.

Article I

The boundary through Passamaquoddy Bay

The High Contracting Parties agree that each shall appoint, without delay, an expert geographer or surveyor to serve as Commissioners for the purpose of more accurately defining and marking the international boundary line between the United States and the Dominion of Canada in the waters of Passamaquoddy Bay from the mouth of the St. Croix River to the Bay of Fundy, and that in defining and marking said boundary line the Commissioners shall adopt and follow, as closely as may be, the line surveyed and laid down by the Commissioners appointed under Article II of the Treaty of July 22, 1892, between Great Britain and the United States, so far as said Commissioners agreed upon the location of said line, namely:—

(1) From a point at the mouth of the St. Croix River defined by the ranges established by them by a connected series of six straight lines defined by ranges and cross ranges, to a point between Treat Island and Friar Head, likewise defined by ranges and cross ranges established by them; and also

(2) From a point in Quoddy Roads, defined by the intersection of the range passing through the position of the Beacon of 1886 and Lubec Channel Light, with a range established by them on the west shore of Quoddy Roads along the course of this latter range, which is about 80° 35′ east of true south, into the Bay of Fundy.

In ascertaining the location of the above-described line, the Commissioners shall be controlled by the indications of the range marks and monuments established along its course by said former Commissioners and by the charts upon which the said Commissioners marked the line as tentatively agreed upon by them.

The remaining portion of the line, lying between the two above-described sections, and upon the location of which said former Commissioners did not agree, shall pass through the centre of the Lubec Narrows Channel between Campo Bello Island and the mainland, and, subject to the provisions hereinafter stated, it shall follow on either side of the said Narrows such courses as will connect with the parts of the line agreed upon as aforesaid, and such boundary shall consist of a series of straight lines defined by distances and courses; but inasmuch as differences have arisen in the past as to the location of the line with respect to Pope's Folly Island above Lubec Narrows and with respect to certain fishing grounds east of the dredged channel below Lubec Narrows, it is agreed that each of the High Contracting Parties shall present to the other within six months after the ratification of this Treaty a full printed statement of the evidence, with certified copies of original documents referred to therein which are in its possession, and the arguments upon which it bases its contentions, with a view to arriving at an adjustment of the location of this portion of the line in accordance with the true intent and meaning of the provisions relating thereto of the Treaties of 1783 and 1814 between Great Britain and the United States, and the award of the Commissioners appointed in that behalf under the Treaty of 1814; it being understood that any action by either or both Governments or their representatives authorized in that behalf or by the local governments on either side of the line, whether prior or subsequent to such Treaties and award, tending to aid in the interpretation thereof, shall be taken into consideration in determining their true intent and meaning. Such agreement, if reached, shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners, who shall lay down and mark this portion of the boundary in accordance therewith and as herein provided.

In the event of a failure to agree within six months after the date of exchanging the printed statements aforesaid, the question of which Government is entitled to jurisdiction over such island and fishing grounds under Treaty provisions, and proceedings thereunder, interpreted in accordance with their true intent and meaning as above provided, and by reason of any rights arising under the recognized principles of international law, shall be referred forthwith for decision upon the evidence and arguments submitted as aforesaid, with such additional statement of facts as may be appropriate, and an argument in reply on each side, to an arbitrator to be agreed upon by the two Governments, or, in case of a failure to agree, to be appointed by a third Power selected by the two Governments by common accord, or, if no agreement is thus arrived at, each Government shall select a different Power and the choice of the arbitrator shall be made in concert by the Powers thus selected. The decision of such arbitrator shall be final, and the line shall be laid down, and marked by the said Commissioners in accordance therewith and as herein provided.

The arbitrator shall be requested to deliver, together with his award, a statement of all the costs and expenses incurred by him in connection with the arbitration, which shall forthwith be repaid by the two Governments in equal moieties.

It is further agreed, that if, under the foregoing provisions, the boundary be located through the channel to the east of the dredged channel above mentioned, the latter shall be equally free and open for the passage of ships, vessels, and boats of both parties.

The entire boundary shall be marked by permanent range marks established on land and, if desirable in the opinion of Commissioners, by buoys in the water, so far as practicable, and by such other boundary marks and monuments and at such points as the Commissioners may determine to be necessary; but the said Commissioners shall proceed to define and mark and chart the portion of the line agreed upon by the former Commissioners under the Treaty of 1892 aforesaid without waiting for the final determination of the location of the remaining portion of the line.

The course of the said boundary line as defined and marked as aforesaid shall be laid down by said Commissioners on quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, which charts shall be certified and signed by the Commissioners, and two duplicate originals thereof shall be filed by them with each Government; and they shall also prepare in duplicate and file with each Government a joint report or reports under their hands and seals describing in detail the course and location of the boundary line and the range marks and monuments and buoys marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary from the Bay of Fundy to the mouth of the St. Croix River, as established by Treaty provisions and the proceedings thereunder.

Article II

The boundary from the mouth to the source of the St. Croix River

Whereas Article II of the Treaty of 1783 between Great Britain and the United States provides that a line drawn along the middle of the River St. Croix from its mouth in the Bay of Fundy to its source shall be, between those points, the international boundary between the United States and the British possessions in North America, and the identity of the River St. Croix has been determined by the Commissioners appointed for that purpose under Article V of the Treaty of 1794 between Great Britain and the United States, and the location of the mouth and the source of said river has been duly established,

and the course of said river has been described, surveyed, and charted by said Commissioners, as appears from their joint report dated the 25th day of October, 1798,[1] and from the chart or plan of said river prepared and filed by them with said report, but said line of boundary along the middle of said river was not laid down by them on said chart or plan, and was not marked or monumented by them along the course of said river; and whereas, pursuant to an additional article, dated March 15, 1798, supplementing the provisions of the Treaty of 1794 above referred to, a monument was erected by joint action of the two Governments marking the source of the River St. Croix, but said line of boundary through the River St. Croix has not otherwise been monumented and has never been laid down on charts by joint action of the two Governments; therefore, in order to complete and render thoroughly effective the demarcation of the boundary described and established as aforesaid,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and the Commissioners so appointed shall jointly lay down upon accurate modern charts, to be prepared or adopted by them for that purpose, the line of boundary along the middle of the River St. Croix from its mouth to its source as defined and established by the existing Treaty provisions and the proceedings thereunder, above referred to, with the agreed understanding, however, that the line of boundary through said river shall be a water line throughout and shall follow the centre of the main channel or thalweg as naturally existing, except where such course would change, or disturb, or conflict with the national character of an island as already established by mutual recognition and acquiescence, in which case the line shall pass on the other side of any such island, following the middle of the channel nearest thereto, or, if the Commissioners find that the national character of any island is in dispute, the question of its nationality shall be submitted by them to their respective Governments, with a chart or map certified jointly by said Commissioners, showing the depth and volume of the water at its high and low stages between such island and the river banks on each side and indicating the course of the main channel of the river as it passes such island, together with a descriptive statement by said Commissioners showing the reasons for selecting such channel as the main channel; and in all such cases the High Contracting Parties agree that the location of the boundary with respect to each island in dispute shall be determined and settled in accordance with the following rules:

(1) The nationality of each island in dispute shall be determined by the predominance of the claims established on either side to such island, arising from the exercise of jurisdiction and sovereignty over it, including such exercise of jurisdiction by the local governments on either side of the line.

(2) The burden of proving the nationality of any such island shall be upon the party seeking to change the general course of the boundary as above prescribed so as to include such island on its side of the boundary.

(3) The selection by the Commissioners of the main channel passing such island shall not be conclusive upon the parties hereto and is subject to review, but the burden of proving the main channel to be other than the one selected shall be upon the party proposing the change.

The Government proposing such change in the prescribed course of the boundary shall, upon the submission of the question of the nationality of any island or islands by the Commissioners as aforesaid, promptly present to the

[1] See Appendix, p. 526.

other Government a printed statement, with certified copies of any original documents in its possession referred to therein, showing the grounds and arguments upon which its claim of jurisdiction and ownership with respect to such island rests. Unless an agreement is reached upon the presentation of such statement, the Government to which such statement is presented shall within six months after its receipt present in reply a similar statement showing the grounds and arguments upon which the claims of the other Government are contested. If an agreement is reached between the two Governments, it shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners, who shall proceed to lay down and mark the boundary so as to leave such island on the side of the boundary to which it is shown it belongs, in accordance with the determination of its nationality arrived at as aforesaid.

In the event of a failure by the two Governments to come to an agreement within six months after the presentation of the printed statements in reply hereinabove provided for, then the question of the nationality of the islands in dispute shall be referred forthwith for decision under the rules hereinabove set forth for the determination of that question, and under the recognized principles of international law not inconsistent therewith, and upon the evidence and arguments submitted as aforesaid, with such additional statement of facts as may be appropriate, and such further printed argument on each side as may be desired, to an arbitrator to be agreed upon by the two Governments, or, in case of a failure to agree, to be appointed by a third Power selected by the two Governments by common accord, or, if no agreement is thus arrived at, each Government shall select a different Power and the choice of the arbitrator shall be made in concert by the Powers thus selected. The decision of such arbitrator shall be final, and the line shall be laid down and marked by the said Commissioners in accordance therewith and as herein provided.

The arbitrator shall be requested to deliver, together with his award, a statement of all the costs and expenses incurred by him in connection with the arbitration, which shall forthwith be repaid by the two Governments in equal moieties.

It is further agreed that so far as practicable the said Commissioners shall establish boundary monuments and ranges and buoys marking the course and location of the said line, and showing on which side of the boundary the several islands lying in said river belong, wherever in their judgment it is desirable that the boundary be so marked.

The charts upon which the boundary is marked as aforesaid shall be in quadruplicate, and shall be certified and signed by said Commissioners, and two duplicate originals thereof shall be filed by them with each Government, and it shall also be the duty of said Commissioners to prepare in duplicate, and file with each Government, a joint report under their hands and seals describing the line so marked by them and the monuments and range marks and buoys marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary from the mouth to the source of the St. Croix River as established by Treaty provisions and the proceedings thereunder as aforesaid.

Article III

The boundary from the source of the St. Croix River to the St. Lawrence River

Whereas the remonumenting of the course of the boundary defined and laid down under the provisions of Articles I and VI of the Treaty of August 9,

1842, between Great Britain and the United States has already been undertaken without a formal Treaty agreement, but by the joint and concurrent action of the Governments of Great Britain and the United States, certain monuments between Canada and Vermont having been relocated in 1849, and the portion of said boundary extending between Hall's Stream and the St. Lawrence River in part having been remonumented in recent years and in part is now being remonumented under such action on both sides; and whereas the Commissioners appointed under Article VI of the Treaty of 1842 aforesaid were required to and did mark by monuments the land portion only of said line, and were not required to and did not mark by monuments the portions of the boundary extending along water courses, with the exception that the nationality of the several islands in the St. John River was indicated by monuments erected thereon and a series of monuments was placed by them along the edge of certain of the water courses to fix the general direction of the boundary, most of which monuments have since disappeared, but the entire boundary, including its course through the waterways as well as on land, was charted and marked on maps by said Commissioners under the provisions of Article VI above referred to, and the nationality of the respective islands in the St. John River was determined by them, as appears from the joint report filed by said Commissioners dated June 28, 1847, and the series of maps signed by said Commissioners and filed with their joint report; and whereas the portion of the line through said waterways has not since been monumented or marked along its course by joint action of the two Governments, and the monuments placed by said Commissioners along the land portion of said boundary require repairing and renewing where such work has not already been done in recent years, and additional or supplementary intermediate monuments at convenient points are required under modern conditions: therefore, in order to carry on and complete the work already undertaken as aforesaid, and to re-establish the location of said boundary and render thoroughly effective the demarcation of the said boundary as existent and established,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and under the joint direction of such Commissioners the lost or damaged boundary monuments shall be relocated and repaired, and additional monuments and boundary marks shall be established wherever necessary in the judgment of the Commissioners to meet the requirements of modern conditions along the course of the land portion of said boundary, and where the said boundary runs through waterways it shall be marked along its course, so far as practicable, by buoys and monuments in the water and by permanent ranges established on the land, and in such other way and at such points as in the judgment of the Commissioners it is desirable that the boundary be so marked; and it is further agreed that the course of the entire boundary, as described in Article I of the Treaty of 1842 and as laid down as aforesaid under Article VI of that Treaty, shall be marked by said Commissioners upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, and that said charts so marked shall be certified and signed by them and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of the boundary so marked by them, and the character and location of the several monuments and boundary marks and ranges marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and laid down under Articles I and VI of the said Treaty of 1842.

Article IV

The boundary from its intersection with the St. Lawrence River to the mouth of Pigeon River

The High Contracting Parties agree that the existing International Waterways Commission,[1] constituted by concurrent action of the United States and the Dominion of Canada and composed of three Commissioners on the part of the United States and three Commissioners on the part of the Dominion of Canada, is hereby authorized and empowered to ascertain and re-establish accurately the location of the international boundary line beginning at the point of its intersection with the St. Lawrence River near the forty-fifth parallel of north latitude, as determined under Articles I and VI of the Treaty of August 9, 1842, between Great Britain and the United States, and thence through the Great Lakes and communicating waterways to the mouth of Pigeon River, at the western shore of Lake Superior, in accordance with the description of such line in Article II of the Treaty of Peace between Great Britain and the United States, dated September 3, 1783, and of a portion of such line in Article II of the Treaty of August 9, 1842, aforesaid, and as described in the joint report dated June 18, 1822, of the Commissioners appointed under Article VI of the Treaty of December 24, 1814, between Great Britain and the United States, with respect to a portion of said line and as marked on charts prepared by them and filed with said report, and with respect to the remaining portion of said line as marked on the charts adopted as Treaty charts of the boundary under the provisions of Article II of the Treaty of 1842, above mentioned, with such deviation from said line, however, as may be required on account of the cession by Great Britain to the United States of the portion of Horse Shoe Reef in the Niagara River necessary for the light-house erected there by the United States in accordance with the terms of the protocol of a conference held at the British Foreign Office December 9, 1850, between the representatives of the two Governments and signed by them agreeing upon such cession; and it is agreed that wherever the boundary is shown on said charts by a curved line along the water the Commissioners are authorized in their discretion to adopt, in place of such curved line, a series of connecting straight lines defined by distances and courses and following generally the course of such curved line, but conforming strictly to the description of the boundary in the existing Treaty provisions, and the geographical co-ordinates of the turning points of such line shall be stated by said Commissioners so as to conform to the system of latitudes and longitudes of the charts mentioned below, and the said Commissioners shall so far as practicable mark the course of the entire boundary line located and defined as aforesaid, by buoys and monuments in the waterways and by permanent range marks established on the adjacent shores or islands, and by such other boundary marks and at such points as in the judgment of the Commissioners it is desirable that the boundary should be so marked; and the line of the boundary defined and located as aforesaid shall be laid down by said Commissioners on accurate modern charts prepared or adopted by them for that purpose, in quadruplicate sets, certified and signed by the Commissioners, two duplicate originals of which shall be filed by them with each Government; and

[1] The International Waterways Commission was constituted as described in this Article—its organization being completed in 1905—"to investigate and report on the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada." It was largely instrumental in promoting the conclusion of the Boundary Waters Treaty of 1909; and its original functions became merged in those of the International Joint Commission created under Article 7 of that Treaty (see page 312). The duty of boundary demarcation in connection with the section covered by this Article having been duly completed and its report submitted to the two Governments in 1915, the Commission thereupon ceased to function.

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the Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of said line and the range marks and buoys marking it, and the character and location of each boundary mark. The majority of the Commissioners shall have power to render a decision.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and established by Treaty provisions and the proceedings thereunder as aforesaid from its intersection with the St. Lawrence River to the mouth of Pigeon River.

Article V

The boundary from the mouth of Pigeon River to the northwesternmost point of the Lake of the Woods

In order to complete and perfect the demarcation of the international boundary line between the United States and the Dominion of Canada from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of the Lake of the Woods, which boundary is defined in Article II of the Treaty of Peace between Great Britain and the United States, dated September 3, 1783, and in Article II of the Treaty of August 9, 1842, between Great Britain and the United States, wherein is defined also the location of the said northwesternmost point of the Lake of the Woods, and the greater part of the said boundary is marked on charts covering that section of the boundary adopted as Treaty charts of the boundary under the provisions of Article II of the Treaty of 1842 aforesaid, but has never been actually located or monumented along its course by joint action of the two Governments, and no joint survey of its course has been made since the survey under the direction of the Commissioners appointed under Article VII of the Treaty of December 24, 1814, between Great Britain and the United States, under whose direction the charts above mentioned were prepared.

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as Commissioners, who shall re-establish and fix the actual location of said entire boundary described and charted as aforesaid, and designate the side of the boundary upon which each island adjacent to the boundary belongs, it being mutually understood that the boundary, so far as practicable, shall be a water line and shall not intersect islands lying along its course, and the Commissioners shall so far as practicable mark such boundary along its course by monuments and buoys and range marks, and such other boundary marks as the Commissioners may determine, and at such points as in their judgment it is desirable that the boundary shall be so marked; and it is further agreed that the course of the entire boundary as described and laid down as aforesaid and as monumented by said Commissioners shall be marked by them upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, and that said charts so marked shall be certified and signed by them and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of the boundary so marked by them and the character and location of the several monuments and boundary marks and ranges marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and established under the aforesaid Treaties from the mouth of Pigeon River to the northwesternmost point of the Lake of the Woods.

ARTICLE VI

The boundary from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains

In order to complete and render thoroughly effective the demarcation of the international boundary between the United States and the Dominion of Canada from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains, which boundary, according to existing Treaties, runs due south from said northwesternmost point to the forty-ninth parallel of north latitude and thence along that parallel to the summit of the Rocky Mountains, and has been surveyed and charted and monumented as appears from the series of twenty-four sectional maps covering this portion of the boundary prepared and filed by the Joint Commission appointed for that purpose by joint action of the two Governments in 1872;

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and under the joint direction of such Commissioners lost or damaged monuments along the course of said boundary shall be relocated and repaired and additional monuments and boundary marks shall be established wherever necessary, in the judgment of the Commissioners, to meet the requirements of modern conditions and to render more effective the demarcation of the existent boundary established under the Treaty provisions and proceedings thereunder as aforesaid; and it is further agreed that in carrying out these provisions the said Commissioners shall observe the agreement stated in the protocol of the final meeting, dated May 29, 1876, of the Joint Commission aforesaid, which is as follows:—

> "2. In the intervals between the monuments along the parallel of latitude, it is agreed that the line has the curvature of a parallel of 49° north latitude; and that such characteristic shall determine all questions that may hereafter arise with reference to the position of the boundary at any point between neighbouring monuments.
>
> "3. It is further agreed that in the event of any of the said three hundred and eighty-eight monuments or marks being obliterated beyond the power of recognition, the lost site or sites shall be recovered by their recorded position relatively to the next neighbouring unobliterated mark or marks."

It is further agreed that the said Commissioners shall mark upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose the entire course of said boundary and the location of the boundary monuments and marks established along the course of said boundary, and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report describing in detail the work done by them in replacing and repairing lost or damaged monuments and the character and location of the several monuments and boundary marks placed by them along said boundary.

The line so laid down and defined shall be taken and deemed to be the international boundary as defined and established by Treaty provisions and the proceedings thereunder as aforesaid from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains.

ARTICLE VII

The boundary from the summit of the Rocky Mountains to the Gulf of Georgia

Whereas, by concurrent action of the Government of Great Britain and the Government of the United States in 1902 and 1903, Commissioners were desig-

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nated to act jointly for the purpose of renewing lost or damaged monuments and placing additional monuments where such were needed throughout the course of the boundary along the forty-ninth parallel of north latitude, from the summit of the Rocky Mountains westward to the eastern shore of the Gulf of Georgia, as defined in Article 1 of the Treaty of June 15, 1846, between Great Britain and the United States and as marked by monuments along its course and laid down on a series of charts, seven in number, by a Joint Commission organized in 1858 for that purpose and composed of two Commissioners appointed one by each Government, which charts, duly certified and authenticated in duplicate by said Commissioners, were approved and adopted by the two Governments, as appears from the declaration in writing to that effect signed on February 24, 1870, at Washington by duly authorized Plenipotentiaries of the respective Governments, and it appearing that the remonumenting of this line by the Commissioners first above referred to is now approaching completion;

It is hereby agreed by the High Contracting Parties that when such work is completed the entire course of said boundary showing the location of the boundary monuments and marks established along the course of the boundary, shall be marked upon quadruplicate sets of accurate modern charts prepared or adopted for that purpose, and the said Commissioners, or their successors are hereby authorized and required to so mark the line and designate the monuments on such charts, two duplicate originals of which shall be filed with each Government and the said Commissioners, or their successors shall also prepare in duplicate and file with each Government a joint report describing in detail the work done by them in replacing and repairing lost or damaged monuments and the character and location of the several monuments and boundary marks placed by them along said boundary.

The line so laid down and defined shall be taken and deemed to be the international boundary as defined and established by Treaty provisions and the proceedings thereunder as aforesaid, from the summit of the Rocky Mountains to the eastern shore of the Gulf of Georgia.

Article VIII

The boundary from the forty-ninth parallel to the Pacific Ocean

The High Contracting Parties agree that each shall appoint, without delay, an expert geographer or surveyor to serve as Commissioners for the purpose of delineating upon accurate modern charts, prepared or adopted by them for that purpose, the international boundary line between the United States and the Dominion of Canada from the forty-ninth parallel of north latitude along the middle of the channel which separates Vancouver's Island from the mainland and the middle of the Haro Channel and of Fuca's Straits to the Pacific Ocean, as defined in Article I of the Treaty of June 15, 1846, between Great Britain and the United States, and as determined by the award made on October 21, 1872, by the Emperor of Germany as arbitrator pursuant to the provisions of Articles XXXIV-XLII of the Treaty of May 8, 1871, between the United States and Great Britain and as traced out and marked on a quadruplicate set of charts prepared for that purpose and agreed upon and signed by the duly authorized representatives of the respective Governments, as appears from the protocol of a conference at Washington on March 10, 1873, between such representatives which was signed by them on that date, and as defined by them in a written definition of said boundary signed by them and referred to in and attached to said protocol, and it is agreed that the said Commissioners shall adopt in place

of the curved line passing between Saturna Island and Patos Island as shown on said charts a straight line running approximately north and south through a point midway between the eastern point of Saturna Island and the western point of Patos Island and intersecting the prolongations of the two straight lines of the boundary now joined by a curved line. The entire line thus laid down shall consist of a series of connecting straight lines defined by distances and courses; and the Commissioners are authorized to select and establish such reference marks on shore as they may deem necessary for the proper definition and location on the water of the boundary aforesaid. A quadruplicate set of such charts showing the lines so laid down and marked by them and the locations of the several marks or monuments selected or established by them along its course, shall be signed by them and two duplicate originals thereof shall be filed by them with each Government, and the Commissioners shall also prepare in duplicate and file with each Government a joint report, or reports, describing in detail the course of said line and the boundary marks and their location along its course.

The line so defined and laid down shall be taken and deemed to be the international boundary, as defined and established by Treaty provisions and the proceedings thereunder as aforesaid, from the forty-ninth parallel of north latitude along the middle of the channel which separates Vancouver's Island from the mainland and the middle of Haro Channel and of Fuca's Straits to the Pacific Ocean.

Article IX

General Provisions

The Commissioners appointed under the provisions of this Treaty shall proceed without delay to perform the duties assigned to them, but each Commissioner shall, before entering upon his duties, make oath in writing that he will impartially and faithfully perform his duties as such Commissioner.

In case a vacancy occurs in any of the Commissions constituted by this Treaty, by reason of the death, resignation, or other disability of a Commissioner, before the work of such Commission is completed, the vacancy so caused shall be filled forthwith by the appointment of another Commissioner by the party on whose side the vacancy occurs, and the Commissioner so appointed shall have the same powers and be subject to the same duties and obligations as the Commissioner originally appointed.

If a dispute or difference should arise about the location or demarcation of any portion of the boundary covered by the provisions of this Treaty and an agreement with respect thereto is not reached by the Commissioners charged herein with locating and marking such portion of the line, they shall make a report in writing jointly to both Governments, or severally each to his own Government, setting out fully the questions in dispute and the differences between them, but such Commissioners shall, nevertheless, proceed to carry on and complete as far as possible the work herein assigned to them with respect to the remaining portions of the line.

In case of such a disagreement between the Commissioners, the two Governments shall endeavour to agree upon an adjustment of the questions in dispute, and if an agreement is reached between the two Governments it shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners who shall proceed to lay down and mark the boundary in accordance therewith, and as herein provided, but without prejudice to the special provisions contained in Articles I and II regarding arbitration.

It is understood that under the foregoing articles the same persons will be appointed to carry out the delimitation of boundaries in the several sections aforesaid, other than the section covered by Article IV, unless either of the Contracting Powers finds it expedient for some reason which it may think sufficient to appoint some other person to be Commissioner for any one of the above-mentioned sections.

Each Government shall pay the expenses of its own Commissioners and their assistants, and the cost of marking and monumenting the boundary shall be paid in equal moieties by the two Governments.

ARTICLE X

This Treaty shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of April in the year of our Lord one thousand nine hundred and eight.

(L.S.) JAMES BRYCE.
(L.S.) ELIHU ROOT.

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA, PROVIDING (1) FOR THE CONVEYANCE OF PERSONS IN CUSTODY FOR TRIAL EITHER IN THE DOMINION OF CANADA OR THE UNITED STATES THROUGH THE TERRITORY OF THE OTHER; AND (2) FOR RECIPROCAL RIGHTS IN WRECKING AND SALVAGE IN THE WATERS CONTIGUOUS TO THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES.

SIGNED AT WASHINGTON, MAY 18, 1908.

(Ratifications exchanged at Washington, June 30, 1908.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and the United States of America, being desirous to make provision for the conveyance of persons in lawful custody for trial or punishment either in the Dominion of Canada or the United States through the territory of the other, and for reciprocal rights in wrecking and salvage in the waters contiguous to the boundary between the Dominion of Canada and the United States, have for that purpose resolved to conclude a treaty, and to that end have appointed as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Honourable James Bryce, O.M., His Ambassador Extraordinary and Plenipotentiary at Washington; and the President of the United States of America, Robert Bacon, Acting Secretary of State of the United States;

Who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

[1] From Treaty Series No. 22, 1908.

ARTICLE 1.

Conveyance of Prisoners

Any officer of the Dominion of Canada or of any province or territory thereof, having in his custody without the borders of the United States of America, by virtue of any warrant or any other lawful process issued by authority of the law of the Dominion or of any province or territory thereof, any person charged with or convicted of any of the criminal offences specified below, committed in Canada, may, in executing such warrant or process, convey such person through any part of the United States to a place in Canada, if such warrant or process is endorsed, or backed, by a judge, magistrate or justice of the peace in the United States, or if the authority of the Secretary of State of the United States for such conveyance is first obtained.

During such conveyance of such person through the United States, such officer may keep such person in his custody, and in case of escape may recapture him.

Any officer of the United States of America or of any state or territory thereof, having in his custody without the borders of Canada, by virtue of any warrant or any other lawful process issued by authority of the United States or of any state or territory thereof, any person charged with or convicted of any of the criminal offences specified below, committed within the jurisdiction of the United States or of any state or territory thereof, may, in executing such warrant or process, convey such person through any part of Canada to a place in the United States, if such warrant or process is endorsed, or backed, by a judge, magistrate or justice of the peace in Canada, or if the authority of the Minister of Justice of Canada for such conveyance is first obtained.

During such conveyance of such person through Canada, such officer may keep such person in his custody, and in case of escape may recapture him.

The foregoing provision shall apply only to persons charged with or convicted of offences of the following descriptions:

1. Offences for which extradition is at the time authorized by a treaty in force between Great Britain and the United States.
2. Assault with intent to commit grievous bodily harm.
3. Assault upon an officer of the law in the execution of his duty.

The Dominion of Canada and the United States may by concurrent legislation make further or other regulations for authenticating the warrant or process under which the person in custody is to be conveyed, as before provided.

ARTICLE 2.

Wrecking and Salvage.

The High Contracting Parties agree that vessels and wrecking appliances, either from the Dominion of Canada or from the United States, may salve any property wrecked and may render aid and assistance to any vessels wrecked, disabled or in distress in the waters or on the shores of the other country in that portion of the St. Lawrence River through which the International Boundary line extends, and, in Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, and Lake Superior, and in the Rivers Niagara, Detroit, St. Clair, and Ste. Marie, and the Canals at Sault Ste. Marie, and on the shores and in the waters of the other country along the Atlantic and Pacific Coasts within a distance of thirty miles from the International Boundary on such Coasts.

It is further agreed that such reciprocal wrecking and salvage privileges shall include all necessary towing incident thereto, and that nothing in the Customs, Coasting or other laws or regulations of either country shall restrict in any manner the salving operations of such vessels or wrecking appliances.

Vessels from either country employed in salving in the waters of the other shall as soon as practicable afterwards make full report at the nearest custom house of the country in whose waters such salving takes place.

ARTICLE 3.

This Treaty shall remain in force for ten years after its date and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

ARTICLE 4.

This Treaty shall be ratified by His Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in Washington as soon as possible.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the eighteenth day of May, in the year of our Lord one thousand nine hundred and eight.

[L.S.] JAMES BRYCE.
[L.S.] ROBERT BACON.

1909

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RELATING TO BOUNDARY WATERS AND QUESTIONS ARISING ALONG THE BOUNDARY BETWEEN CANADA AND THE UNITED STATES.

Signed at Washington, January 11, 1909

[*Ratifications exchanged at Washington, May* 5, 1910]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a Treaty in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries.

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States;

[1] From Treaty Series No. 23, 1910.

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

PRELIMINARY ARTICLE

For the purposes of this Treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE 1

The High Contracting Parties agree that the navigation of all navigable boundary waters shall for ever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation, and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this Treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory, and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE 2

Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE 3

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the Parties

hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE 4

The High Contracting Parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE 5

The High Contracting Parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both Parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States' side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this Treaty shall remain in force, no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of thirty-six thousand cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE 6

The High Contracting Parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article 2 of this Treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly-constituted reclamation officers of the United States and the properly-constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE 7

The High Contracting Parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE 8

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles 3 and 4 of this Treaty the approval of this Commission is required, and in passing upon such cases the Commission shall be governed by the following rules and principles which are adopted by the High Contracting Parties for this purpose:

The High Contracting Parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1) Uses for domestic and sanitary purposes;
(2) Uses for navigation, including the service of canals for the purposes of navigation;
(3) Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may in the discretion of the Commission be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The Commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the Commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the Commissioners shall have power to render a decision. In case the Commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the Commissioners on each side to their own Government. The High Contracting Parties shall thereupon endeavour to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE 9

The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The Commission shall make a joint report to both Governments in all cases in which all or a majority of the Commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the Commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the Commissioners on each side to their own Government.

ARTICLE 10

Any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two Parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said Commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said Commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the High Contracting Parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XLV of The Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission failed to agree.

ARTICLE 11

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

ARTICLE 12

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and Canadian sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission, incurred by it, shall be paid in equal moieties by the High Contracting Parties.

The Commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in proceedings before the Commission. The Commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE 13

In all cases where special agreements between the High Contracting Parties hereto are referred to in the forgoing articles, such agreements are understoood and intended to include not only direct agreements between the High Contracting Parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE 14

The present Treaty shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of our Lord one thousand nine hundred and nine.

[L.S.] JAMES BRYCE.
[L.S.] ELIHU ROOT.

PROTOCOL OF EXCHANGE[1]

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between Great Britain and the United States, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams

[1] The British Ratification of this further Instrument was deposited with the United States Government on July 23, 1910.

flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereof.

The exchange of ratifications then took place in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, one thousand nine hundred and ten.

[L.S.] JAMES BRYCE.
[L.S.] PHILANDER C. KNOX.

[1]SPECIAL AGREEMENT FOR THE SUBMISSION OF QUESTIONS RELATING TO FISHERIES ON THE NORTH ATLANTIC COAST UNDER THE GENERAL CONVENTION OF ARBITRATION CONCLUDED BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA ON APRIL 4, 1908.

Signed at Washington, January 27, 1909

Article 1

Whereas by Article 1 of the Convention signed at London on the 20th day of October, 1818, between Great Britain and the United States, it was agreed as follows:—

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within 3 marine miles of, any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

[1] From Treaty Series No. 21, 1909.

But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

And whereas differences have arisen as to the scope and meaning of the said Article, and of the liberties therein referred to, and otherwise in respect of the rights and liberties which the inhabitants of the United States have or claim to have in the waters or on the shores therein referred to:

It is agreed that the following questions shall be submitted for decision to a Tribunal of Arbitration constituted as hereinafter provided:—

Question 1. To what extent are the following contentions, or either of them justified?

It is contended on the part of Great Britain that the exercise of the liberty to take fish referred to in the said Article, which the inhabitants of the United States have for ever in common with the subjects of His Britannic Majesty, is subject, without the consent of the United States, to reasonable regulation by Great Britain, Canada, or Newfoundland in the form of municipal Laws, Ordinances, or Rules, as, for example, to regulations in respect of (1) the hours, days, or seasons when fish may be taken on the Treaty Coasts; (2) the method, means, and implements to be used in the taking of fish or in the carrying on of fishing operations on such coasts; (3) any other matters of a similar character relating to fishing; such regulations being reasonable, as being, for instance—

(*a*) Appropriate or necessary for the protection and preservation of such fisheries and the exercise of the rights of British subjects therein and of the liberty which by the said Article 1 the inhabitants of the United States have therein in common with British subjects;

(*b*) Desirable on grounds of public order and morals;

(*c*) Equitable and fair as between local fishermen and the inhabitants of the United States exercising the said Treaty liberty and not so framed as to give unfairly an advantage to the former over the latter class.

It is contended on the part of the United States that the exercise of such liberty is not subject to limitations or restraints by Great Britain, Canada, or Newfoundland in the form of municipal Laws, Ordinances, or Regulations in respect of (1) the hours, days, or seasons when the inhabitants of the United States may take fish on the Treaty Coasts, or (2) the method, means, and implements used by them in taking fish or in carrying on fishing operations on such coasts, or (3) any other limitations or restraints of similar character—

(*a*) Unless they are appropriate and necessary for the protection and preservation of the common rights in such fisheries and the exercise thereof; and

(*b*) Unless they are reasonable in themselves and fair as between local fishermen and fishermen coming from the United States, and not so framed as to give an advantage to the former over the latter class; and

(*c*) Unless their appropriateness, necessity, reasonableness, and fairness be determined by the United States and Great Britain by common accord and the United States concurs in their enforcement.

Question 2. Have the inhabitants of the United States, while exercising the liberties referred to in said Article, a right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States?

Question 3. Can the exercise by the inhabitants of the United States of the liberties referred to in the said Article be subjected, without the consent of the United States, to the requirements of entry or report at custom-houses or the payment of light or harbour or other dues, or to any other similar requirement or condition or exaction?

Question 4. Under the provision of the said Article that the American fishermen shall be admitted to enter certain bays or harbours for shelter, repairs, wood, or water, and for no other purpose whatever, but that they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein or in any other manner whatever abusing the privileges thereby reserved to them, is it permissible to impose restrictions making the exercise of such privileges conditional upon the payment of light or harbour or other dues, or entering or reporting at custom-houses or any similar conditions?

Question 5. From where must be measured the "3 marine miles of any of the coasts, bays, creeks, or harbours" referred to in the said Article?

Question 6. Have the inhabitants of the United States the liberty under the said Article or otherwise to take fish in the bays, harbours, and creeks on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands, or on the western and northern coasts of Newfoundland from Cape Ray to Quirpon Islands, or on the Magdalen Islands?

Question 7. Are the inhabitants of the United States whose vessels resort to the treaty coasts for the purpose of exercising the liberties referred to in Article 1 of the Treaty of 1818 entitled to have for those vessels, when duly authorized by the United States in that behalf, the commercial privileges on the treaty coasts accorded by agreement or otherwise to United States trading-vessels generally?

ARTICLE 2

Either party may call the attention of the Tribunal to any legislative or executive act of the other Party, specified within three months of the exchange of notes enforcing this Agreement, and which is claimed to be inconsistent with the true interpretation of the Treaty of 1818; and may call upon the Tribunal to express in its award its opinion upon such acts and to point out in what respects, if any, they are inconsistent with the principles laid down in the award in reply to the preceding questions; and each Party agrees to conform to such opinion.

ARTICLE 3

If any question arises in the arbitration regarding the reasonableness of any regulation or otherwise which requires an examination of the practical effect of any provisions in relation to the conditions surrounding the exercise of the liberty of fishery enjoyed by the inhabitants of the United States, or which requires expert information about the fisheries themselves, the Tribunal may, in that case, refer such question to a Commission of three expert specialists in such matters; one to be designated by each of the Parties hereto, and the third, who shall not be a national of either Party, to be designated by the Tribunal. This Commission shall examine into and report their conclusions on any question or questions so referred to it by the Tribunal, and such report shall be considered by the Tribunal and shall, if incorporated by them in the award, be accepted as a part thereof.

Pending the report of the Commission upon the question or questions so referred and without awaiting such report, the Tribunal may make a separate award upon all or any other questions before it, and such separate award, if made, shall become immediately effective, provided that the report aforesaid shall not be incorporated in the award until it has been considered by the Tribunal. The expenses of such Commission shall be borne in equal moieties by the parties hereto.

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ARTICLE 4

The Tribunal shall recommend for the consideration of the High Contracting Parties rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties above referred to may be determined in accordance with the principles laid down in the award. If the High Contracting Parties shall not adopt the rules and method of procedure so recommended, or if they shall not, subsequently to the delivery of the award, agree upon such rules and methods, then any differences which may arise in the future between the High Contracting Parties relating to the interpretation of the Treaty of 1818 or to the effect and application of the award of the Tribunal shall be referred informally to the Permanent Court at The Hague for decision by the summary procedure provided in Chapter IV of The Hague Convention of the 18th October, 1907.

ARTICLE 5

The Tribunal of Arbitration provided for herein shall be chosen from the general list of members of the Permanent Court at The Hague, in accordance with the provisions of Article 45 of the Convention for the Settlement of International Disputes, concluded at the Second Peace Conference at The Hague on the 18th October, 1907. The provisions of said Convention, so far as applicable and not inconsistent herewith, and excepting Articles 53 and 54, shall govern the proceedings under the submission herein provided for.

The time allowed for the direct agreement of His Britannic Majesty and the President of the United States on the composition of such Tribunal shall be three months.

ARTICLE 6

The pleadings shall be communicated in the order and within the time following:—

As soon as may be, and within a period not exceeding seven months from the date of the exchange of notes making this Agreement binding the printed Case of each of the parties hereto, accompanied by printed copies of the documents, the official correspondence, and all other evidence on which each Party relies, shall be delivered in duplicate (with such additional copies as may be agreed upon) to the Agent of the other Party. It shall be sufficient for this purpose if such Case is delivered at the British Embassy at Washington or at the American Embassy at London, as the case may be, for transmission to the Agent for its Government.

Within fifteen days thereafter such printed Case and accompanying evidence of each of the Parties shall be delivered in duplicate to each member of the Tribunal, and such delivery may be made by depositing within the stated period the necessary number of copies with the International Bureau at The Hague for transmission to the Arbitrators.

After the delivery on both sides of such printed Case, either party may, in like manner, and within four months after the expiration of the period above fixed for the delivery to the Agents of the Case, deliver to the Agent of the other Party (with such additional copies as may be agreed upon) a printed Counter-Case accompanied by printed copies of additional documents, correspondence, and other evidence in reply to the Case, documents, correspondence, and other evidence so presented by the other Party, and within fifteen days thereafter such party shall, in like manner as above provided, deliver in duplicate such Counter-Case and accompanying evidence to each of the Arbitrators.

The foregoing provisions shall not prevent the Tribunal from permitting either Party to rely at the hearing upon documentary or other evidence which is shown to have become open to its investigation or examination or available for use too late to be submitted within the period hereinabove fixed for the delivery of copies of evidence, but in case any such evidence is to be presented, printed copies of it, as soon as possible after it is secured, must be delivered, in like manner as provided for the delivery of copies of other evidence, to each of the Arbitrators and to the Agent of the other Party. The admission of any such additional evidence, however, shall be subject to such conditions as the Tribunal may impose, and the other Party shall have a reasonable opportunity to offer additional evidence in rebuttal.

The Tribunal shall take into consideration all evidence which is offered by either Party.

ARTICLE 7

If in the Case or Counter-Case (exclusive of the accompanying evidence) either Party shall have specified or referred to any documents, correspondence, or other evidence in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it within thirty days after the delivery of the Case or Counter-Case respectively, to furnish to the Party applying for it a copy thereof; and either Party may, within the like time demand that the other shall furnish certified copies or produce for inspection the originals of any documentary evidence adduced by the Party upon whom the demand is made. It shall be the duty of the Party upon whom any such demand is made to comply with it as soon as may be, and within a period not exceeding fifteen days after the demand has been received. The production for inspection or the furnishing to the other Party of official governmental publications, publishing, as authentic, copies of the documentary evidence referred to, shall be a sufficient compliance with such demand, if such governmental publications shall have been published prior to the 1st day of January, 1908. If the demand is not complied with, the reasons for the failure to comply must be stated to the Tribunal.

ARTICLE 8

The Tribunal shall meet within six months after the expiration of the period above fixed for the delivery to the Agents of the Case, and upon the assembling of the Tribunal at its first session each Party, through its Agent or counsel, shall deliver in duplicate to each of the Arbitrators and to the Agent and counsel of the other Party (with such additional copies as may be agreed upon) a printed Argument showing the points and referring to the evidence upon which it relies.

The time fixed by this Agreement for the delivery of the Case, Counter-Case, or Argument, and for the meeting of the Tribunal, may be extended by mutual consent of the Parties.

ARTICLE 9

The decision of the Tribunal shall, if possible, be made within two months from the close of the Arguments on both sides, unless on the request of the Tribunal the Parties shall agree to extend the period.

It shall be made in writing, and dated and signed by each member of the Tribunal, and shall be accompanied by a statement of reasons.

A member who may dissent from the decision may record his dissent when signing.

The language to be used throughout the proceedings shall be English.

18794—21½

ARTICLE 10

Each party reserves to itself the right to demand a revision of the Award. Such demand shall contain a statement of the grounds on which it is made and shall be made within five days of the promulgation of the Award, and shall be heard by the Tribunal within ten days thereafter The Party making the demand shall serve a copy of the same on the opposite Party, and both Parties shall be heard in argument by the Tribunal on said demand. The demand can only be made on the discovery of some new fact or circumstance calculated to exercise a decisive influence upon the Award and which was unknown to the Tribunal and to the Party demanding the revision at the time the discussion was closed, or upon the ground that the said Award does not fully and sufficiently, within the meaning of this Agreement, determine any question or questions submitted. If the Tribunal shall allow the demand for a revision, it shall afford such opportunity for further hearings and arguments as it shall deem necessary.

ARTICLE 11

The present Agreement shall be deemed to be binding only when confirmed by the two Governments by an exchange of notes.

In witness whereof this Agreement has been signed and sealed by His Britannic Majesty's Ambassador at Washington, the Right Honourable James Bryce, O.M., on behalf of Great Britain, and by the Secretary of State of the United States, Elihu Root, on behalf of the United States.

Done at Washington on the 27th day of January, 1909.

(L.S.) JAMES BRYCE.
(L.S.) ELIHU ROOT.

Mr. Bryce to Mr. Bacon

BRITISH EMBASSY, WASHINGTON, March 4, 1909.

SIR,

I have the honour to acknowledge the receipt of your note informing me that the Senate of the United States has approved the Special Agreement for the reference to arbitration of the questions relating to the fisheries on the North Atlantic Coast and of the terms of the Resolution in which that approval is given.

It is now my duty to inform you that the Government of His Britannic Majesty confirms the Special Agreement aforesaid, and in doing so confirms also the understanding arrived at by us that Question 5 of the series of questions submitted for arbitration—namely, from where must be measured the "3 marine miles of any of the coasts, bays, creeks, or harbours" referred to in the said Article—is submitted in its present form with the agreed understanding that no question as to the Bay of Fundy, considered as a whole, apart from its bays or creeks, or as to innocent passage through the Gut of Canso, is included in this question as one to be raised in the present arbitration, it being the intention of the Parties that their respective views or contentions on either subject shall be in no wise prejudiced by anything in the present arbitration

This understanding is that which was embodied in notes exchanged between your predecessor and myself on the 27th January, and is that expressed in the above-mentioned Resolution of the Senate of the United States.

I have, &c.,

JAMES BRYCE.

Mr. Bacon to Mr. Bryce

DEPARTMENT OF STATE, WASHINGTON, March 4, 1909.

EXCELLENCY,

I have the honour to acknowledge the receipt of your note of the 4th instant, in which you confirm the understanding in the matter of the Special Agreement submitting to arbitration the differences between the Governments of the United States and Great Britain concerning the North Atlantic fisheries, as expressed in the Resolution of the Senate of the 16 February, 1909, and as previously agreed upon by the interchange of notes with my predecessor of the 27th January, 1909.

I therefore have the honour to inform you that this Government considers the Special Agreement as in full force and effect from and after the 4th day of March, 1909.

I have, &c.,

ROBERT BACON.

[1]AWARD OF THE TRIBUNAL OF ARBITRATION CONSTITUTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 5 OF THE SPECIAL AGREEMENT BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA, SIGNED AT WASHINGTON THE 27TH JANUARY, 1909.

The Hague, September 7th, 1910

THE NORTH ATLANTIC COAST FISHERIES

Whereas a special agreement between the United States of America and Great Britain, signed at Washington the 27th January, 1909, and confirmed by interchange of notes dated the 4th of March, 1909, was concluded in conformity with the provisions of the General Arbitration Treaty between the United States of America and Great Britain, signed the 4th April, 1908, and ratified the 4th June, 1908;

And whereas the said special agreement for the submission of questions relating to fisheries on the North Atlantic coast under the General Treaty of Arbitration concluded between the United States and Great Britain on the 4th day of April, 1908, is as follows:—

(See page 297.)

And whereas the parties to the said Agreement have by common accord, in accordance with Article V., constituted as a Tribunal of Arbitration the following members of the Permanent Court at The Hague: Mr. H. Lammasch, Doctor of Law, Professor of the University of Vienna, Aulic Councillor, Member of the Upper House of the Austrian Parliament; His Excellency Jonkheer A. F. De Savornin Lohman, Doctor of Law, Minister of State, former Minister of the Interior, Member of the Second Chamber of the Netherlands; the Honourable George Gray, Doctor of Laws, Judge of the United States Circuit Court of Appeals, former United States Senator; the Right Honourable Sir Charles Fitzpatrick, Member of the Privy Council, Doctor of Laws, Chief Justice of Canada; the Honourable Luis Maria Drago, Doctor of Law, former Minister of Foreign Affairs of the Argentine Republic, Member of the Law Academy of Buenos Aires;

And whereas the agents of the Parties to the said Agreement have duly, and in accordance with the terms of the Agreement communicated to this Tribunal, their cases, counter cases, printed arguments, and other documents;

And whereas counsel for the Parties have fully presented to this Tribunal their oral arguments in the sittings held between the first assembling of the tribunal on the 1st June, 1910, to the close of the hearings on the 12th August, 1910;

Now, therefore, this Tribunal having carefully considered the said Agreement, cases, counter-cases, printed and oral arguments, and the documents presented by either side, after due deliberation makes the following decisions and awards:—

[1] From the official copy supplied by the Office of the Permanent Court of Arbitration.

Preamble

QUESTION I

To what extent are the following contentions, or either of them, justified?

It is contended on the part of Great Britain that the exercise of the liberty to take fish referred to in the said article, which the inhabitants of the United States have for ever in common with the subjects of His Britannic Majesty, is subject, without the consent of the United States, to reasonable regulation by Great Britain, Canada, or Newfoundland in the form of municipal laws, ordinances, or rules, as, for example, to regulations in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements to be used in the taking of fish or in the carrying on of fishing operations on such coasts; (3) any other matters of a similar character relating to fishing; such regulations being reasonable, as being, for instance—

(*a*) Appropriate or necessary for the protection and preservation of such fisheries and the exercise of the rights of British subjects therein, and of the liberty which by the said Article I the inhabitants of the United States have therein in common with British subjects;

(*b*) Desirable on grounds of public order and morals:

(*c*) Equitable and fair as between local fishermen and the inhabitants of the United States exercising the said treaty liberty, and not so framed as to give unfairly an advantage to the former over the latter class.

It is contended on the part of the United States that the exercise of such liberty is not subject to limitations or restraints by Great Britain, Canada, or Newfoundland in the form of municipal laws, ordinances, or regulations in respect of (1) the hours, days, or seasons when the inhabitants of the United States may take fish on the treaty coasts, or (2) the method, means and implements used by them in taking fish or in carrying on fishing operations on such coasts, or (3) any other limitations or restraints of similar character—

(*a*) Unless they are appropriate and necessary for the protection and preservation of the common rights in such fisheries and the exercise thereof; and

(*b*) Unless they are reasonable in themselves and fair as between local fishermen and fishermen coming from the United States, and not so framed as to give an advantage to the former over the latter class; and

(*c*) Unless their appropriateness, necessity, reasonableness, and fairness be determined by the United States and Great Britain by common accord and the United States concurs in their enforcement.

Question I, thus submitted to the Tribunal, resolves itself into two main contentions:—

1st. Whether the right of regulating reasonably the liberties conferred by the treaty of 1818 resides in Great Britain;

2nd. And, if such right does so exist, whether such reasonable exercise of the right is permitted to Great Britain without the accord and concurrence of the United States.

The treaty of 1918 contains no explicit disposition in regard to the right of regulation reasonable or otherwise; it neither reserves that right in express terms, nor refers to it in any way. It is therefore incumbent on this Tribunal to answer the two questions above indicated by interpreting the general terms of Article I of the Treaty and more especially the words "the inhabitants of the United States shall have, for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind." This interpretation must be conformable to the general import of the instrument, the general intention of the parties to it, the subject matter of the contract, the expressions actually used and the evidence submitted.

Now in regard to the preliminary question as to whether the right of reasonable regulations resides in Great Britain:—

Considering that the right to regulate the liberties conferred by the treaty of 1818 is an attribute of sovereignty, and as such must be held to reside in the territorial sovereign unless the contrary be provided; and considering that one of the essential elements of sovereignty is that it is to be exercised within territorial limits, and that, failing proof to the contrary, the territory is coterminous with the sovereignty, it follows that the burden of the assertion involved in the contention of the United States (viz., that the right to regulate does not reside independently in Great Britain, the territorial sovereign) must fall on the United States. And for the purpose of sustaining this burden, the United States have put forward the following series of propositions, each one of which must be singly considered.

It is contended by the United States:—

(1) That the French right of fishery under the treaty of 1763 designated also as a liberty, was never subjected to regulation by Great Britain, and therefore the inference is warranted that the American liberties of fishery are similarly exempted.

The Tribunal is unable to agree with this contention,—

(*a*) Because although the French right designated in 1713 merely "an allowance" (a term of even less force than that used in regard to the American fishery) was nevertheless converted, in practice, into an exclusive right, this concession on the part of Great Britain was presumably made because France, before 1713, claimed to be the sovereign of Newfoundland, and in ceding the island, had, as the American argument says, "reserved for the benefit of its subjects the right to fish and to use the strand;"

(*b*) Because the distinction between the French and American right is indicated by the different wording of the statutes for the observance of treaty obligations towards France and the United States, and by the British Declaration of 1783;

(*c*) And, also, because this distinction is maintained in the treaty with France of 1904, concluded at a date when the American claim was approaching its present stage, and by which certain common rights of regulation are recognized to France.

For the further purpose of such proof it is contended by the United States:—

(2) That the liberties of fishery, being accorded to the inhabitants of the United States "for ever," acquire, by being in perpetuity and unilateral, a character exempting them from local legislation.

The Tribunal is unable to agree with this contention:—

(*a*) Because there is no necessary connection between the duration of a grant and its essential status in its relation to local regulation; a right granted in perpetuity may yet be subject to regulation, or, granted temporarily, may yet be exempted therefrom; or being reciprocal may yet be unregulated or being unilateral may yet be regulated; as is evidenced by the claim of the United States that the liberties of fishery accorded by the Reciprocity Treaty of 1854 and the treaty of 1871 were exempt from regulation, though they were neither permanent nor unilateral;

(*b*) Because no peculiar character need be claimed for these liberties in order to secure their enjoyment in perpetuity, as is evidenced by the American negotiators in 1818 asking for the insertion of the words "for ever." International law in its modern development recognizes that a great number of treaty obligations are not annulled by war, but at most suspended by it;

(*c*) Because the liberty to dry and cure is, pursuant to the terms of the treaty, provisional and not permanent, and is nevertheless, in respect of the liability to regulation, identical in its nature with, and never distinguished from, the liberty to fish.

For the further purpose of such proof, the United States allege:—

(3) That the liberties of fishery granted to the United States constitute an international servitude in their favour over the territory of Great Britain, thereby involving a derogation from the sovereignty of Great Britain, the servient State, and that therefore Great Britain is deprived, by reason of the grant, of its independent right to regulate the fishery.

The Tribunal is unable to agree with this contention:—

(a) Because there is no evidence that the doctrine of international servitudes was one with which either American or British statesmen were conversant in 1818, no English publicists employing the term before 1818, and the mention of it in Mr. Gallatin's report being insufficient;

(*b*) Because a servitude in the French law, referred to by Mr. Gallatin, can, since the Code, be only real and cannot be personal (Code Civil, article 686).

(*c*) Because a servitude in international law predicates an express grant of a sovereign right and involves an analogy to the relation of a *prædium dominans* and a *prædium serviens;* whereas by the treaty of 1818 one State grants a liberty to fish, which is not a sovereign right, but a purely economic right, to the inhabitants of another State;

(*d*) Because the doctrine of international servitude in the sense which is now sought to be attributed to it originated in the peculiar and now obsolete conditions prevailing in the Holy Roman Empire of which the *domini terræ* were not fully sovereigns; they holding territory under the Roman Empire, subject at least theoretically, and in some respects also practically, to the courts of that Empire; their right being, moreover, rather of a civil than of a public nature, partaking more of the character of *dominium* than of *imperium,* and therefore certainly not a complete sovereignty. And because in contradistinction to this quasi-sovereignty with its incoherent attributes acquired at various times, by various means, and not impaired in its character by being incomplete in any one respect or by being limited in favour of another territory and its possessor, the modern State, and particularly Great Britain, has never admitted partition of sovereignty, owing to the constitution of a modern State requiring essential sovereignty and independence;

(*e*) Because this doctrine being but little suited to the principle of sovereignty which prevails in States under a system of constitutional government such as Great Britain and the United States, and to the present international relations of sovereign States, has found

little, if any, support from modern publicists. It could therefore in the general interest of the community of nations, and of the Parties to this treaty, be affirmed by this Tribunal only on the express evidence of an international contract;

(*f*) Because even if these liberties of fishery constituted an international servitude, the servitude would derogate from the sovereignty of the servient State only in so far as the exercise of the rights of sovereignty by the servient State would be contrary to the exercise of the servitude right by the dominant State. Whereas it is evident that, though every regulation of the fishery is to some extent a limitation, as it puts limits to the exercise of the fishery at will, yet such regulations as are reasonable and made for the purpose of securing and preserving the fishery and its exercise for the common benefit, are clearly to be distinguished from those restrictions and "molestations," the annulment of which was the purpose of the American demands formulated by Mr. Adams in 1782, and such regulations consequently cannot be held to be inconsistent with a servitude;

(*g*) Because the fishery to which the inhabitants of the United States were admitted in 1783, and again in 1818, was a regulated fishery, as is evidenced by the following regulations:—

Act 15 Charles II, cap. 16, sec. 7 (1663), forbidding "to lay any seine or other net in or near any harbour in Newfoundland, whereby to take the spawn or young fry of the Poor-John, or for any other use or uses, except for the taking of bait only," which had not been superseded either by the Order-in-Council of March 10, 1670, or by the statute 10 and 11 Wm. III, cap. 25, 1699. The Order-in-Council provides expressly for the obligation "to submit unto and to observe all rules and orders as are now, or hereafter shall be, established," an obligation which cannot be read as referring only to the rules established by this very Act, and having no reference to anteceding rules "as are now established." In a similar way the statute of 1699 preserves in force prior legislation, conferring the freedom of fishery only "as fully and freely as at any time heretofore." The Order in Council, 1670, provides that the admirals, who always were fishermen, arriving from an English or Welsh port, "see that His Majesty's rules and orders concerning the regulation of the fisheries are duly put in execution" (sec. 13). Likewise the Act 10 and 11 Wm. III, cap. 25 (1699) provides that the admirals do settle differences between the fishermen arising in respect to the places to be assigned to the different vessels. As to Nova Scotia, the proclamation of 1665 ordains that no one shall fish without license; that the licensed fishermen are obliged "to observe all laws and orders which now are made and published, or shall hereafter be made and published, in this jurisdiction," and that they shall not fish on the Lord's Day, and shall not take fish at the time they come to spawn. The judgment of the Chief Justice of Newfoundland, October 26th, 1820, is not held by the Tribunal sufficient to set aside the proclamations referred to. After 1783 the statute 26 Geo. III, cap. 26, 1786, forbids "the use, on the shores of Newfoundland, of seines or nets, for catching cod by hauling on shore or taking into boat with meshes less than 4 inches"; a prohibition which cannot be considered as limited to the bank fishery. The Act for regulating the fisheries of New Brunswick, 1793, which forbids "the placing of nets or seines across any cove or creek in the province so as to obstruct the natural course of fish," and which makes specific provision for fishing in the harbour of St. John, as to the manner and time of fishing, cannot be read as being limited to fishing from the shore. The Act for regulating the fishing on the coast of Northumberland (1799) contains very elaborate dispositions concerning the fisheries in the Bay of Miramichi, which were continued in 1823, 1829 and 1834. The statutes of Lower Canada, 1788 and 1807, forbid the throwing overboard of offal. The fact that these Acts extend the prohibition over a greater distance than the first marine league from the shore may make them non-operative against foreigners without the territorial limits of Great Britain, but is certainly no reason to deny their obligatory character for foreigners within these limits;

(*h*) Because the fact that Great Britain rarely exercised the right of regulation in the period immediately succeeding 1818 is to be explained by various circumstances, and is not evidence of the non-existence of the right;

(*i*) Because the words "in common with British subjects" tend to confirm the opinion that the inhabitants of the United States were admitted to a regulated fishery;

(*j*) Because the statute of Great Britain, 1819, which gives legislative sanction of the treaty of 1818, provides for the making of "regulations with relation to the taking, drying and curing of fish by inhabitants of the United States 'in common.'"

For the purpose of such proof it is further contended by the United States, in this latter connection:—

4. That the words "in common with British subjects" used in the treaty should not be held as importing a common subjection to regulation, but as intending to negative a possible pretension on the part of the inhabitants of the United States to liberties of fishery exclusive of the right of British subjects to fish.

The Tribunal is unable to agree with this contention:—

(*a*) Because such an interpretation is inconsistent with the historical basis of the American fishing liberty. The ground on which Mr. Adams founded the American right in 1782 was that the people then constituting the United States had always, when still under British rule, a part in these fisheries and that they must continue to enjoy their past right in the future. He proposed "that the subjects of His Britannic Majesty and the people of the United States shall continue to enjoy unmolested the right to take fish . . . where the inhabitants of both countries used, at any time heretofore, to fish." The theory of the partition of the fisheries which, by the American negotiators, had been advanced with so much force, negatives the assumption that the United States could ever pretend to an exclusive right to fish on the British shores; and to insert a special disposition to that end would have been wholly superfluous;

(*b*) Because the words "in common" occur in the same connection in the treaty of 1818 as in the treaties of 1854 and 1871. It will certainly not be suggested that in these treaties of 1854 and 1871 the American negotiators meant by inserting the words "in common" to imply that without these words American citizens would be precluded from the right to fish on their own coasts and that, on American shores British subjects should have an exclusive privilege. It would have been the very opposite of the concept of territorial waters to suppose that, without a special treaty provision, British subjects could be excluded from fishing in British waters. Therefore that cannot have been the scope and the sense of the words "in common";

(*c*) Because the words "in common" exclude the supposition that American inhabitants were at liberty to act at will for the purpose of taking fish, without any regard to the co-existing rights of other persons entitled to do the same thing; and because these words admit them only as members of a social community, subject to the ordinary duties binding upon the citizens of that community, as to the regulations made for the common benefit; thus avoiding the *bellum omnium contra omnes* which would otherwise arise in the exercise of this industry;

(*d*) Because these words are such as would naturally suggest themselves to the negotiators of 1818 if their intention had been to express a common subjection to regulations as well as a common right.

In the course of the Argument it has also been alleged by the United States:—

> (5) That the treaty of 1818 should be held to have entailed a transfer or partition of sovereignty, in that it must in respect to the liberties of fishery be interpreted in its relation to the treaty of 1783; and that this latter treaty was an act of partition of sovereignty and of separation, and as such was not annulled by the war of 1812.

Although the Tribunal is not called upon to decide the issue whether the treaty of 1783 was a treaty of partition or not, the questions involved therein having been set at rest by the subsequent treaty of 1818, nevertheless the Tribunal could not forbear to consider the contention on account of the important bearing the controversy has upon the true interpretation of the treaty of 1818. In that respect the Tribunal is of opinion:—

(*a*) That the right to take fish was accorded as a condition of peace to a foreign people; wherefore the British negotiators refused to place the right of British subjects on the same footing with those of American inhabitants; and further, refused to insert the words also proposed by Mr. Adams—"continue to enjoy"—in the second branch of Article III of the treaty of 1783;

(*b*) That the treaty of 1818 was in different terms, and very different in extent, from that of 1783, and was made for different considerations. It was, in other words, a new grant.

For the purpose of such proof it is further contended by the United States:—

> 6. That as contemporary commercial treaties contain express provisions for submitting foreigners to local legislation, and the treaty of 1818 contains no such provision, it should be held, *a contrario*, that inhabitants of the United States exercising these liberties are exempt from regulation.

The Tribunal is unable to agree with this contention:—

(*a*) Because the commercial treaties contemplated did not admit foreigners to all and equal rights, seeing that local legislation excluded them from many rights of importance, *e.g.*, that of holding land; and the purport of the provisions in question consequently was to preserve these discriminations. But no such discriminations existing in the common enjoyment of the fishery by American and British fishermen, no such provision was required;

(*b*) Because no proof is furnished of similar exemptions of foreigners from local legislation in default of treaty stipulations subjecting them thereto;

(*c*) Because no such express provision for subjection of the nationals of either Party to local law was made either in this treaty, in respect to their reciprocal admission to certain

territories as agreed in Article III, or in Article III of the treaty of 1794; although such subjection was clearly contemplated by the Parties.

For the purpose of such proof it is further contended by the United States:—

7. That, as the liberty to dry and cure on the treaty coasts and to enter bays and harbours on the non-treaty coasts are both subjected to conditions and the latter to specific restrictions, it should therefore be held that the liberty to fish should be subjected to no restrictions, as none are provided for in the treaty.

The Tribunal is unable to apply the principle of *"expressio unius exclusio alterius"* to this case:—

(*a*) Because the conditions and restrictions as to the liberty to dry and cure on the shore and to enter the harbours are limitations of the rights themselves, and not restrictions of their exercise. Thus the right to dry and cure is limited in duration, and the right to enter bays and harbours is limited to particular purposes.

(*b*) Because these restrictions of the right to enter bays and harbours applying solely to American fishermen must have been expressed in the treaty, whereas regulations of the fishery, applying equally to American and British, are made by right of territorial sovereignty.

For the purpose of such proof it has been contended by the United States:—

(8) That Lord Bathurst in 1815 mentioned the American right under the treaty of 1783 as a right to be exercised "at the discretion of the United States;" and that this should be held as to be derogatory to the claim of exclusive regulation by Great Britain.

But the Tribunal is unable to agree with this contention:—

(*a*) Because these words implied only the necessity of an express stipulation for any liberty to use foreign territory at the pleasure of the grantee, without touching any question as to regulation;

(*b*) Because in this same letter Lord Bathurst characterized this right as a policy "temporary and experimental, depending on the use that might be made of it, on the condition of the islands and places where it was to be exercised, and the more general conveniences or inconveniences from a military, naval and commercial point of view;" so that it cannot have been his intention to acknowledge the exclusion of British interference with this right;

(*c*) Because Lord Bathurst, in his note to Governor Sir C. Hamilton in 1819, orders the Governor to take care that the American fishery on the coast of Labrador be carried on *in the same manner* as previous to the late war; showing that he did not interpret the treaty just signed as a grant conveying absolute immunity from interference with the American fishery right.

For the purpose of such proof it is further contended by the United States:—

(9) That on various other occasions following the conclusion of the treaty, as evidenced by official correspondence, Great Britain made use of expressions inconsistent with the claim to a right of regulation.

The tribunal, unwilling to invest such expressions with an importance entitling them to affect the general question, considers that such conflicting or inconsistent expressions as have been exposed on either side are sufficiently explained by their relation to ephemeral phases of a controversy of almost secular duration, and should be held to be without direct effect on the principal and present issues.

Now, with regard to the second contention involved in Question I, as to whether the right of regulation can be reasonably exercised by Great Britain without the consent of the United States:—

Considering that the recognition of a concurrent right of consent in the United States would affect the independence of Great Britain, which would become dependent on the Government of the United States for the exercise of its sovereign right of regulation, and considering that such a co-dominium would be contrary to the constitution of both sovereign States; the burden of proof is imposed on the United States to show that the independence of Great Britain was thus impaired by international contract in 1818 and that a co-dominium was created.

For the purpose of such proof it is contended by the United States:—

(10) That a concurrent right to co-operate in the making and enforcement of regulations is the only possible and proper security to their inhabitants for the enjoyment of their liberties of fishery, and that such a right must be held to be implied in the grant of those liberties by the treaty under interpretation.

The Tribunal is unable to accede to this claim on the ground of a right so implied:—

(*a*) Because every State has to execute the obligations incurred by treaty *bona fide*, and is urged thereto by the ordinary sanctions of international law in regard to observance of treaty obligations. Such sanctions are, for instance, appeal to public opinion, publication of correspondence, censure by Parliamentary vote, demand for arbitration with the odium attendant on a refusal to arbitrate, rupture of relations, reprisal, &c. But no reason has been shown why this treaty, in this respect, should be considered as different from every other treaty under which the right of a State to regulate the action of foreigners admitted by it on its territory is recognized;

(*b*) Because the exercise of such a right of consent by the United States would predicate an abandonment of its independence in this respect by Great Britain, and the recognition by the latter of a concurrent right of regulation in the United States. But the treaty conveys only a liberty to take fish in common, and neither directly nor indirectly conveys a joint right of regulation;

(*c*) Because the treaty does not convey a common right of fishery, but a liberty to fish in common. This is evidenced by the attitude of the United States Government in 1823, with respect to the relations of Great Britain and France in regard to the fishery;

(*d*) Because if the consent of the United States were requisite for the fishery a general veto would be accorded them, the full exercise of which would be socially subversive and would lead to the consequence of an unregulatable fishery;

(*e*) Because the United States cannot by assent give legal force and validity to British legislation;

(*f*) Because the liberties to take fish in British territorial waters and to dry and cure fish on land in British territory are in principle on the same footing; but in practice a right of co-operation in the elaboration and enforcement of regulations in regard to the latter liberty (drying and curing fish on land) is unrealisable.

In any event, Great Britain, as the local sovereign, has the duty of preserving and protecting the fisheries. In so far as it is necessary for that purpose, Great Britain is not only entitled, but obliged, to provide for the protection and preservation of the fisheries; always remembering that the exercise of this right of legislation is limited by the obligation to execute the treaty in good faith. This has been admitted by counsel and recognized by Great Britain in limiting the right of regulation to that of reasonable regulation. The inherent defect of this limitation of reasonableness, without any sanction except in diplomatic remonstrance, has been supplied by the submission to arbitral Award as to existing regulations in accordance with Articles II and III of the Special Agreement, and as to further regulation by the obligation to submit their reasonableness to an arbitral test in accordance with Article IV of the agreement.

It is finally contended by the United States:—

That the United States did not expressly agree that the liberty granted to them could be subjected to any restriction that the grantor might choose to impose on the ground that in her judgment such restriction was reasonable. And that while admitting that all laws of a general character, controlling the conduct of men within the territory of Great Britain, are effective, binding and beyond objection by the United States, and competent to be made upon the sole determination of Great Britain or her colony, without accountability to any one whomsoever; yet there is somewhere a line, beyond which it is not competent for Great Britain to go, or beyond which she cannot rightfully go, because to go beyond it would be an invasion of the right granted to the United States in 1818. That the legal effect of the grant of 1818 was not to leave the determination as to where that line is to be drawn to the uncontrolled judgment of the grantor, either upon the grantor's consideration as to what would be a reasonable exercise of its sovereignty over the British Empire, or upon the grantor's consideration of what would be a reasonable exercise thereof towards the grantee.

But this contention is founded on assumptions which this Tribunal cannot accept for the following reasons in addition to those already set forth:—

(*a*) Because the line by which the respective rights of both parties accruing out of the treaty are to be circumscribed, can refer only to the right granted by the treaty; that is to say, to the liberty of taking, drying and curing fish by American inhabitants in certain British waters in common with British subjects, and not to the exercise of rights of legislation by Great Britain not referred to in the treaty;

(*b*) Because a line which would limit the exercise of sovereignty of a State within the limits of its own territory can be drawn only on the ground of express stipulation, and not by implication from stipulations concerning a different subject-matter;

(*c*) Because the line in question is drawn according to the principle of international law that treaty obligations are to be executed in perfect good faith, therefore excluding the

right to legislate *at will* concerning the subject-matter of the treaty, and limiting the exercise of sovereignty of the States bound by a treaty with respect to that subject-matter to such acts as are consistent with the treaty;

(*d*) Because on a true construction of the treaty the question does not arise whether the United States agreed that Great Britain should retain the right to legislate with regard to the fisheries in her own territory; but whether the treaty contains an abdication by Great Britain of the right which Great Britain, as the Sovereign Power, undoubtedly possessed when the treaty was made, to regulate those fisheries;

(*e*) Because the right to make reasonable regulations, not inconsistent with the obligations of the treaty which is all that is claimed by Great Britain, for a fishery which both Parties admit requires regulation for its preservation, is not a restriction of or an invasion of the liberty granted to the inhabitants of the United States. This grant does not contain words to justify the assumption that the sovereignty of Great Britain upon its own territory was in any way affected; nor can words be found in the treaty transferring any part of that sovereignty to the United States. Great Britain assumed only duties with regard to the exercise of its sovereignty. The sovereignty of Great Britain over the coastal waters and territory of Newfoundland remains after the treaty as unimpaired as it was before. But from the treaty results an obligatory relation whereby the right of Great Britain to exercise its right of sovereignty by making regulations is limited to such regulations as are made in good faith, and are not in violation of the treaty;

(*f*) Finally, to hold that the United States, the grantee of the fishing right, has a voice in the preparation of fishery legislation involves the recognition of a right in that country to participate in the internal legislation of Great Britain and her colonies, and to that extent would reduce these countries to a state of dependence.

While therefore unable to concede the claim of the United States as based on the treaty, this Tribunal considers that such claim has been and is to some extent, conceded in the relations now existing between the two Parties. Whatever may have been the situation under the treaty of 1818 standing alone, the exercise of the right of regulation inherent in Great Britain has been, and is, limited by the repeated recognition of the obligations already referred to, by the limitations and liabilities accepted in the Special Agreement, by the unequivocal position assumed by Great Britain in the presentation of its case before this Tribunal, and by the consequent view of this Tribunal that it would be consistent with all the circumstances, as revealed by this record, as to the duty of Great Britain, that she should submit the reasonableness of any future regulation to such an impartial arbitral test, affording full opportunity therefor, as is hereafter recommended under the authority of Article IV of the Special Agreement, whenever the reasonableness of any regulation is objected to or challenged by the United States in the manner, and within the time hereinafter specified in the said recommendation.

Now, therefore, this Tribunal decides and awards as follows:—

The right of Great Britain to make regulations without the consent of the United States as to the exercise of the liberty to take fish referred to in Article I of the treaty of October 20, 1818, in the form of municipal laws, ordinances or rules of Great Britain, Canada or Newfoundland is inherent to the sovereignty of Great Britain.

The exercise of that right by Great Britain is, however, limited by the said treaty in respect of the said liberties therein granted to the inhabitants of the United States in that such regulations must be made bona fide and must not be in violation of the said treaty.

Regulations which are (1) appropriate or necessary for the protection and preservation of such fisheries, or (2) desirable or necessary on grounds of public order and morals without unnecessarily interfering with the fishery itself, and in both cases equitable and fair as between local and American fishermen, and not so framed as to give unfairly an advantage to the former over the latter class, are not inconsistent with the obligation to execute the treaty in good faith, and are therefore reasonable and not in violation of the treaty.

For the decision of the question whether a regulation is or is not reasonable, as being or not in accordance with the dispositions of the treaty and not in violation thereof, the treaty of 1818 contains no special provision. The settlement of differences in this respect that might arise thereafter was left to the ordinary means of diplomatic intercourse. By reason however, of the form in which Question I is put, and by further reason of the admission of Great Britain by her counsel before this Tribunal that it is not now for either of the Parties to the treaty to determine the reasonableness of any regulation made by Great Britain, Canada or Newfoundland, the reasonableness of any such regulation, if contested, must be decided not by either of the Parties, but by an impartial authority in accordance with the principles hereinabove laid down, and in the manner proposed in the recommendations made by the Tribunal in virtue of Article IV of the agreement.

The Tribunal further decides that Article IV of the agreement is, as stated by counsel of the respective Parties at the argument, permanent in its effect, and not terminable by the expiration of the General Arbitration Treaty of 1908 between Great Britain and the United States.

In execution, therefore, of the responsibilities imposed upon this Tribunal in regard to Articles II. III and IV of the Special Agreement, we hereby pronounce in their regard as follows:—

AS TO ARTICLE II

Pursuant to the provisions of this article hereinbefore cited, either Party has called the attention of this Tribunal to acts of the other claimed to be inconsistent with the true interpretation of the treaty of 1818.

But in response to a request from the Tribunal, recorded in Protocol No. 26 of 19th July, for an exposition of the grounds of such objections, the Parties replied as reported in Protocol No. 30 of 28th July to the following effect:—

His Majesty's Government considered that it would be unnecessary to call upon the Tribunal for an opinion under the second clause of Article II, in regard to the executive act of the United States of America in sending warships to the territorial waters in question, in view of the recognized motives of the United States of America in taking this action, and of the relations maintained by their representatives with the local authorities. And this being the sole act to which the attention of this Tribunal has been called by His Majesty's Government, no further action in their behalf is required from this Tribunal under Article II.

The United States of America presented a statement in which their claim that specific provisions of certain legislative and executive acts of the Governments of Canada and Newfoundland were inconsistent with the true interpretation of the treaty of 1818 was based on the contention that these provisions were not 'reasonable' within the meaning of Question I.

After calling upon this Tribunal to express an opinion on these acts, pursuant to the second clause of Article II, the United States of America pointed out in that statement that under Article III any question regarding the reasonableness of any regulation might be referred by the Tribunal to a Commission of expert specialists, and expressed an intention of asking for such reference under certain circumstances.

The Tribunal having carefully considered the counter-statement presented on behalf of Great Britain at the session of August 2, is of opinion that the decision on the reasonableness of these regulations requires expert information about the fisheries themselves and an examination of the practical effect of a great number of these provisions in relation to the conditions surrounding the exercise of the liberty of fishery enjoyed by the inhabitants of the United States, as contemplated by Article III. No further action on behalf of the United States is therefore required from this Tribunal under Article II.

AS TO ARTICLE III

As provided in Article III, hereinbefore cited and above referred to, any question regarding the reasonableness of any regulation, or otherwise, which requires an examination of the practical effect of any provisions surrounding the exercise of the liberty of fishery enjoyed by the inhabitants of the United States, or which requires expert information about the fisheries themselves, may be referred by this Tribunal to a Commission of expert specialists one to be designated by each of the Parties hereto, and the third, who shall not be a national of either Party, to be designated by the Tribunal.

The Tribunal now, therefore, calls upon the Parties to designate within one month their national Commissioners for the expert examination of the questions submitted.

As the third non-national Commissioner this Tribunal designates Dr. P. P. C. Hoek, scientific adviser for the fisheries of the Netherlands, and if any necessity arises therefor a substitute may be appointed by the President of this Tribunal.

After a reasonable time, to be agreed on by the Parties, for the expert Commission to arrive at a conclusion, by conference, or, if necessary, by local inspection, the Tribunal shall, if convoked by the President at the request of either Party, thereupon at the earliest convenient date, reconvene to consider the report of the Commission, and if it be on the whole unanimous shall incorporate it in the Award. If not on the whole unanimous—i.e., on all points which, in the opinion of the Tribunal, are of essential importance—the Tribunal shall make its award as to the regulations concerned after consideration of the conclusions of the expert Commissioners and after hearing argument by counsel.

But while recognizing its responsibilities to meet the obligations imposed on it under Article III of the Special Agreement, the Tribunal hereby recommends as an alternative to having recourse to a reconvention of this Tribunal, that the Parties should accept the unanimous opinion of the Commission or the opinion of the non-national Commissioner on any points in dispute as an arbitral Award rendered under the provisions of chapter iv of The Hague Convention of 1907.

AS TO ARTICLE IV.

Pursuant to the provisions of this article hereinbefore cited, this Tribunal recommends for the consideration of the Parties the following rules and method of procedure under which all questions which may arise in the future regarding the exercise of the liberties above referred to may be determined in accordance with the principles laid down in this Award.

1.

All future municipal laws, ordinances or rules for the regulation of the fishery by Great Britain in respect of (1) the hours, days or seasons when fish may be taken on the treaty coasts; (2) the method, means and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulation of a similar character shall be published in the 'London Gazette' two months before going into operation.

Similar regulations by Canada or Newfoundland shall be similarly published in the 'Canada Gazette' and the 'Newfoundland Gazette' respectively.

2.

If the Government of the United States considers any such laws or regulations inconsistent with the treaty of 1818, it is entitled to so notify the Government of Great Britain within the two months referred to in Rule No. 1.

3.

Any law or regulation so notified shall not come into effect with respect to inhabitants of the United States until the Permanent Mixed Fishery Commission has decided that the regulation is reasonable within the meaning of this Award.

4.

Permanent Mixed Fishery Commissions for Canada and Newfoundland respectively shall be established for the decision of such questions as to the reasonableness of future regulations, as contemplated by Article IV of the Special Agreement; these commissions shall consist of an expert national appointed by either Party for five years. The third member shall not be a national of either party; he shall be nominated for five years by agreement of the Parties, or failing such agreement within two months, he shall be nominated by Her Majesty the Queen of the Netherlands. The two national members shall be convoked by the Government of Great Britain within one month from the date of notification by the Government of the United States.

5.

The two national members having failed to agree within one month, within another month the full Commission, under the presidency of the Umpire, is to be convoked by Great Britain. It must deliver its decision, if the two Governments do not agree otherwise, at the latest in three months. The Umpire shall conduct the procedure in accordance with that provided in chapter iv of the Convention for the Pacific Settlement of International Disputes, except in so far as herein otherwise provided.

6.

The form of convocation of the Commission including the terms of reference of the question at issue shall be as follows:

'The provision hereinafter fully set forth of an Act dated published in the , has been notified to the Government of Great Britain by the Government of the United States, under date of , as provided by the award of the Hague Tribunal of September 7, 1910.

'Pursuant to the provisions of that Award the Government of Great Britain hereby convokes the Permanent Mixed Fishery Commission for (Canada)/(Newfoundland) composed of

Commissioner for the United States of America, and of

Commissioner for (Canada)/(Newfoundland), which shall meet at , and render a decision within one month as to whether the provision so notified is reasonable and consistent with the treaty of 1818, as interpreted by the Award of the Hague Tribunal of September 7, 1910, and if not, in what respect is it unreasonable and inconsistent therewith.

'Failing an agreement on this question within one month the Commission shall so notify the Government of Great Britain in order that the further action required by that Award may be taken for the decision of the above question.

'The provision is as follows:—

7.

The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commissioner, shall be final and binding.

QUESTION II.

Have the inhabitants of the United States, while exercising the liberties referred to in said article, a right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States?

In regard to this question the United States claim in substance:—

1. That the liberty assured to their inhabitants by the treaty plainly includes the right to use all the means customary or appropriate for fishing upon the sea, not only ships and nets and boats, but crews to handle the ships and the nets and the boats;
2. That no right to control or limit the means which these inhabitants shall use in fishing can be admitted unless it is provided in the terms of the treaty and no right to question the nationality or inhabitancy of the crews employed is contained in the terms of the treaty.

And Great Britain claims:—

1. That the treaty confers the liberty to inhabitants of the United States exclusively;
2. That the Governments of Great Britain, Canada or Newfoundland may, without infraction of the treaty, prohibit persons from engaging as fishermen in American vessels.

Now considering (1) that the liberty to take fish is an economic right attributed by the treaty; (2) that it is attributed to inhabitants of the United States, without any mention of their nationality; (3) that the exercise of an economic right includes the right to employ servants; (4) that the right of employing servants has not been limited by the treaty to the employment of persons of a distinct nationality or inhabitancy; (5) that the liberty to take fish as an economic liberty refers not only to the individuals doing the manual act of fishing, but also to those for whose profit the fish are taken.

But considering that the treaty does not intend to grant to individual persons or to a class of persons the liberty to take fish in certain waters "in common," that is to say in company, with individual British subjects, in the sense that no law could forbid British subjects to take service on American fishing-ships; (2) that the treaty intends to secure to the United States a share of the fisheries designated therein, not only in the interest of a certain class of individuals, but also in the interest of both the United States and Great Britain, as appears from the evidence and notably from the correspondence between Mr. Adams and Lord Bathurst in 1815; (3) that the inhabitants of the United States do not derive the liberty to take fish directly from the treaty, but from the United States Government as party to the treaty with Great Britain and moreover exercising the right to regulate the conditions under which its inhabitants may enjoy the granted liberty; (4) that it is in the interest of the inhabitants of the United States that the fishing liberty granted to them be restricted to exercise by them and removed from the enjoyment of other aliens not entitled by this treaty to participate in the fisheries; (5) that such restrictions have been throughout enacted in the British Statute of June 15, 1819, and that of June 3, 1824, to this effect, that no alien or stranger whatsoever shall fish in the waters designated therein, except in so far as by treaty thereto entitled, and that this exception will, in virtue of the treaty of 1818, as hereinabove interpreted by this Award, exempt from these statutes American fishermen fishing by the agency of non-inhabitant aliens employed in their service; (6) that the treaty does not affect the sovereign right of Great Britain as to aliens, non-inhabitants of the United States, nor the right of Great Britain to regulate the engagement of British subjects, while these aliens or British subjects are on British territory.

Now, therefore, in view of the preceding considerations this Tribunal is of opinion that the inhabitants of the United States while exercising the liberties referred to in the said article have a right to employ, as members of the fishing crews of their vessels, persons not inhabitants of the United States.

But in view of the preceding considerations the Tribunal, to prevent any misunderstanding as to the effect of its Award, expresses the opinion that non-inhabitants employed as members of the fishing crews of United States vessels derive no benefit or immunity from the treaty and it is so decided and awarded.

QUESTION III.

Can the exercise by the inhabitants of the United States of the liberties referred to in the said article be subjected, without the consent of the United States, to the requirements of entry or report at custom-houses or the payment of light or harbour or other dues, or to any other similar requirement or condition or exaction?

The Tribunal is of opinion as follows:—

It is obvious that the liberties referred to in this qeestion are those that relate to taking fish and to drying and curing fish on certain coasts as prescribed in the treaty of October 20, 1818. The exercise of these liberties by the inhabitants of the United States in the prescribed waters to which they relate, has no reference to any commercial privileges which may or may not attach to such vessels by reason of any supposed authority outside the treaty

which itself confers no commercial privileges whatever upon the inhabitants of the United States or the vessels in which they may exercise the fishing liberty. It follows, therefore, that when the inhabitants of the United States are not seeking to exercise the commercial privileges accorded to trading-vessels for the vessels in which they are exercising the granted liberty of fishing, they ought not to be subjected to requirements as to report and entry at custom-houses that are only appropriate to the exercise of commercial privileges. The exercise of the fishing liberty is distinct from the exercise of commercial or trading privileges and it is not competent for Great Britain or her colonies to impose upon the former exactions only appropriate to the latter. The reasons for the requirements enumerated in the case of commercial vessels, have no relation to the case of fishing-vessels.

We think, however, that the requirement that American fishing-vessels should report, if proper conveniences and an opportunity for doing so are provided, is not unreasonable or inappropriate. Such a report while serving the purpose of a notification of the presence of a fishing-vessel in the treaty waters for the purpose of exercising the treaty liberty, while it gives an opportunity for a proper surveillance of such vessel by revenue officers, may also serve to afford to such fishing-vessel protection from interference in the exercise of the fishing liberty. There should be no such requirement, however, unless reasonably convenient opportunity therefor be afforded in person or by telegraph, at a custom-house or to a customs official.

The Tribunal is also of opinion that light and harbour dues, if not imposed on Newfoundland fishermen, should not be imposed on American fishermen while exercising the liberty granted by the treaty. To impose such dues on American fishermen only would constitute an unfair discrimination between them and Newfoundland fishermen and one inconsistent with the liberty granted to American fishermen to take fish, etc., 'in common with the subjects of his Britannic Majesty.'

Further, the Tribunal considers that the fulfilment of the requirement as to report by fishing-vessels on arrival at the fishery would be greatly facilitated in the interests of both parties by the adoption of a system of registration, and distinctive marking of the fishing-boats of both Parties, analogous to that established by Articles V to XIII, inclusive of the International Convention signed at The Hague, 8th May, 1882, for the regulation of the North Sea Fisheries.

The Tribunal therefore decides and awards as follows:—

The requirement that an American fishing vessel should report, if proper conveniences for doing so are at hand, is not unreasonable, for the reasons stated in the foregoing opinion. There should be no such requirement, however, unless there be reasonably convenient opportunity afforded to report in person or by telegraph, either at a customhouse or to a customs official.

But the exercise of the fishing liberty by the inhabitants of the United States should not be subjected to the purely commercial formalities of report, entry and clearance at a custom-house, nor to light, harbour or other dues not imposed upon Newfoundland fishermen.

QUESTION IV.

Under the provision of the said article that the American fishermen shall be admitted to enter certain bays or harbours for shelter, repairs, wood, or water, and for no other purpose whatever, but that they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein or in any other manner whatever abusing the privileges thereby reserved to them, is it permissible to impose restrictions making the exercise of such privileges conditional upon the payment of light, harbour or other dues, or entering or reporting at customhouses or any similar conditions?

The Tribunal is of opinion that the provision in the first article of the treaty of October 20, 1818, admitting American fishermen to enter certain bays or harbours for shelter, repairs, wood and water, and for no other purpose whatever, is an exercise in large measure of those duties of hospitality and humanity which all civilized nations impose upon themselves and expect the performance of from others. The enumerated purposes for which entry is permitted all relate to the exigencies in which those who pursue their perilous calling on the sea may be involved. The proviso which appears in the first article of the said treaty immediately after the so-called renunciation clause, was doubtless due to a recognition by Great Britain of what was expected from the humanity and civilization of the then leading commercial nation of the world. To impose restrictions making the exercise of such privileges conditional upon the payment of light, harbour or other dues, or entering and reporting at customhouses, or any similar conditions would be inconsistent with the grounds upon which such privileges rest and therefore is not permissible.

And it is decided and awarded that such restrictions are not permissible.

It seems reasonable, however, in order that these privileges accorded by Great Britain on these grounds of hospitality and humanity should not be abused, that the American fishermen entering such bays for any of the four purposes aforesaid and remaining more than

forty-eight hours therein, should be required, if thought necessary by Great Britain or the Colonial Government, to report, either in person or by telegraph, at a customshouse or to a customs official, if reasonably convenient opportunity therefor is afforded.

And it is so decided and awarded.

QUESTION V.

From where must be measured the "three marine miles of any of the coasts, bays, creeks, or harbours" referred to in the said article?

In regard to this question, Great Britain claims that the renunciation applies to all bays generally and

The United States contend that it applies to bays of a certain class or condition.

Now, considering that the treaty used the general term "bays" without qualification, the Tribunal is of opinion that these words of the treaty must be interpreted in a general sense as applying to every bay on the coast in question that might be reasonably supposed to have been considered as a bay by the negotiators of the treaty under the general conditions then prevailing, unless the United States can adduce satisfactory proof that any restrictions or qualifications of the general use of the term were or should have been present to their minds.

And for the purpose of such proof the United States contend:—

1. That while a State may renounce the treaty right to fish in foreign territorial waters, it cannot renounce the natural right to fish on the high seas.

But the Tribunal is unable to agree with this contention. Because though a State cannot grant rights on the high seas it certainly can abandon the exercise of its right to fish on the high seas within certain definite limits. Such an abandonment was made with respect to their fishing rights in the waters in question by France and Spain in 1763. By a convention between the United Kingdom and the United States in 1846, the two countries assumed ownership over waters in Fuca Straits at distances from the shore as great as 17 miles.

The United States contend, moreover:—

2. That by the use of the term "liberty to fish," the United States manifested the intention to renounce the liberty in the waters referred to only in so far as that liberty was dependent upon or derived from a concession on the part of Great Britain, and not to renounce the right to fish in those waters where it was enjoyed by virtue of their natural right as an independent State.

But the Tribunal is unable to agree with this contention:—

(a) Because the term "liberty to fish" was used in the renunciatory clause of the treaty of 1818 because the same term had been previously used in the treaty of 1783 which gave the liberty; and it was proper to use in the renunciation clause the same term that was used in the grant with respect to the object of the grant; and, in view of the terms of the grant, it would have been improper to use the term "right" in the renunciation. Therefore the conclusion drawn from the use of the term "liberty" instead of the term "right" is not justified;

(*b*) Because the term "liberty" was a term properly applicable to the renunciation which referred not only to fishing in the territorial waters, but also to drying and curing on the shore. This latter right was undoubtedly held under the provisions of the treaty and was not a right accruing to the United States by virtue of any principle of international law.

3. The United States also contend that the term "bays of His Britannic Majesty's Dominions" in the renunciatory clause must be read as including only those bays which were under the territorial sovereignty of Great Britain.

But the Tribunal is unable to accept this contention:—

(*a*) Because the description of the coast on which the fishery is to be exercised by the inhabitants of the United States is expressed throughout the treaty of 1818 in geographical terms and not by reference to political control; the treaty describes the coast as contained between capes.

(*b*) Because to express the political concept of dominion as equivalent to sovereignty, the word "dominion" in the singular would have been an adequate term and not "dominions" in the plural; this latter term having a recognized and well settled meaning as descriptive of those portions of the earth which owe political allegiance to His Majesty, *e.g.*, "His Britannic Majesty's Dominions beyond the Seas."

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4. It has been further contended by the United States that the renunciation applies only to bays six miles or less in width "inter fauces terræ," those bays only being territorial bays because the three mile rule is, as shown by this treaty, a principle of international law applicable to coasts and should be strictly and systematically applied to bays.

But the Tribunal is unable to agree with this contention:—

(*a*) Because admittedly the geographical character of a bay contains conditions which concern the interests of the territorial sovereign to a more intimate and important extent than do those connected with the open coast. Thus conditions of national and territorial integrity, of defence, of commerce and of industry are all vitally concerned with the control of the bays penetrating the national coast line. This interest varies, speaking generally, in proportion to the penetration inland of the bay; but as no principle of international law recognizes any specified relation between the concavity of the bay and the requirements for control by the territorial sovereignty, this Tribunal is unable to qualify by the application of any new principle its interpretation of the treaty of 1818 as excluding bays in general from the strict and systematic application of the three mile rule; nor can this Tribunal take cognizance in this connection of other principles concerning the territorial sovereignty over bays, such as ten mile or twelve mile limits of exclusion based on international acts subsequent to the treaty of 1818 and relating to coasts of a different configuration and conditions of a different character;

(*b*) Because the opinion of jurists and publicists quoted in the proceedings conduces to the opinion that, speaking generally, the three mile rule should not be strictly and systematically applied to bays;

(*c*) Because the treaties referring to these coasts, antedating the treaty of 1818, made special provisions as to bays, such as the treaties of 1686 and 1713 between Great Britain and France, and especially the treaty of 1778 between the United States and France. Likewise Jay's Treaty of 1794, article 25, distinguished bays from the space "within cannon-shot of the coast" in regard to the right of seizure in times of war. If the proposed treaty of 1806 and the treaty of 1818 contained no disposition to that effect, the explanation may be found in the fact that the first extended the marginal belt to five miles, and also in the circumstance that the American proposition of 1818 in that respect was not limited to "bays," but extended to "chambers formed by headlands" and to "five marine miles from a right line from one headland to another," a proposition which in the times of the Napoleonic wars would have affected to a very large extent the operations of the British navy;

(*d*) Because it has not been shown by the documents and correspondence in evidence here that the application of the three mile rule to bays was present to the minds of the negotiators in 1818, and they could not reasonably have been expected either to presume it or to provide against its presumption;

(*e*) Because it is difficult to explain the words in Article III of the treaty under interpretation "country . . . together with its bays, harbours and creeks" otherwise than that all bays without distinction as to their width were, in the opinion of the negotiators, part of the territory;

(*f*) Because from he information before this Tribunal it is evident that the three mile rule is not applied to bays strictly or systematically either by the United States or by any other Power;

(*g*) It has been recognized by the United States that bays stand apart, and that in respect of them territorial jurisdiction may be exercised farther than the marginal belt in the case of Delaware Bay by the report of the United States Attorney-General of May 19th, 1793; and the letter of Mr. Jefferson to Mr. Genet of November 8th, 1793, declares the bays of the United States generally to be "as being landlocked, within the body of the United States."

5. In this latter regard it is further contended by the United States that such exceptions only should be made from the application of the three mile rule to bays as are sanctioned by conventions and established usage; that all exceptions for which the United States of America were responsible are so sanctioned; and that His Majesty's Government are unable to provide evidence to show that the bays concerned by the treaty of 1818 could be claimed as exceptions on these grounds either generally, or, except possibly in one or two cases, specifically.

But the Tribunal, while recognizing that conventions and established usage might be considered as the basis for claiming as territorial those bays which on this ground might be called historic bays, and that such claim should be held valid in the absence of any principle of international law on the subject, nevertheless is unable to apply this, *a contrario*, so as to subject the bays in question to the three mile rule as desired by the United States:—

(*a*) Because Great Britain has during this controversy asserted a claim to these bays generally, and has enforced such claim specifically in statutes or otherwise, in regard to the more important bays, such as Chaleurs, Conception and Miramichi;

(*b*) Because neither should such relaxations of this claim, as are in evidence, be construed as renunciations of it; nor should omissions to enforce the claim in regard to bays as to which no controversy arose be so construed. Such a construction by this tribunal would not only be intrinsically inequitable, but internationally injurious, in that it would discourage conciliatory diplomatic transactions and encourage the assertion of extreme claims in their fullest extent;

(*c*) Because any such relaxations in the extreme claim of Great Britain in its international relations are compensated by recognitions of it in the same sphere by the United States; notably in relations with France, for instance in 1823, when they applied to Great Britain for the protection of their fishery in the bays on the western coast of Newfoundland, whence they had been driven by French war-vessels on the ground of the pretended exclusive right of the French. Though they never asserted that their fishermen had been disturbed within the three mile zone, only alleging that the disturbance had taken place in the bays, they claimed to be protected by Great Britain for having been molested in waters which were, as Mr. Rush stated, "clearly within the jurisdiction and sovereignty of Great Britain."

6. It has been contended by the United States that the words "coasts, bays, creeks or harbours" are here used only to express different parts of the coast, and are intended to express and be equivalent to the word "coast," whereby the three marine miles would be measured from the sinuosities of the coast and the renunciation would apply only to the waters of bays within three miles.

But the Tribunal is unable to agree with this contention:—

(*a*) Because it is a principle of interpretation that words in a document ought not to be considered as being without any meaning if there is not specific evidence to that purpose and the interpretation referred to would lead to the consequence, practically, of reading the words "bays, creeks and harbours" out of the treaty; so that it would read "within three miles of any of the coasts" including therein the coasts of the bays and harbours;

(*b*) Because the word "therein" in the proviso—"restrictions necessary to prevent their taking, drying or curing fish therein"—can refer only to "bays," and not to the belt of three miles along the coast; and can be explained only on the supposition that the words "bays, creeks and harbours" are to be understood in their usual ordinary sense and not in an artificially restricted sense of bays within the three mile belt;

(*c*) Because the practical distinction for the purpose of this fishery between coasts and bays and the exceptional conditions pertaining to the latter has been shown from the correspondence and the documents in evidence, especially the treaty of 1783, to have been in all probability present to the minds of the negotiators of the treaty of 1818;

(*d*) Because the existence of this distinction is confirmed in the same article of the treaty by the proviso permitting the United States fishermen to enter bays for certain purposes;

(*e*) Because the word "coasts" is used in the plural form, whereas the contention would require its use in the singular;

(*f*) Because the Tribunal is unable to understand the term "bays" in the renunciatory clause in other than its geographical sense, by which a bay is to be considered as an indentation of the coast, bearing a configuration of a particular character, easy to determine specifically, but difficult to describe generally.

The negotiators of the treaty of 1818 did probably not trouble themselves with subtle theories concerning the notion of "bays;" they most probably thought that everybody would know what was a bay. In this popular sense the term must be interpreted in the treaty. The interpretation must take into account all the individual circumstances which, for any one of the different bays, are to be appreciated; the relation of its width to the length of penetration inland; the possibility and the necessity of its being defended by the State in whose territory it is indented; the special value which it has for the industry of the inhabitants of its shores; the distance which it is secluded from the highways of nations on the open sea and other circumstances not possible to enumerate in general.

For these reasons the Tribunal decides and awards:—

In case of bays, the three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the three marine miles are to be measured following the sinuosities of the coast.

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But considering the Tribunal cannot overlook that this answer to Question V, although correct in principle, and the only one possible in view of the want of a sufficient basis for a more concrete answer is not entirely satisfactory as to its practical applicability, and that it leaves room for doubts and differences in practice; Therefore the Tribunal considers it its duty to render the decision more practicable, and to remove the danger of future differences by adjoining to it a recommendation in virtue of the responsibilities imposed by Article IV of the Special Agreement.

Considering, moreover, that in treaties with France, with the North German Confederation and the German Empire, and likewise in the North Sea Convention, Great Britain has adopted for similar cases the rule that only bays of ten miles width should be considered as those wherein the fishing is reserved to nationals: And that in the course of the negotiations between Great Britain and the United States a similar rule has been on various occasions proposed and adopted by Great Britain in instructions to the naval officers stationed on these coasts: And that though these circumstances are not sufficient to constitute this a principle of international law, it seems reasonable to propose this rule with certain exceptions, all the more that this rule, with such exceptions, has already formed the basis of an agreement between the two Powers.

Now, therefore, this Tribunal, in pursuance of the provisions of Article IV, hereby recommends for the consideration and acceptance of the High Contracting Parties the following rules and method of procedure for determining the limits of the bays hereinbefore enumerated:—

1

In every bay not hereinafter specifically provided for the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

2

In the following bays, where the configuration of the coast and the local climatic conditions are such that foreign fishermen, when within the geographic headlands, might reasonably and bona fide believe themselves on the high seas, the limits of exclusion shall be drawn in each case between the headlands hereinafter specified as being those at and within which such fishermen might be reasonably expected to recognize the bay under average conditions.

For the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point Light; for the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabusintac Gully; for Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the province of Nova Scotia, the line from the light at Point Anconi to the nearest point on the opposite shore of the mainland.

For Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the southeasterly end of Brunet Island, thence to Fortune Head.

For or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely:—

For or near Barrington Bay, in Nova Scotia, the line from the light on Stoddart Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rouge; for Mira Bay, the line from the light on the east point of Scatari Island to the northeasterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Marasheen Island to the mainland.

Long Island and Bryer Island on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays.

It is understood that nothing in these rules refers either to the Bay of Fundy considered as a whole apart from its bays and creeks or as to the innocent passage through the Gut of Canso, which were excluded by the agreement made by exchange of notes between Mr. Bacon and Mr. Bryce, dated February 21st, 1909, and March 4th, 1909; or to Conception Bay, which was provided for by the decision of the Privy Council in the case of the Direct United States Cable Company v. the Anglo-American Telegraph Company, in which decision the United States have acquiesced.

QUESTION VI

Have the inhabitants of the United States the liberty under the said article or otherwise, to take fish in the bays, harbours and creeks on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands, or on the western and northern coasts of Newfoundland from Cape Ray to Quirpon Islands, or on the Magdalen Islands?

In regard to this question, it is contended by the United States that the inhabitants of the United States have the liberty under Article I of the treaty of taking fish in the bays, harbours and creeks on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands, or on the western and northern coasts of Newfoundland from Cape Ray to Quirpon Islands and on the Magdalen Islands. It is contended by Great Britain that they have no such liberty.

Now considering that the evidence seems to show that the intention of the parties to the treaty of 1818, as indicated by the records of the negotiations and by the subsequent attitude of the Governments was to admit the United States to such fishery, this Tribunal is of opinion that it is incumbent on Great Britain to produce satisfactory proof that the United States are not so entitled under the treaty.

For this purpose Great Britain points to the fact that whereas the treaty grants to American fishermen liberty to take fish "on the coasts, bays, harbours and creeks from Mount Joly on the southern coast of Labrador," the liberty is granted to the "coast" only of Newfoundland and to the "shore" only of the Magdalen Islands; and argues that evidence can be found in the correspondence submitted indicating an intention to exclude Americans from Newfoundland bays on the treaty coast, and that no value would have been attached at that time by the United States Government to the liberty of fishing in such bays because there was no cod fishery there as there was in the bays of Labrador.

But the Tribunal is unable to agree with this contention:

(*a*) Because the words "part of the southern coast . . . from . . . to," and the words "western and northern coasts . . . from . . . to," clearly indicate one uninterrupted coastline; and there is no reason to read into the words "coasts" a contradistinction to bays, in order to exclude bays. On the contrary, as already held in the answer to Question V, the words, "liberty, forever, to dry and cure fish in any of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland hereabove described," indicate that in the meaning of the treaty, as in all the preceding treaties relating to the same territories, the words coast, coasts, harbours, bays, etc., are used, without attaching to the word "coast" the specific meaning of excluding bays. Thus in the provision of the treaty of 1783 giving liberty "to take fish on such part of the coast of Newfoundland as British fishermen shall use," the word coast necessarily includes bays, because if the intention had been to prohibit the entering of the bays for fishing the following words "but not to dry or cure the same on that island," would have no meaning. The contention that in the treaty of 1783 the word "bays" is inserted lest otherwise Great Britain would have had the right to exclude the Americans to the three mile line, is inadmissible, because in that treaty that line is not mentioned;

(*b*) Because the correspondence between Mr. Adams and Lord Bathurst also shows that during the negotiations for the treaty the United States demanded the former rights enjoyed under the treaty of 1783, and that Lord Bathurst in the letter of 30th October, 1815, made no objection to granting those "former rights" "placed under some modifications," which latter did not relate to the right of fishing in bays, but only to the "preoccupation of British harbours and creeks by the fishing vessels of the United States and the forcible exclusion of British subjects where the fishery might be most advantageously conducted," and "to the clandestine introduction of prohibited goods into the British colonies." It may be therefore assumed that the word "coast" is used in both treaties in the same sense, including bays;

(*c*) Because the treaty expressly allows the liberty to dry and cure in the unsettled bays, etc., of the southern part of the coast of Newfoundland, and this shows that *à fortiori*, the taking of fish in those bays is also allowed; because the fishing liberty was a lesser burden than the grant to cure and dry, and the restrictive clauses never refer to fishing in contradistinction to drying, but always to drying in contradistinction to fishing. Fishing is granted without drying, never drying without fishing;

(*d*) Because there is not sufficient evidence to show that the enumeration of the component parts of the coast of Labrador was made in order to discriminate between the coast of Labrador and the coast of Newfoundland;

(*e*) Because the statement that there is no cod-fish in the bays of Newfoundland and that the Americans only took interest in the cod-fishery is not proved; and evidence to the contrary is to be found in Mr. John Adams' Journal of Peace Negotiations of November 25, 1782;

(*f*) Because the treaty grants the right to take fish of every kind, and not only cod-fish;

(*g*) Because the evidence shows that, in 1823, the Americans were fishing in Newfoundland bays and that Great Britain when summoned to protect them against expulsion therefrom by the French did not deny their right to enter such bays.

Therefore this Tribunal is of opinion that American inhabitants are entitled to fish in the bays, creeks and harbours of the treaty coasts of Newfoundland and the Magdalen Islands and it is so decided and awarded.

QUESTION VII

Are the inhabitants of the United States whose vessels resort to the treaty coasts for the purpose of exercising the liberties referred to in Article 1 of the treaty of 1818, entitled to have for those vessels, when duly authorized by the United States in that behalf, the commercial privileges on the treaty coasts accorded by agreement or otherwise to United States trading vessels generally?

Now assuming that commercial privileges on the treaty coasts are accorded by agreement or otherwise to United States trading vessels generally, without any exception, the inhabitants of the United States, whose vessels resort to the same coasts for the purpose of exercising the liberties referred to in Article 1 of the Treaty of 1818, are entitled to have for those vessels when duly authorized by the United States in that behalf, the above-mentioned commercial privileges, the treaty containing nothing to the contrary. But they cannot at the same time and during the same voyage exercise their treaty rights and enjoy their commercial privileges, because treaty rights and commercial privileges are submitted to different rules, regulations and restraints.

For these reasons this Tribunal is of opinion that the inhabitants of the United States are so entitled in so far as concerns this treaty, there being nothing in its provisions to disentitle them, provided the treaty liberty of fishing and the commercial privileges are not exercised concurrently, and it is so decided and awarded.

Done at The Hague, in the Permanent Court of Arbitration, in triplicate original, September 7th, 1910.

H. LAMMASCH.
A. F. DE SAVORNIN LOHMAN.
GEORGE GRAY.
C. FITZPATRICK.
LUIS M. DRAGO.

Signing the Award, I state pursuant to Article IX, clause 2, of the Special Agreement, my dissent from the majority of the Tribunal in respect to the considerations and enacting part of the Award as to Question V.

Grounds for this dissent have been filed at the International Bureau of the Permanent Court of Arbitration.

LUIS M. DRAGO.

Grounds for the Dissent to the Award on Question 5 by Dr. Luis M. Drago

Counsel for Great Britain have very clearly stated that, according to their contention, the territoriality of the bays referred to in the treaty of 1818 is immaterial, because, whether they are or are not territorial the United States should be excluded from fishing in them by the terms of the renunciatory clause, which simply refers to "bays, creeks or harbours of His Britannic Majesty's dominions," without any other qualification or description. If that were so, the necessity might arise of discussing whether or not a nation has the right to exclude another by contract or otherwise from any portion or portions of the high seas. But in my opinion the Tribunal need not concern itself with such general question, the wording of the treaty being clear enough to decide the point at issue.

Article 1 begins with the statement that differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry and cure fish on "certain coasts, bays, harbours and creeks of His Britannic Majesty's dominions in America," and then proceeds to locate the specific portions of the coast with its corresponding indentations, in which the liberty of taking, drying and curing fish should be exercised. The renunciatory clause, which the Tribunal is called upon to construe, runs thus:— "And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America not included within the above mentioned limits." This language does not lend itself to different constructions. If the bays in which the liberty has been renounced are those "of His Britannic Majesty's dominions in America," they must necessarily be territorial bays, because, in so far as they are not so considered, they should belong to the high seas, and consequently form no part of His Britannic Majesty's dominions, which, by definition, do not extend to the high seas. It cannot be said, as has been suggested, that the use of the word "dominions," in the plural, implies a different meaning than

would be conveyed by the same term as used in the singular, so that, in the present case, "the British dominions in America" ought to be considered as a mere geographical expression, without reference to any right of sovereignty or *"dominion."* It seems to me, on the contrary, that "dominions," or "possessions," or "estates," or such other equivalent terms, simply designate the places over which the "dominion" or property rights are exercised. Where there is no possibility of appropriation or dominion, as on the high seas, we cannot speak of dominions. The "dominions" extend exactly to the point which the "dominion" reaches; they are simply the actual or physical thing over which the abstract power or authority, the *right,* as given to the proprietor or the ruler, applies. The interpretation as to the territoriality of the bays as mentioned in the renunciatory clause of the treaty appears stronger when considering that the United States specifically renounced the "liberty," not the "right," to fish or to cure and dry fish. "The United States renounce, forever, any *liberty* heretofore enjoyed or claimed, to take, cure or dry fish on, or within three marine miles of any of the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America." It is well known that the negotiators of the treaty of 1783 gave a very different meaning to the terms *liberty* and *right,* as distinguished from each other. In this connection, Mr. Adams' journal may be recited. To this journal the British Counter-Case refers in the following terms:—"From an entry in Mr. Adams' journal it appears that he drafted an article by which he distinguished the *right* to take fish (both on the high seas and on the shores) and the *liberty* to take and cure fish on the land. But on the following day he presented to the British negotiators a draft in which he distinguishes between the *'right'* to take fish on the high seas, and the *'liberty'* to take fish on the *'coasts,'* and to dry and cure fish on the land. . . . The British Commissioner called attention to the distinction thus suggested by Mr. Adams, and proposed that the word *liberty* should be applied to the privileges both on the water and on the land. Mr. Adams thereupon rose up and made a vehement protest, as is recorded in his diary, against the suggestion that the United States enjoyed the fishing on the banks of Newfoundland by any other title than that of *right.* . . . The application of the word *liberty* to the coast fishery was left as Mr. Adams proposed." "The incident," proceeds the British Case, "is of importance, since it shows that the difference between the two phrases was intentional" (British Counter-Case, p. 17). And the British Argument emphasizes again the difference. "More cogent still is the distinction between the words *right* and *liberty.* The word *right* is applied to the sea fisheries, and the word *liberty* to the shore fisheries. The history of the negotiations shows that this distinction was advisedly adopted." If, then, a *liberty* is a grant and not the recognition of a *right,* if, as the British Case, Counter-Case, and Argument recognise, the United States had the right to fish in the open sea in contra-distinction with the *liberty* to fish near the shores or portions of the shores, and if what has been renounced in the words of the treaty is the *liberty* to fish on or within three miles of the bays, creeks and harbours of His Britannic Majesty's dominions, it clearly follows that such *liberty* and the corresponding renunciation refers only to such portions of the bays which were under the sovereignty of Great Britain and not to such other portions, if any, as form part of the high seas.

And thus it appears that, far from being immaterial, the territoriality of bays is of the utmost importance. The treaty not containing any rule or indication upon the subject, the Tribunal cannot help a decision as to this point, which involves the second branch of the British contention that all so-called bays are not only geographical, but wholly territorial as well, and subject to the jurisdiction of Great Britain. The situation was very accurately described on almost the same lines as above stated by the British memorandum sent in 1870 by the Earl of Kimberley to Governor Sir John Young: "The right of Great Britain to exclude American fishermen from waters within three miles of the coasts is unambiguous and, it is believed, uncontested. But there appears to be some doubt what are the waters described as within three miles of bays, creeks or harbours. When a bay is less than six miles broad its waters are within the three-mile limit, and therefore clearly within the meanng of the treaty; *but when it is more than that breadth, the question arises whether it is a bay of Her Britannic Majesty's dominions.* This is a question which has to be considered in each particular case with regard to international law and usage. When such a bay is not a bay of Her Majesty's dominions, the American fishermen shall be entitled to fish in it, except within three marine miles of the "coast"; when it is a bay of Her Majesty's dominions, they will not be entitled to fish within three miles of it, that is to say (it is presumed), within three miles of a line drawn from headland to headland." (United States Case Appendix, p. 629.)

Now, it must be stated in the first place that there does not seem to exist any general rule of international law which may be considered final, even in what refers to the marginal belt of territorial waters. The old rule of the cannon-shot, crystallized into the present three marine miles measured from low water mark, may be modified at a later period, inasmuch as certain nations claim a wider jurisdiction, and an extension has already been

recommended by the Institute of International Law. There is an obvious reason for that. The marginal strip of territorial waters, based originally on the cannon-shot, was founded on the necessity of the riparian State to protect itself from outward attack, by providing something in the nature of an insulating zone, which very reasonably should be extended with the accrued possibility of offence due to the wider range of modern ordnance. In what refers to bays it has been proposed as a general rule (subject to certain important exceptions) that the marginal belt of territorial waters should follow the sinuosities of the coast more or less in the manner held by the United States in the present contention, so that the marginal belt being of three miles, as in the treaty under consideration, only such bays should be held as territorial as have an entrance not wider than six miles. (See Sir Thomas Barclay's report to Institute of International Law, 1894, p. 129, in which he also strongly recommends these limits.) This is the doctrine which Westlake, the eminent English writer on international law, has summed up in very few words: "As to bays," he says, "if the entrance to one of them is not more than twice the width of the littoral sea enjoyed by the country in question—that is, not more than six sea miles in the ordinary case, eight in that of Norway, and so forth—there is no access from the open sea to the bay except through the territorial water of that country, and the inner part of the bay will belong to that country, no matter how widely it may expand. The line drawn from shore to shore at the part where, in approaching from the open sea, the width first contracts to that mentioned, will take the place of the line of low water, and the littoral sea belonging to the State will be measured outwards from that line to the distance of three miles or more proper to the State;" (Westlake, vol. i, p. 187). But the learned author takes care to add: "But although this is the general rule, it often meets with an exception in the case of bays which penetrate deep into the land and are called gulfs. Many of these are recognized by immemorial usage as territorial sea of the States into which they penetrate, notwithstanding that their entrance is wider than the general rule for bays would give as a limit for such appropriation." And he proceeds to quote as examples of this kind the Bay of Conception in Newfoundland, which he considers as wholly British; Chesapeake and Delaware Bays, which belong to the United States, and others. (*Ibid.*, p. 188.) The Institute of International Law, in its annual meeting of 1894, recommended a marginal belt of six miles for the general line of the coast, and as a consequence established that for bays the line should be drawn up across at the nearest portion of the entrance toward the sea where the distance between the two sides does not exceed twelve miles. But the learned association very wisely added a proviso to the effect "that bays should be so considered and measured *unless a continuous and established usage* has sanctioned a greater breadth." Many great authorities are agreed as to that. Counsel for the United States proclaimed the right to the exclusive jurisdiction of certain bays, no matter what the width of their entrance should be, when the littoral nation has asserted its right to take it into their jurisdiction upon reasons which go always back to the doctrine of protection. Lord Blackburn, one of the most eminent of English judges, in delivering the opinion of the Privy Council about Conception Bay, in Newfoundland, adhered to the same doctrine when he asserted the territoriality of that branch of the sea, giving as a reason for such finding, "that the British Government for a long period had exercised dominion over this bay, and its claim had been acquiesced in by other nations, so as to show that the bay had been for a long time occupied exclusively by Great Britain, a circumstance which, in the tribunals of any country, would be very important." "And moreover," he added, "the British Legislature has, by Acts of Parliament, declared it to be part of the British territory and part of the country made subject to the legislation of Newfoundland." (*Direct United States Cable Company v. the Anglo-American Telegraph Company*, Law Reports, 2 Appeal Cases, 374.)

So it may be safely asserted that a certain class of bays, which might be properly called the historical bays, such as Chesapeake Bay and Delaware Bay, in North America, and the great estuary of the River Plate, in South America, form a class distinct and apart, and undoubtedly belong to the littoral country, whatever be their depth of penetration and the width of their mouths, when such country has asserted its sovereignty over them, and particular circumstances, such as geographical configuration, immemorial usage, and, above all, the requirements of self-defence, justify such a pretension. The right of Great Britain over the bays of Conception, Chaleur, and Miramichi are of this description. In what refers to the other bays, as might be termed the common, ordinary bays, indenting the coasts, over which no special claim or assertion of sovereignty has been made, there does not seem to be any other general principle to be applied than the one resulting from the custom and usage of each individual nation, as shown by their treaties and their general and time-honoured practice.

The well-known words of Bynkershoek might be very appropriately recalled in this connection when so many and divergent opinions and authorities have been recited: "The common law of nations," he says, "can only be learnt from reason and custom. I do not deny that authority may add weight to reason, but I prefer to seek it in a constant custom of concluding treaties in one sense or another, and in examples that have occurred in one country or another." (*Quæstiones Juris Publici*, vol. i, cap. 3.)

It is to be borne in mind in this respect that the Tribunal has been called upon to decide, as the subject matter of this controversy, the construction to be given to the fishery treaty of 1818 between Great Britain and the United States. And so it is that from the usage and the practice of Great Britain in this and other like fisheries, and from treaties entered into by them with other nations as to fisheries, may be evolved the right interpretation to be given to the particular convention which has been submitted. In this connection the following treaties may be recited:—

Treaty between Great Britain and France, 2nd August, 1839. It reads as follows:—

"Article 9. The subjects of Her Britannic Majesty shall enjoy the exclusive right of fishery within the distance of three miles from low water mark along the whole extent of the coasts of the British Islands.

"It is agreed that the distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

"Article 10. It is agreed and understood that the miles mentioned in the present convention are geographical miles, whereof 60 make a degree of latitude." (Hertslet's Treaties and Conventions, vol. v, p. 89.)

Regulations between Great Britain and France, 24th May, 1843:—

"Art. 2. The limits within which the general right of fishery is exclusively reserved to the subjects of the two kingdoms respectively are fixed (with the exception of those in Granville Bay) at 3 miles distance from low water mark.

"With respect to bays, the mouths of which do not exceed ten miles in width, the 3 mile distance is measured from a straight line drawn from headland to headland.

"Art. 3. The miles mentioned in the present regulations are geographical miles, of which 60 make a degree of latitude." Hertslet, vol, vi, p. 416.)

Treaty between Great Britain and France, November 11, 1867:—

"Art. 1. British fishermen shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark, along the whole extent of the coasts of the British Islands.

"The distance of 3 miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall with respect to bays, the mouths of which do not exceed ten miles in width be measured from a straight line drawn from headland to headland.

"The miles mentioned in the present convention are geographical miles, whereof 60 make a degree of latitude." (Hertslet's Treaties, vol. xii, p. 1126, British Case Appendix, p. 38.)

Great Britain and North German Confederation. British notice to fishermen by the Board of Trade. Board of Trade, November, 1868:—

"Her Majesty's Government and the North German Confederation having come to an agreement respecting the regulations to be observed by British fishermen fishing off the coasts of the North German Confederation, the following notice is issued for the guidance and warning of British fishermen:—

"1. The exclusive fishery limits of the German Empire are designated by the Imperial Government as follows:—That tract of the sea which extends to a distance of 3 sea miles from the extremest limits which the ebb leaves dry of the German North Sea Coast of the German islands or flats lying before it, as well as those bays and incurvations of the coast which are ten sea miles or less in breadth reckoned from the extremest points of the land and the flats, must be considered as under the territorial sovereignty of North Germany." (Hertslet's Treaties, vol. xiv, p. 1055.)

Great Britain and German Empire. British Board of Trade, December, 1874. (Same recital referring to an arrangement entered into between Her Britannic Majesty and the German Government.)

Then the same articles follow with the alteration of the words "German Empire" for "North Germany." (Hertslet, vol. xiv, p. 1058.)

Treaty between Great Britain, Belgium, Denmark, France, Germany and the Netherlands for regulating the police of the North Sea Fisheries, May 6, 1882:—

"2. Les pêcheurs nationaux jouiront du droit exclusif de pêche dans le rayon de 3 milles, à partir de la laisse de basse mer, le long de toute l'étendue des côtes de leurs pays respectifs ainsi que des îles et des bancs qui en dépendent.

"Pour les baies le rayon de 3 milles sera mesuré à partir d'une ligne droite, tirée, en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excédera pas 10 milles." (Hertslet, vol. xv, p. 794.)

British Order-in-Council, October 23, 1877:—

Prescribes the obligation of not concealing or effacing numbers or marks on boats, employed in fishing or dredging for purposes of sale on the coasts of England, Wales, Scotland and the Islands of Guernsey, Jersey, Alderney, Sark and Man, and not going outside—

"(*a*) The distance of 3 miles from low-water mark along the whole extent of the said coasts;

"(*b*) In cases of bays less than 10 miles wide the line joining the headlands of said bays." (Hertslet, vol. xiv, p. 1032.)

To this list may be added the unratified treaty of 1888 between Great Britain and the United States, which is so familiar to the Tribunal. Such unratified treaty contains an authoritative interpretation of the convention of October 20th, 1818, *sub judice*: "The 3 marine miles mentioned in article 1 of the convention of October 20th, 1818, shall be measured seaward from low-water mark; but at every bay, creek or harbour, not otherwise specifically provided for in this treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek or harbour, in the part nearest the entrance at the first point where the width does not exceed ten marine miles," which is recognizing the exceptional bays as aforesaid and laying the rule for the general and common bays.

It has been suggested that the treaty of 1818 ought not to be studied as hereabove in the light of any treaties of a later date, but rather be referred to such British international conventions as preceded it and clearly illustrate, according to this view, what were, at the time, the principles maintained by Great Britain as to their sovereignty over the sea and over the coast and the adjacent territorial waters. In this connection the treaties of 1686 and 1713 with France and of 1763 with France and Spain have been recited and offered as examples also of exclusion of nations by agreement from fishery rights on the high seas. I cannot partake of such a view. The treaties of 1686, 1713, and 1763 can hardly be understood with respect to this, otherwise than as examples of the wild, obsolete claims over the common ocean which all nations have of old abandoned with the progress of an enlightened civilization. And if certain nations accepted long ago to be excluded by convention from fishing on what is to-day considered a common sea, it is precisely because it was then understood that such tracts of water, now free and open to all, were the exclusive property of a particular Power who, being the owners, admitted or excluded others from their use. The treaty of 1818 is in the meantime one of the few which mark an era in the diplomacy of the world. As a matter of fact it is the very first which commuted the rule of the cannon-shot into the three marine miles of coastal jurisdiction. And it really would appear unjustified to explain such an historic document by referring it to international agreements of a hundred and two hundred years before when the doctrine of Selden's *Mare Clausum* was at its height, and when the coastal waters were fixed at such distances as sixty miles, or a hundred miles or two days' journey from the shore and the like. It seems very appropriate, on the contrary, to explain the meaning of the treaty of 1818 by comparing it with those which immediately followed and established the same limit of coastal jurisdiction. As a general rule a treaty of a former date may be very safely construed by referring it to the provisions of like treaties made by the same nation on the same matter at a later time. Much more so when, as occurs in the present case, the later conventions, with no exception, starting from the same premise of the three miles coastal jurisdiction arrive always to an uniform policy and line of action in what refers to bays. As a matter of fact, all authorities approach and connect the modern fishery treaties of Great Britain, and refer them to the treaty of 1818. The second edition of Klüber, for instance, quotes in the same sentence the treaties of October 20th, 1818, and August 2nd, 1839, as fixing a distance of three miles from low-water mark for coastal jurisdiction. And Fiori, the well-known Italian jurist, referring to the same marine miles of coastal jurisdiction says: "This rule recognized as early as the treaty of 1818 between the United States and Great Britain, and that between Great Britain and France in 1839, has again been admitted in the treaty of 1867." ("Nouveau Droit international public." Paris, 1885, section 803.)

This is only a recognition of the permanency and the continuity of States. The treaty of 1818 is not a separate fact unconnected with the later policy of Great Britain. Its negotiators were not parties to such international convention, and their powers disappeared as soon as they had signed the document on behalf of their countries. The Parties to the treaty of 1818 were the United States and Great Britain, and what Great Britain meant in 1818 about bays and fisheries, when they, for the first time, fixed a marginal jurisdiction of three miles, can be very well explained by what Great Britain, the same permanent political entity, understood in 1839, 1843, 1867, 1874, 1878 and 1882, when fixing the very

same zone of territorial waters. That a bay in Europe should be considered as different from a bay in America, and subject to other principles of iinternational law, cannot be admitted in the face of it. What the practice of Great Britain has been outside the treaties is very well known to the Tribunal, and the examples might be multiplied of the cases in which that nation has ordered its subordinates to apply to the bays on these fisheries the ten miles entrance rule or the six miles according to the occasion. It has been repeatedly said that such have been only relaxations of the strict right, assented to by Great Britain in order to avoid friction on certain special occasions. That may be. But it may also be asserted that such relaxations have been very many, and that the constant, uniform, never contradicted, practice of concluding fishery treaties from 1839 down to the present day, in all of which the ten mile entrance bays are recognized, is the clear sign of a policy. This policy has but very lately found a most public, solemn, and unequivocal expression. "On a question asked in Parliament on the 21st February, 1907," says Pitt Cobbett, a distinguished English writer, with respect to the Moray Firth case, "it was stated that, according to the view of the Foreign Office, the Admiralty, the Colonial Office, the Board of Trade and the Board of Agriculture and Fisheries, the term 'territorial waters' was deemed to include waters extending from the coast line of any part of the territory of a State to three miles from the low-water mark of such coast line, and the waters of all bays, the entrance to which is not more than *six miles,* and of which the entire land boundary forms part of the territory of the same State." (Pitt Cobbett, "Cases and Opinions on International Law," vol. i, p. 143.)

Is there a contradiction between these six miles and the ten miles of the treaties just referred to? Not at all. The six miles are the consequence of the three miles marginal belt of territorial waters in their coincidence from both sides of the inlets of the coast and the ten miles far from being an arbitrary measure are simply an extension, a margin given for convenience to the strict six miles with fishery purposes. Where the miles represent sixty to a degree in latitude the ten miles are besides the sixth part of the same degree. The American Government, in reply to the observations made to Secretary Bayard's memorandum of 1888, said very precisely: "The width of ten miles was proposed not only because it had been followed in conventions between many other powers, but also because it was deemed reasonable and just in the present case; this Government, recognizing the fact that while it might have claimed a width of six miles as a basis of settlement, fishing within bays and harbours only slightly wider would be confined to areas so narrow as to render it practically valueless and almost necessarily expose the fishermen to constant danger of carrying their operations into forbidden waters." (British Case Appendix, p. 416.) And Professor John Basset Moore, a recognized authority on international law, in a communication addressed to the Institute of International Law, said very forcibly: "Since you observe that there does not appear to be any convincing reason to prefer the ten mile line in such a case to that of double three miles, I may say that there have been supposed to exist reasons both of convenience and of safety. The ten mile line has been adopted in the cases referred to as a practical rule. The transgression of an encroachment upon territorial waters by fishing vessels is generally a grave offence, involving in many instances the forfeiture of the offending vessel, and it is obvious that the narrower the space in which it is permissible to fish, the more likely the offence is to be committed. In order, therefore, that fishing may be practicable and safe, and not constantly attended with the risk of violating territorial waters, it has been thought to be expedient not to allow it where the extent of free waters between the three miles drawn on each side of the bay is less than four miles. This is the reason of the ten mile line. Its intention is not to hamper or restrict the right to fish, but to render its exercise practicable and safe. When fishermen fall in with a shoal of fish the impulse to follow it is so strong as to make the possibilities of transgression very serious within narrow limits of free waters. Hence it has been deemed wiser to exclude them from space less than four miles each way from the forbidden lines. In spaces less than this operations are not only hazardous, but so circumscribed as to render them of little practical value." ("Annuaire de l'Institut de Droit international," 1894, p. 146.)

So the use of the ten mile bays so constantly put into practice by Great Britain in its fishery treaties has its root and connection with the marginal belt of three miles for the territorial waters. So much so that the Tribunal having decided not to adjudicate in this case the ten miles entrance to the bays of the treaty of 1818, this will be the only one exception in which the ten miles of the bays do not follow as a consequence the strip of three miles of territorial waters, the historical bays and estuaries always excepted.

And it is for that reason that an usage so firmly and for so long a time established ought, in my opinion, be applied to the construction of the treaty under consideration, much more so, when custom, one of the recognized sources of law, international as well as municipal, is supported in this case by reason and by the acquiescence and the practice of many nations.

The Tribunal has decided that: "in case of bays the three miles" (of the treaty) "are to be measured from a straight line drawn across the body of water at the place where

it ceases to have the configuration characteristic of a bay. At all other places the three miles are to be measured following the sinuosities of the coast." But no rule is laid out or general principle evolved for the parties to know what the nature of such configuration is or by what methods the points should be ascertained from which the bay should lose the characteristics of such. There lies the whole contention and the whole difficulty, not satisfactorily solved, to my mind, by simply recommending, without the scope of the Award and as a system of procedure for resolving future contestations under article 4 of the Treaty of Arbitration, a series of lines, which practical as they may be supposed to be, cannot be adopted by the Parties without concluding a new treaty.

These are the reasons for my dissent, which I much regret, on Question Five.

Done at the Hague, September 7th, 1910.

LUIS M. DRAGO.

1910

[1]INTERNATIONAL AGREEMENT FOR THE SUPPRESSION OF OBSCENE PUBLICATIONS

Signed at Paris, May 4, 1910

[*British Ratification deposited at Paris, March 15, 1911*]

[*Accession of Canada, September 11, 1911*]

(Translation)

The Governments of the Powers hereinafter named, being equally desirous of facilitating, so far as their respective laws permit, the interchange of information for the purpose of the discovery and suppression of offences relating to obscene publications, have resolved to conclude an Agreement for that purpose, and have accordingly appointed their Plenipotentiaries, who, having met in conference at Paris from the 18th April to the 4th May, 1910, have agreed upon the following provisions:—

Article 1.

Each of the Contracting Governments agrees to establish or to designate an authority charged with the duty:—

1. Of co-ordinating all information which may facilitate the discovery and suppression of acts constituting offences against their internal legislation in respect of obscene writings, designs, pictures, or objects, where the various acts constituting the offence have taken place in different countries;

2. Of furnishing all information which may be useful for the purpose of preventing the importation of publications or objects contemplated by the preceding paragraph, or of securing or expediting the seizure thereof, so far as their respective laws permit;

3. Of communicating the laws which have been or shall be introduced in their respective States with reference to the object of the present Agreement.

The Contracting Governments shall make known to each other, through the intermediary of the Government of the French Republic, the authority established or designated in conformity with the present article.

Article 2

The authority designated under article 1 shall have power to correspond direct with the similar department established in each of the other Contracting States.

[1] From Treaty Series No. 11, 1911.

ARTICLE 3

The authority designated under article 1 shall, if the internal legislation of the country concerned so permit, communicate to the similar authorities of all the other Contracting States particulars of convictions pronounced in the said country in respect of offences contemplated by article 1.

ARTICLE 4

Non-Signatory States may accede to the present Agreement. For this purpose they shall notify their intention to do so by means of a declaration which shall be deposited in the archives of the Government of the French Republic, who shall communicate a certified copy thereof, through the diplomatic channel, to each of the Contracting States, notifying at the same time the date of such deposit.

Six months after this date the Agreement shall come into force throughout the territory of the acceding State, and such State shall thereupon become a Contracting State.

ARTICLE 5

The present Agreement shall come into force six months after the date of the deposit of ratifications.

If one of the Contracting States denounces it, such denunciation shall only have effect as regards that State.

The denunciation shall be notified by a declaration which shall be deposited in the archives of the Government of the French Republic, who shall communicate a certified copy thereof, through the diplomatic channel, to each of the Contracting States, notifying at the same time the date of such deposit.

Twelve months after this date the Agreement shall cease to be in force throughout the territory of the State which has denounced it.

ARTICLE 6

The present Agreement shall be ratified, and the ratifications shall be deposited at Paris as soon as six of the Contracting States are in a position to do so.

A protocol recording the deposit of ratifications shall be drawn up, of which a certified copy shall be transmitted, through the diplomatic channel, to each of the Contracting States.

ARTICLE 7

If a Contracting State desires the present Agreement to come into force in one or more of its colonies, possessions, or consular judicial districts, it shall notify its intention by a declaration which shall be deposited with the Government of the French Republic, who shall communicate a certified copy thereof, through the diplomatic channel, to each of the Contracting States, notifying at the same time the date of such deposit.

Six months after this date the Agreement shall come into force in the colonies, possessions, and consular judicial districts included in such notification.

The denunciation of the Agreement by one of the Contracting Parties on behalf of one or more of its colonies, possessions, and consular judicial districts, shall be made under the forms and conditions laid down by the first paragraph of this article. Such denunciation shall have effect twelve months after the date of the deposit of the declaration thereof in the archives of the Government of the French Republic.

ARTICLE 8

The present Agreement, which shall be dated the 4th May, 1910, may be signed in Paris up to the 31st July following, by the Plenipotentiaries of the Powers represented at the Conference for the Suppression of Obscene Publications.

Done at Paris, the 4th May, 1910, in a single copy, of which a true copy shall be communicated to each of the Governments which have signed the same.

For Great Britain:
(L.S.) E. W. FARNALL.
(L.S.) F. S. BULLOCK.
(L.S.) G. A. AITKEN.

For Germany:
(L.S.) ALBRECHT LENTZE.
(L.S.) CURT JOEL.

For Austria and for Hungary:
(L.S.) A. NEMES, Chargé d'Affaires d'Autriche-Hongrie.

For Austria:
(L.S.) J. EICHHOFF, Conseiller de Section Impérial Royal autrichien.

For Hungary:
(L.S.) G. LERS, Conseiller ministériel Royal hongrois.

For Belgium:
(L.S.) JULES LEJEUNE.
(L.S.) ISIDORE MAUS.

For Brazil:
(L.S.) J. C. DE SOUZA BANDEIRA.

For Denmark:
(L.S.) C. E. COLD.

For Spain:
(L.S.) OCTAVIO CUARTERO.

For the United States:
(L.S.) A. BAILLY-BLANCHARD.

For France:
(L.S.) R. BERENGER.

For Italy:
(L.S.) J. C. BUZZATTI.
(L.S.) GEROLAMO CALVI.

For the Netherlands:
(L.S.) A. DE STUERS.
(L.S.) RETHAAN MACARE.

For Portugal:
(L.S.) COMTE DE SOUZA ROZA.

For Russia:
(L.S.) ALEXIS DE BELLEGARDE.
(L.S.) WLADIMIR DERUGINSKY.

For Switzerland:
(L.S.) LARDY.

(Translation)

Protocol recording the deposit of Ratifications of the Agreement for the Suppression of Obscene Publications, signed at Paris, May 4, 1910

In execution of article 6 of the International Agreement of the 4th May, 1910, the undersigned have met together at the Ministry for Foreign Affairs at Paris in order to proceed to the deposit of Ratifications, and to hand them to the Government of the French Republic.

The Ratifications of—

1. His Majesty the King of the United Kingdom of Great Britain and of the British Dominions beyond the Seas, Emperor of India;
2. His Majesty the German Emperor, King of Prussia;
3. His Excellency the President of the United States of America;
4. His Majesty the King of the Belgians;
5. His Majesty the King of Spain;
6. The President of the French Republic;
7. His Majesty the King of Italy; and
8. The Swiss Federal Council,

have been produced. and having been, after examination, found to be in good and due form, have been confided to the Government of the French Republic with a view to their deposit in the archives of the Department for Foreign Affairs.

In accordance with the provisions of the above-mentioned article, the Government of the French Republic will notify to the Contracting Powers the successive deposits of the Ratifications of the States signatory to the Agreement which have not this day been able to complete this formality.

In witness whereof the Undersigned have drawn up the present Protocol and have thereto affixed their seals.

Done at Paris, the 15th March, 1911.

For Great Britain:
(L.S.) FRANCIS BERTIE.

For Germany:
(L.S.) SCHOEN.

For the United States of America:
(L.S.) A. BAILLY-BLANCHARD

For Belgium:
(L.S.) GUILLAUME.

For Spain:
(L.S.) J. PEREZ CABALLERO.

For the French Republic:
(L.S.) JEAN CRUPPI.

For Italy:
(L.S.) TITTONI.

For Switzerland:
(L.S.) LARDY.

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RESPECTING THE BOUNDARY BETWEEN CANADA AND THE UNITED STATES IN PASSAMAQUODDY BAY, &c.

Signed at Washington, May 21, 1910

(Ratifications exchanged at Washington, August 20, 1910)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous of fixing and defining the location of the international boundary line between the United States and the Dominion of Canada in Passamaquoddy Bay and to the middle of Grand Manan Channel, and of removing all causes of dispute in connection therewith, have for that purpose resolved to conclude a Treaty, and to that end have appointed as their Plenipotentiaries;

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Philander C. Knox, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article 1

Whereas, by Article 1 of the Treaty of April 11, 1908, between Great Britain and the United States, it was agreed that Commissioners should be appointed for the purpose of more accurately defining and marking the international boundary line between the United States and the Dominion of Canada in the waters of Passamaquoddy Bay from the mouth of the St. Croix River to the Bay of Fundy, the description of the location of certain portions of such line being set forth in the aforesaid Article, and it was agreed with respect to the remaining portion of the line that—

> each of the High Contracting Parties shall present to the other within six months after the ratification of this Treaty a full printed statement of the evidence, with certified copies of original documents referred to therein which are in its possession, and the arguments upon which it bases its contentions, with a view to arriving at an adjustment of the location of this portion of the line in accordance with the true intent and meaning of the provisions relating thereto of the treaties of 1783 and 1814 between Great Britain and the United States, and the award of the Commissioners appointed in that behalf under the Treaty of 1814; it being understood that any action by either or both Governments or their representatives authorized in that behalf or by the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, shall be taken into consideration in determining their true intent and meaning;

And it was further agreed that if such agreement was reached between the Parties the Commissioners aforesaid should lay down and mark this portion of the boundary in accordance therewith and as provided in the said Article, but

[1] From Treaty Series No. 22, 1910.

it was provided that in the event of a failure to agree within a set period, the location of such portion of the line should be determined by reference to arbitration ;

And whereas, the time for reaching an agreement under the provisions of the aforesaid Article expired before such agreement was reached but the High Contracting Parties are nevertheless desirous of arriving at an adjustment of the location of this portion of the line by agreement without resort to arbitration, and have already, pursuant to the provisions above quoted of Article 1 of the Treaty aforesaid, presented each to the other a full printed statement of the evidence and of the arguments upon which the contentions of each are based, with a view to arriving at an adjustment of the location of the portion of the line referred to in accordance with the true intent and meaning of the provisions relating thereto in the Treaties of 1783 and 1814 between Great Britain and the United States and the award of the Commissioners appointed in that behalf under the Treaty of 1814;

Now, therefore, upon the evidence and arguments so presented, and after taking into consideration all actions of the respective Governments and of their representatives authorized in that behalf and of the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, the High Contracting Parties hereby agree that the location of the international boundary line between the United States and the Dominion of Canada from a point in Passamaquoddy Bay accurately defined in the Treaty between Great Britain and the United States of April 11, 1908, as lying between Treat Island and Friar Head, and extending thence through Passamaquoddy Bay and to the middle of Grand Manan Channel, shall run in a series of seven connected straight lines for the distances and in the directions as follows:

Beginning at the aforesaid point lying between Treat Island and Friar Head, thence

(1) South 8° 29′ 57″ West true, for a distance of 1152·6 meters; thence
(2) South 8° 29′ 34″ East, 759·7 meters; thence
(3) South 23° 56′ 25″ East, 1156·4 meters; thence
(4) South 0° 23′ 14″ West, 1040·0 meters; thence
(5) South 28° 04′ 26″ East, 1607·2 meters; thence
(6) South 81° 48′ 45″ East, 2616·8 meters to a point on the line which runs approximately North 40° East true, and which joins Sail Rock, off West Quoddy Head Light, and the southernmost rock lying off the southeastern point of the southern extremity of Campobello Island; thence
(7) South 47° East 5100 meters to the middle of Grand Manan Channel.

The description of the last two portions of the line thus defined, viz., those numbered (6) and (7), is intended to replace the description of the lowest portion of the line, viz., that numbered (2), as defined in Article 1 of the Treaty of April 11, 1908.

ARTICLE 2

The location of the boundary line as defined in the foregoing Article shall be laid down and marked by the Commissioners under Article 1 of the aforesaid Treaty of April 11, 1908, in accordance with the provisions of such Article, and the line so defined and laid down shall be taken and deemed to be the international boundary extending between the points therein mentioned in Grand Manan Channel and Passamaquoddy Bay.

ARTICLE 3

It is further agreed by the High Contracting Parties that on either side of the hereinabove described line southward from the point of its intersection

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with a line drawn true north from Lubec Channel Light, as at present established, either Party shall have the right, upon two months' notice to the other, to improve and extend the channel to such depth as may by it be deemed desirable or necessary, and to a width not exceeding one hundred and fifteen (115) meters on each side of the boundary line, and from such point of intersection northerly through Lubec Narrows to the turning point in the boundary lying between Treat Island and Friar Head, either Party shall have the right, upon two months' notice to the other, to improve and deepen the present channel to a width not exceeding sixty-five (65) meters on each side of the boundary line and to such depth as may by it be deemed desirable or necessary; it being understood, however, that each Party shall also have the right to further widen and deepen the channel anywhere on its own side of the boundary.

ARTICLE 4

This Treaty shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged in Washington as soon as practicable.

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

Done at Washington the 21st day of May, in the year of our Lord one thousand nine hundred and ten.

[L.S.] JAMES BRYCE.
[L.S.] P. C. KNOX.

[1]AGREEMENT BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA FOR THE SETTLEMENT OF CERTAIN PECUNIARY CLAIMS OUTSTANDING BETWEEN THE TWO COUNTRIES.

Signed at Washington, August 18, 1910

Whereas Great Britain and the United States are signatories of the Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes, and are desirous that certain pecuniary claims outstanding between them should be referred to arbitration, as recommended by Article 38 of that Convention:

Now, therefore, it is agreed that such claims as are contained in the Schedules drawn up as hereinafter provided shall be referred to arbitration under Chapter IV of the said Convention, and subject to the following provisions:—

ARTICLE 1

Either party may, at any time within four months from the date of the confirmation of this Agreement, present to the other party any claims which it desires to submit to arbitration. The claims so presented shall, if agreed upon by both parties, unless reserved as hereinafter provided, be submitted to arbitration in accordance with the provisions of this Agreement. They shall be grouped in one or more Schedules, which, on the part of the United States, shall be agreed on by and with the advice and consent of the Senate, His Majesty's Government reserving the right before agreeing to the inclusion of any claim affecting the interests of a self-governing Dominion of the British Empire to obtain the concurrence thereto of the Government of that Dominion.

[1] From Treaty Series No. 11, 1912.

Either party shall have the right to reserve for further examination any claims so presented for inclusion in the Schedules; and any claims so reserved shall not be prejudiced or barred by reason of anything contained in this Agreement.

ARTICLE 2

All claims outstanding between the two Governments at the date of the signature of this Agreement and originating in circumstances or transactions anterior to that date, whether submitted in arbitration or not, shall thereafter be considered as finally barred, unless reserved by either party for further examination, as provided in Article 1.

ARTICLE 3

The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention, which are as follows:—

"Article 87. Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court, exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

"The umpire presides over the tribunal, which gives its decision by a majority of votes."

"Article 59. Should one of the Arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him."

ARTICLE 4

The proceedings shall be regulated by so much of Chapter IV of the Convention and of Chapter III, excepting Articles 53 and 54, as the tribunal may consider to be applicable and to be consistent with the provisions of this Agreement.

ARTICLE 5

The tribunal is entitled, as provided in Article 74 (Chapter III) of the Convention, to issue rules of procedure for the conduct of business, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all formalities required for dealing with the evidence.

The agents and counsel of the parties are authorized, as provided in Article 70 (Chapter III), to present orally and in writing to the tribunal all the arguments they may consider expedient in support or in defence of each claim.

The tribunal shall keep record of the claims submitted and the proceedings thereon, with the dates of such proceedings. Each Government may appoint a secretary. These secretaries shall act together as joint secretaries of the tribunal and shall be subject to its direction. The tribunal may appoint and employ any other necessary officer or officers to assist it in the performance of its duties.

The tribunal shall decide all claims submitted upon such evidence or information as may be furnished by either Government.

The tribunal is authorised to administer oaths to witnesses and to take evidence on oath.

The proceedings shall be in English.

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ARTICLE 6

The tribunal shall meet at Washington at a date to be hereafter fixed by the two Governments, and may fix the time and place of subsequent meetings as may be convenient, subject always to special direction of the two Governments.

ARTICLE 7

Each member of the tribunal, upon assuming the function of his office, shall make and subscribe a solemn declaration in writing that he will carefully examine and impartially decide, in accordance with treaty rights and with the principles of international law and of equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the tribunal.

ARTICLE 8

All sums of money which may be awarded by the tribunal on account of any claim shall be paid by the one Government to the other, as the case may be, within eighteen months after the date of the final award, without interest and without deduction, save as specified in the next Article.

ARTICLE 9

Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a rateable deduction on the amount of the sums awarded by it, at a rate of 5 per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE 10

The present Agreement, and also any Schedules agreed thereunder, shall be binding only when confirmed by the two Governments by an exchange of notes.

In witness whereof this Agreement has been signed and sealed by His Britannic Majesty's Ambassador at Washington, the Right Honourable James Bryce, O.M., on behalf of Great Britain, and by the Secretary of State of the United States, Philander C. Knox, on behalf of the United States.

Done in duplicate at the City of Washington, this 18th day of August, 1910.

(L.S.) JAMES BRYCE.
(L.S.) PHILANDER C. KNOX.

FIRST SCHEDULE OF CLAIMS

First Schedule of Claims to be submitted to arbitration in accordance with the provisions of the Special Agreement for the submission to arbitration of Pecuniary Claims outstanding between Great Britain and the United States, signed on the 18th day of August, 1910, and the terms of such submission.

Class 1.—Claims based on alleged denial in whole or in part of real property rights.

BRITISH	AMERICAN
Cayuga Indians, Rio Grande.	Webster, Studer, R. E. Brown, Samuel Clark.
	Fijian Land Claims
	Burt, Henry, Brower, Williams.

FIRST SCHEDULE OF CLAIMS—*Continued*

Class II.—Claims based on the acts of the authorities of either Government in regard to the vessels of the nationals of the other Government, or for the alleged wrongful collection or receipt of customs duties or other charges by the authorities of either Government.

British

Shipping Claims

Coquitlan, Favourite, Wanderer, Kate, Lord Nelson, Canadienne, Eastry, Lindisfarne, Newchwang, Sidra, Maroa, Thomas F. Bayard, Jessie Peschawa.

Canadian Claims for Refund of Hay Duties

Peter Anderson, Charles Arpin, Nathaniel Bachelder, Magloire G. Blain, Toussaint Bourassa, continuing partner of Bourassa and Forrester; Pierre Bourgeois, William Burland and Co., Charles S. Rowe, surviving partner; Frederick Catudal; L. N. Charlebois, heir and assignee of Denis N. Charlebois; Joseph Couture; Wilfrid Dorais, heir of Louis T. Dorais; John and Francis Ewing, John Ewing, surviving partner; Joseph Jean Baptiste Gosselin, heirs of Joseph A. Lamoureux, deceased.

American

Fishing Claims

Group I

Against Newfoundland—

Cunningham and Thompson (18 vessels)—Masconomo, Arbutus, Anglo-Saxon, Quickstep, Nourmahal, Puritan, Talisman, Norma, Norumbega, Aloha, Ingomar, Jennie B. Hodgdon, Arkona, Arethusa, Independence II, S. P. Willard, Corona, Saladin.

Davis Brothers (10 vessels)—Oregon, Margaret, Theo. Roosevelt, L. M. Stanwood, Georgie Campbell, Blanch, Veda McKown, E. A. Perkins, Kearsarge, Lena and Maud.

Wm. H. Parsons (12 vessels)—Corsair, Grace L. Fears, Argo, Lizzie Griffin, Independence, Independence II, Dreadnought, Robin Hood, Helen G. Wells, Colonial, Alice M. Parsons, Mildred V. Lee.

Gorton-Pew Company (37 vessels)—A. M. Parker, Priscilla Smith, Senator Gardner, Corsair, Vigilant, Harry A. Nickerson, Gossip, Flirt, Ella G. King, Helen G. Wells, Ramona, Massachusetts, Ellen C. Burke, J. J. Flaherty, Geo. R. Alston, Maxime Elliott, Vera Orinoco, Miranda, Madonna, Atlanta, Gov. Russell, Mystery, Jas. A. Garfield, L. I. Lowell, Dora A. Lawson, Tattler, Alice R. Lawson, Olga, J. R. Bradley, Fannie Smith, Rob Roy, Smuggler, Essex, Athlete, Valkyria, Sceptre.

W. H. Jordan (6 vessels)—Lewis H. Giles, O. W. Holmes, The Gatherer, Hattie E. Worcester, Golden Rod, Joseph Rowe.

Orlando Merchant (16 vessels)—Avalon, Constellation, O. W. Holmes, Golden Rod, Grayling, Joseph Rowe, Harvard, Mary E. Harty, Harriet W. Babson, Richard Wainwright, Henry M. Stanley, Lewis H. Giles, Lottie G. Merchant, Oriole, Clintonia, Esperanto.

Jerome McDonald (3 vessels)—Preceptor, Gladiator, Monitor.

John Pew and Sons (5 vessels)—A. E. Whyland, Essex, Columbia, Orinoco, Sceptre.

D. B. Smith and Co. (12 vessels)—Smuggler, Lucinda I. Lowell, Helen F. Whittier, Dora A. Lawson, Carrie W. Babson, Golden Hope, Fernwood, Sen. Gardner, Maxime Elliott, J. J. Flaherty, Tattler, Stranger.

Sylvanus Smith and Co. (7 vessels)—Lucile, Bohemia, Claudia, Arcadia, Parthia, Arabia, Sylvania.

John Chisholm (5 vessels)—Admiral Dewey, Harry G. French, Monarch, Judique, Conqueror.

Carl C. Young (3 vessels)—Dauntless, A. E. Whyland, William E. Morrissey.

FIRST SCHEDULE OF CLAIMS—*Continued*

Class II.—*Con.*

BRITISH

AMERICAN

Hugh Pankhurst and Co. (6 vessels)—Rival, Arthur D. Story, Patrician, Geo. Parker, Sen. Saulsbury, Diana.

A. D. Mallock (3 vessels)—Indiana, Alert, Edna Wallace Hopper.

Thomas M. Nickolson (13 vessels)—Ada S. Babson, Elizabeth N., Hiram Lowell, M. B. Stetson, A. V. S. Woodruff. T. M. Nickolson, Landseer, Edgar S. Foster, A. M. Nickolson, William Matheson, Robin Hood, Annie G. Quinner, N. E. Symonds.

M. J. Palson (3 vessels)—Barge Tillid, schooner J. K. Manning, tug Clarita.

M. J. Dillon (1 vessel)—Edith Emery.

Russell D. Terry (1 vessel)—Centennial.

Lemuel E. Spinney (3 vessels)—American, Arbitrator, Dictator.

Wm. H. Thomas (2 vessels)—Elmer E. Gray, Thos. L. Gorton.

Frank H. Hall (3 vessels)—Ralph H. Hall, Sarah E. Lee, Faustina.

M. Walen and Sons (7 vessels)—Kentucky, Effie W. Prior, Orpheus, Hattie A. Heckman, Ella M. Goodsin, Bessie N. Devine, Arthur James.

Atlantic Maritime Company (7 vessels)—James W. Parker, Raynah, Susan and Mary, Elsie, Fannie E. Prescott, E. E. Gray, Mildred Robinson.

Waldo I. Wonson (5 vessels)—American, Mystery, Procyon, Effie M. Morrissey, Marguerite.

Edward Trevoy (1 vessel)—Edward Trevoy.

Henry Atwood (1 vessel)—Fannie B. Atwood.

Fred Thompson (1 vessel)—Elsie M. Smith.

GROUP II

Against Newfoundland—

Bessie M. Wells, Elector, Sarah B. Putnam, A. E. Whyland, N. B. Parker, Thomas F. Bayard, Arethusa, Harry A. Nickerson, Arkona, Edna Wallace Hopper, Athlete.

Fishing Claims

Against Canada—

Frederick Gerring, North, D. J. Adams, R. T. Roy, Tattler, Hurricane Argonaut, Jonas H. French.

Class III.—Claims based on damages to the property of either Government or its nationals, or on personal wrongs of such nationals, alleged to be due to the operations of the military or naval forces of the other Government or to the acts or negligence of the civil authorities of the other Government.

BRITISH

Four Cable Companies' Claims

Cuban Submarine Telegraph Company, Eastern Extension Cable Company, Canadian Electric Light Company, Great North-Western Telegraph Company.

AMERICAN

Home Missionary Society, Daniel Johnson, Union Bridge Company, Madeiros.

FIRST SCHEDULE OF CLAIMS—*Continued*

Class III.—*Con.*

BRITISH

"Philippine War" Claims

Ackert, Balfour, Broxup, Cundal, Dodson, Fleming, Forbes, Fox, Fyfe, Grace, Grindrod, Hawkins, F., Hawkins, J., Hendery, Hill, Hogge, Holliday, Hong Kong Bank, Iloilo Club, Eastern Extension Telegraph Company, Higgins, W., Higgins, N. L., Hoskyn and Co., Kauffman, Ker Bolton and Co., Launders, McLeod, McMeeking, Moore, Philippine Mineral Syndicate, Pohang, Pohoomul, Smith, Stevenson, Strachan, Thomson, Underwood, Warner, Zafiro, C. M. Chiene, N. L. Chiene, Parsons and Walker.

"Hawaiian" Claims

Ashford, Bailey, Harrison, Kenyon, Levy, McDowall, Rawlins, Redward, Reynolds, Thomas.
Hardman, Wrathall, Cadenhead.

AMERICAN

Class IV.—Claims based on contracts between the authorities of either Government and the nationals of the other Government.

BRITISH

King Robert, Yukon Lumber, Hemming.

Terms of Submission

1. In case of any claim being put forward by one party which is alleged by the other party to be barred by Treaty, the arbitral tribunal shall first deal with and decide the question whether the claim is so barred, and in the event of a decision that the claim is so barred, the claim shall be disallowed.

2. The arbitral tribunal shall take into account as one of the equities of a claim to such extent as it shall consider just in allowing or disallowing a claim any admission of liability by the Government against whom a claim is put forward.

3. The arbitral tribunal shall take into account as one of the equities of a claim to such extent as it shall consider just in allowing or disallowing a claim in whole or in part, any failure on the part of the claimants to obtain satisfaction through legal remedies which are open to him or placed at his disposal, but no claim shall be disallowed or rejected by application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity of the claim.

4. The arbitral tribunal, if it considers equitable, may include in its award in respect of any claim interest at a rate not exceeding 4 per cent per annum for the whole or any part of the period between the date when the claim was first brought to the notice of the other party and that of the confirmation of the Schedule in which it is included.

The foregoing Schedule and terms of submission are agreed upon in pursuance of and subject to the provisions of the Special Agreement for the submission to arbitration of pecuniary claims outstanding between Great Britain and

the United States, signed on the 18th day of August, 1910, and require confirmation by the two Governments in accordance with the provisions of that Agreement.

Signed in duplicate at the city of Washington, this 6th day of July, 1911, by His Britannic Majesty's Ambassador at Washington, the Right Honourable James Bryce, O.M., on behalf of Great Britain, and by the Secretary of State of the United States, Philander C. Knox, on behalf of the United States.

JAMES BRYCE.
PHILANDER C. KNOX.

EXCHANGE OF NOTES

(1)

The Secretary of State of the United States to His Majesty's Ambassador.

DEPARTMENT OF STATE, WASHINGTON, April 26, 1912.

EXCELLENCY,

I have the honour to inform you that the Senate, by its resolution of the 19th July, 1911, gave its advice and consent to the ratification of the Special Agreement between the United States and Great Britain, signed on the 18th August, 1910, for the submission to arbitration of outstanding pecuniary claims, and also to the ratification of the Schedule of Claims agreed to thereunder on the 6th July, 1911; and I am now prepared to proceed to the exchange of notes confirming this Special Agreement and Schedule of Claims, pursuant to the requirement of Article 10 of the Agreement, that it, and also any Schedules of Claims agreed upon thereunder, shall be binding only when confirmed by the two Governments by an exchange of notes.

As part of the confirmation of the aforesaid Special Agreement and Schedule of Claims, I have the honour to state further that, in order to facilitate the arbitral proceedings to be instituted pursuant thereto, the Government of the United States agrees with the Government of His Britannic Majesty that, whenever the agents of the respective parties shall, prior to or during the progress of the proceedings, enter into an agreement in writing upon a rule or mode of procedure, such agreement shall have the force of an order of the arbitral tribunal, and shall, together with any proceedings taken pursuant thereto, be entered at the next succeeding session of the arbitral tribunal upon its records as part of the proceedings before the tribunal.

I accordingly convey to you herewith the confirmation by the Government of the United States of the Special Agreement and Schedule, understanding that your Government is prepared to record its confirmation thereof similarly by a note in acknowledgment of this, the date of your note in acknowledgment being taken as the date of confirmation for the requirements of the provisions of Article 1 of the Special Agreement.

I have, &c.,

P. C. KNOX.

His Excellency the Right Honourable
JAMES BRYCE, O.M.,
Ambassador of Great Britain.

(2)

His Majesty's Ambassador to the Secretary of State of the United States

BRITISH EMBASSY, WASHINGTON, April 26, 1912.

SIR,

I have the honour to acknowledge the receipt of your note, dated to-day, in which you inform me that the United States Government confirms the Special Agreement and Schedule for the submission to arbitration of pecuniary claims outstanding between Great Britain and the United States, such confirmation being effected by exchange of notes, as provided by Article 10 of the Special Agreement, and being dated as of date of this my note in reply (*i.e.*, the 26th April), for the requirements of the provisions of Article 1.

I am authorized to inform the United States Government that His Majesty's Government are prepared on their part to confirm the Special Agreement and Schedule, and do hereby convey their confirmation thereof in acknowledgment of that contained in your note and pursuant to the provisions of Article 10.

His Majesty's Government further agrees with the United States Government that whenever the agents of the respective parties shall, prior to or during the progress of the proceedings, enter into an agreement in writing upon a rule or mode of procedure, such agreement shall have the force of an order of the arbitral tribunal, and shall, togther with any proceedings taken pursuant thereto, be entered at the next succeeding session of the arbitral tribunal upon its records as part of the proceedings before the tribunal.

I have, &c..,

JAMES BRYCE.

The Honourable P. C. KNOX,
Secretary of State,
&c., &c., &c.

[1]INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES OF LAW RESPECTING ASSISTANCE AND SALVAGE AT SEA.

Signed at Brussels, September 23, 1910

[*British Ratification deposited at Brussels, February* 1, 1913.]

[*Ratification of United States, February 1, 1913.*]

[*Accession of Canada,* 25 *Sept.,* 1914.]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, for Austria and Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Chile; the President of the Republic of Cuba; His Majesty the King of Denmark; His Majesty the King of Spain;

[1] From Treaty Series No. 4, 1913.

the President of the United States of America; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; the President of the Republic of Nicaragua; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden; the President of the Republic of Uruguay;

Having recognised the desirability of determining by agreement certain uniform rules of law respecting assistance and salvage at sea, have decided to conclude a Convention to that end, and have appointed as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency Sir Arthur Hardinge, K.C.B., K.C.M.G., His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

The Honourable Sir William Pickford, Judge of the High Court, London;

Mr. Leslie Scott, K.C., of London;

The Honourable Hugh Godley, Barrister-at-Law, of London;

His Majesty the German Emperor, King of Prussia, in the name of the German Empire:

M. Kracker de Schwartzenfeldt, German Chargé d'Affaires at Brussels;

Dr. Struckmann, Senior Privy Councillor, Advisory Counsel to the Ministry of Justice.

The President of the Argentine Republic:

His Excellency M. A. Blancas, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic to His Majesty the King of the Belgians.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

For Austria and Hungary:

His Excellency the Count of Clary and Aldringen, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians.

For Austria:

Dr. Stephen Worms, Legal Adviser at the Austrian Ministry of Commerce.

For Hungary:

Dr. François de Nagy, Secretary of State, retired, Professor of the Royal University of Budapest, Member of the Hungarian Chamber of Deputies.

His Majesty the King of the Belgians:

M. Beernaert, Minister of State, President of the International Maritime Committee;

M. Capelle, Envoy Extraordinary and Minister Plenipotentiary, Director-General of Commerce and Consulates at the Ministry for Foreign Affairs;

M. Ch. Le Jeune, Vice-President of the International Maritime Committee;

M. Louis Franck, Member of the Chamber of Representatives, Secretary-General of the International Maritime Committee;

M. P. Segers, Member of the Chamber of Representatives.

The President of the United States of Brazil:

Dr. Rodrigo Octavio de Langgaard Menezes, Professor of the Faculty of Legal and Social Sciences at Rio de Janeiro, Member of the Brazilian Academy.

The President of the Republic of Chile:

His Excellency M. F. Puga-Borne, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile to His Majesty the King of the Belgians.

The President of the Republic of Cuba:

M. Francisco Zayas y Alfonso, Minister Resident of the Republic of Cuba at Brussels.

His Majesty the King of Denmark:

M. W. de Grevenkop Castenskiold, Minister Resident of Denmark at Brussels;

M. Herman Barclay Halkier, Advocate at the Supreme Court of Denmark.

His Majesty the King of Spain:

His Excellency M. de Baguer y Corsi, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Don Juan Spottorno, Auditor-General of the Royal Navy;

Don Ramón Sánchez Ocaña Head of Department at the Ministry of Justice, late Magistrate of the Territorial Court;

Don Faustino Alvarez del Manzano, Professor of the Central University of Madrid.

The President of the United States of America:

Mr. Walter C. Noyes, Judge of the United States Circuit Court at New York;

Mr. Charles C. Burlingham, Advocate of New York;

Mr. A. J. Montague, late Governor of the State of Virginia;

Mr. Edwin W. Smith, Advocate of Pittsburg.

The President of the French Republic:

His Excellency M. Beau, Envoy Extraordinary and Minister Plenipotentiary of the French Republic to His Majesty the King of the Belgians;

M. Lyon-Caen, Member of the Institute, Professor of the Faculty of Law at Paris, and of the School of Political Sciences, President of the French Association of Maritime Law.

His Majesty the King of the Hellenes:

M. Georges Diobouniotis, Assistant Professor at the University at Athens.

His Majesty the King of Italy:

Prince de Castagneto Caracciolo, Italian Chargé d'Affaires at Brussels;

M. François Berlingieri, Advocate, Professor at the University of Genoa;

M. François Mirelli, Adviser to the Naples Court of Appeal;

M. César Vivante, Professor at University of Rome.

His Majesty the Emperor of Japan:

His Excellency M. K. Nabeshima, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

M. Yoshiyuki Irié, Procurator and Adviser to the Japanese Ministry of Justice;

M. Takeyuki Ishikawa, Head of the Department of Maritime Affairs at the Board of Communications of Japan;

M. M. Matsuda, Second Secretary of the Japanese Legation at Brussels.

The President of the United States of Mexico:

His Excellency M. Olarte, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico to His Majesty the King of the Belgians;

M. Victor Manuel Castillo, Advocate, Member of the Senate.

The President of the Republic of Nicaragua:

M. L. Vallez, Consul-General of the Republic of Nicaragua at Brussels.

His Majesty the King of Norway:

His Excellency Dr. G. F. Hagerup, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

M. Christian Theodor Boe, Shipowner.

Her Majesty the Queen of the Netherlands:

Jonkheer P. R. A. Melville van Carnbee, Chargé d'Affaires of the Netherlands at Brussels;

M. W. L. P. A. Molengraaff Doctor of Law, Professor at the University of Utrecht;

M. B. C. J. Loder, Doctor of Law, Adviser to the Court of Cassation at The Hague;

M. C. D. Asser, jun., Doctor of Law, Advocate, of Amsterdam.

His Majesty the King of Portugal and of the Algarves:

M. Antonio Duarte de Oliveira Soares, Portuguese Chargé d'Affaires at Brussels.

His Majesty the King of Roumania:

His Excellency M. Djuvara, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians

His Majesty the Emperor of All the Russias:

M. C. Nabokoff, First Secretary to the Russian Embassy at Washington.

His Majesty the King of Sweden:

His Excellency Count J. J. A. Ehrensvard, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

M. Einar Lange, Director of the Steam-ship Insurance Society of Sweden.

The President of the Republic of Uruguay:

His Excellency M. Luis Garabelli, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay to His Majesty the King of the Belgians;

Who, having been duly authorized to that effect, have agreed as follows:—

ARTICLE 1

Assistance and salvage of seagoing vessels in danger, of any things on board, of freight and passage money, and also services of the same nature rendered by sea-going vessels to vessels of inland navigation or *vice versâ*, are subject to the following provisions, without any distinction being drawn between these two kinds of service (viz., assistance and salvage), and in whatever waters the services have been rendered.

ARTICLE 2

Every act of assistance or salvage which has had a useful result gives a right to equitable remuneration.

No remuneration is due if the services rendered have no beneficial result.

In no case shall the sum to be paid exceed the value of the property salved.

ARTICLE 3

Persons who have taken part in salvage operations notwithstanding the express and reasonable prohibition on the part of the vessel to which the services were rendered, have no right to any remuneration.

ARTICLE 4

A tug has no right to remuneration for assistance to or salvage of the vessel she is towing or of the vessel's cargo, except where she has rendered exceptional services which cannot be considered as rendered in fulfilment of the contract of towage.

ARTICLE 5

Remuneration is due notwithstanding that the salvage services have been rendered by or to vessels belonging to the same owner.

ARTICLE 6

The amount of remuneration is fixed by agreement between the parties, and, failing agreement by the court.

The proportion in which the remuneration is to be distributed amongst the salvors is fixed in the same manner.

The apportionment of the remuneration amongst the owner, master and other persons in the service of each salving vessel shall be determined by the law of the vessel's flag.

ARTICLE 7

Every agreement as to assistance or salvage entered into at the moment and under the influence of danger may, at the request of either party, be annulled or modified by the court, if it considers that the conditions agreed upon are not equitable.

In all cases, when it is proved that the consent of one of the parties is vitiated by fraud or concealment, or when the remuneration is, in proportion to the services rendered, in an excessive degree too large or too small, the agreement may be annulled or modified by the court at the request of the party affected.

ARTICLE 8

The remuneration is fixed by the court according to the circumstances of each case, on the basis of the following considerations: (*a*) firstly, the measure of success obtained, the efforts and deserts of the salvors, the danger run by the salved vessel, by her passengers, crew and cargo, by the salvors, and by the salving vessel; the time expended, the expenses incurred and losses suffered, and the risks of liability and other risks run by the salvors, and also the value of the property exposed to such risks, due regard being had to the special appropriation (if any) of the salvors' vessel for salvage purposes; (*b*) secondly, the value of the property salved.

The same considerations apply for the purpose of fixing the apportionment provided for by the second paragraph of article 6.

The court may deprive the salvors of all remuneration, or may award a reduced remuneration, if it appears that the salvors have by their fault rendered the salvage or assistance necessary or have been guilty of theft, fraudulent concealment, or other acts of fraud.

ARTICLE 9

No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of the national laws on this subject.

Salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage or assistance, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

ARTICLE 10

A salvage action is barred after an interval of two years from the day on which the operations of assistance or salvage terminate.

The grounds upon which the said period of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide, by legislation in their respective countries, that the said period shall be extended in cases where it has not been possible to arrest the vessel assisted or salved in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

ARTICLE 11

Every master is bound, so far as he can do so without serious danger to his vessel, her crew and her passengers, to render assistance to everybody, even though an enemy, found at sea in danger of being lost.

The owner of a vessel incurs no liability by reason of contravention of the above provision.

ARTICLE 12

The High Contracting Parties, whose legislation does not forbid infringements of the preceding Article, bind themselves to take or to propose to their respective Legislatures the measures necessary for the prevention of such infringements.

The High Contracting Parties will communicate to one another as soon as possible the laws or regulations which have already been or may be hereafter promulgated in their States for giving effect to the above provision.

ARTICLE 13

This Convention does not affect the provisions of national laws or international treaties as regards the organization of services of assistance and salvage by or under the control of public authorities, nor, in particular, does it affect such laws or treaties on the subject of the salvage of fishing gear.

ARTICLE 14

This Convention does not apply to ships of war or to Government ships appropriated exclusively to a public service.

ARTICLE 15

The provisions of this Convention shall be applied as regards all persons interested when either the assisting or salving vessel or the vessel assisted or salved belongs to a State of the High Contracting Parties, as well as in any other cases for which the national laws provide.

Provided always that—

1. As regards persons interested who belong to a non-contracting State the application of the above provisions may be made by each of the contracting States conditional upon reciprocity.

2. Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the Convention are applicable.

3. Without prejudice to any wider provisions of any national laws, Article 11 only applies as between vessels belonging to the States of the High Contracting Parties.

ARTICLE 16

Any one of the High Contracting Parties shall have the right, three years after this Convention comes into force, to call for a fresh conference with a view to possible amendments, and particularly with a view to extend, if possible, the sphere of its application.

Any Power exercising this right must notify its intention to the other Powers, through the Belgian Government, which will make arrangements for convening the conference within six months.

ARTICLE 17

States which have not signed the present Convention are allowed to accede to it at their request. Such accession shall be notified through the diplomatic channel to the Belgian Government, and by the latter to each of the Governments of the other Contracting Parties; it shall become effective one month after the despatch of such notification by the Belgian Government.

ARTICLE 18

The present Convention shall be ratified.

After an interval of at most one year from the date on which the Convention is signed, the Belgian Government shall place itself in communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify the Convention, with a view to decide whether it should be put into force.

The ratifications shall, if so decided, be deposited forthwith at Brussels, and the Convention shall come into force a month after such deposit.

The Protocol shall remain open another year in favour of the States represented at the Brussels Conference. After this interval they can only accede to it in conformity with the provisions of Article 17.

ARTICLE 19

In the case of one or other of the High Contracting Parties denouncing this Convention, such denunciation shall not take effect until a year after the day on which it has been notified to the Belgian Government, and the Convention shall remain in force as between the other contracting Parties.

In witness whereof, the Plenipotentiaries of the respective High Contracting Parties have signed this Convention and have affixed thereto their seals.

Done at Brussels, in a single copy, September 23rd, 1910.

For Great Britain:
ARTHUR H. HARDINGE.
W. PICKFORD.
LESLIE SCOTT.
HUGH GODLEY.

For Germany:
KRACKER VON SCHWARTZENFELDT.
Dr. G. STRUCKMANN.

For the Argentine Republic:
ALBERTO BLANCAS.

For Austria and for Hungary:
S. CLARY ET ALDRINGEN.

For Austria:
STEPHEN WORMS.

For Hungary:
DR. FRANCOIS DE NAGY.

For Belgium:
A. BEERNAERT.
CAPELLE.
CH. LEJEUNE.
LOUIS FRANCK.
PAUL SEGERS.

For the United States of Brazil:
RODRIGO OCTAVIO DE LANGGAARD MENEZES.

For Chile:
F. PUGA-BORNE.

For the Republic of Cuba:
DR. F. ZAYAS.

For Denmark:
W. GREVENKOP CASTENSKIOLD.
HERMAN HALKIER.

For Spain:
ARTURO DE BAGUER.
JUAN SPOTTORNO.
RAMON SANCHEZ DE OCANA.
FAUSTINO A. DEL MANZANO.

For the United States of America:
WALTER C. NOYES.
CHARLES C. BURLINGHAM.
A. J. MONTAGUE.
EDWIN W. SMITH.

For France:
BEAU.
CH. LYON-CAEN.

For Greece:
G. DIOBOUNIOTIS.

For Italy:
PRINCE DE CASTAGNETO.
FRANCESCO BERLINGIERI.
FRANCESCO M. MIRELLI.
PROF. CESAR VIVANTE

For Japan:
K. NABESHIMA.
Y. IRIE.
T. ISHIKAWA.
M. MATSUDA.

For the United States of Mexico:
ENRIQUE OLARTE.
VICTOR MANUEL CASTILLO.

For Nicaragua:
LEON VALLEZ.

For Norway:
HAGERUP.
CHR. TH. BOE.

For the Netherlands:
P. R. A. MELVILL VAN CARNBEE.
MOLENGRAAFF.
LODER.
C. D. ASSER.

For Portugal:
A. D. DE OLIVEIRA SOARES.

For Roumania:
T. G. DJUVARA.

For Russia:
C. NABOKOFF.

For Sweden:
ALBERT EHRENSVARD.
EINAR LANGE.

For Uruguay:
LUIS GARABELLI.

(Translation)

PROTOCOL OF SIGNATURE

At the moment of proceeding to the signature of the Conventions* for the unification of certain rules of law with respect to collisions and to assistance and salvage at sea, concluded this day, the undersigned Plenipotentiaries have agreed as follows:—

The provisions of the said Conventions* shall be applicable to the colonies and possessions of the contracting Powers subject to the reservations hereafter mentioned:—

1. The German Government reserves its decisions on the subject of its colonies. It reserves, for each one of these separately, the right of acceding to the Conventions and of denouncing them.

* The Convention with respect to Collisions concluded simultaneously with this Convention was not ratified by the United States.

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2. The Danish Government reserves the right of acceding to the said Conventions and of denouncing them for Iceland and the Danish colonies or possessions separately.

3. The Government of the United States of America reserves the right of acceding to the said Conventions and of denouncing them for the island possessions of the United States of America .

His Britannic Majesty's Government reserves the right of acceding to the said Conventions and of denouncing them for each of the British colonies, protectorates, and territories separately, as well as for the Island of Cyprus.

5. The Italian Government reserves the right of acceding eventually to the Conventions for the Italian dependencies and colonies.

6. The Netherland Government reserves the right of acceding eventually to the Conventions for the Netherland colonies and possessions.

7. The Portuguese Government reserves the right of acceding eventually to the Conventions for the Portuguese colonies.

These accessions can be notified either by a general declaration comprehending all the colonies and possessions or by special declarations. For accessions and denunciations, the procedure indicated in the two present Conventions shall be observed in due course. It is understood, however, that the said accessions can equally be declared in the protocol of ratification.

In witness whereof, the undersigned Plenipotentiaries have drawn up the present Protocol, which shall have the same force and validity as if its provisions were inserted in the text of the Conventions to which it relates.

Done at Brussels, in a single copy, September 23rd, 1910.

For Great Britain:
ARTHUR H. HARDINGE.
W. PICKFORD.
LESLIE SCOTT.
HUGH GODLEY.

For Germany:
KROCKER VON SCHWARTZENFELDT.
DR. G. STRUCKMANN.

For the Argentine Republic:
ALBERTO BLANCAS.

For Austria and Hungary:
S. CLARY ET ALDRINGEN.

For Austria:
STEPHEN WORMS.

For Hungary:
DR. FRANCOIS DE NAGY.

For Belgium:
A. BEERNAERT.
CAPELLE.
CH. LEJEUNE.
LOUIS FRANCK.
PAUL SEGERS.

The United States of Brazil:
RODRIGO OCTAVIO DE LANGGAARD MENEZES.

For Chile:
F. PUGA-BORNE.

For the Republic of Cuba:
DR. F. ZAYAS.

For Denmark:
W. GREVENKOP CASTENSKIOLD.
HERMAN HALKIER.

For Spain:
ARTURO DE BAGUER.
JUAN SPOTTORNO.
RAMON SANCHEZ DE OCANA.
FAUSTINO A. DEL MANZANO.

For the United States of America:
WALTER C. NOYES.
CHARLES C. BURLINGHAM.
A. J. MONTAGUE.
EDWIN W. SMITH.

For France:
BEAU.
CH. LYON-CAEN.

For Greece:
G. DIOBOUNIOTIS.

For Italy:
PRINCE DE CASTAGNETO.
FRANCESCO BERLINGIERI.
FRANCESCO M. MIRELLI.
PROF. CESAR VIVANTE.

For Japan:
K. NABESHIMA.
Y. IRIE.
T. ISHIKAWA.
M. MATSUDA.

The United States of Mexico:
ENRIQUE OLARTE.
VICTOR MANUEL CASTILLO.

For Nicaragua:
LEON VALLEZ.

For Norway:
HAGERUP.
CHR. TH. BOE.

For the Netherlands:
P. R. A. MELVILL VAN CARNBEE.
MOLENGRAAFF.
LODER.
C. D. ASSER.

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For Portugal:
A. D. DE OLIVEIRA SOARES.

For Roumania:
T. G. DJUVARA.

For Russia:
C. NABOKOFF.

For Sweden:
ALBERT EHRENSVARD.
EINAR LANGE.

For Uruguay:
LUIS GARABELLI.

PROTOCOL OF DEPOSIT OF RATIFICATION

The Ratifications of the International Convention, and the Protocol of Signature annexed thereto, concluded at Brussels on the 23rd September, 1910, for the unification of certain rules of law respecting assistance and salvage at sea, having, in accordance with the terms of Article 18 of that Convention, to be deposited at Brussels, the present Protocol has, with this object, been drawn up at the Belgian Ministry for Foreign Affairs.

There have been presented on the 1st February, 1913, for deposit—

The Ratification of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the Seas, Emperor of India.

F. H. VILLIERS.

The Ratification of His Majesty the German Emperor, King of Prussia.

V. FLOTOW.

The Ratification of His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary.

S. CLARY et ALDRINGEN.

The Ratification of His Majesty the King of the Belgians.

J. DAVIGNON.

The Ratification of the President of the United States of America.

THEODORE MARBURG.

The Ratification of the President of the French Republic.

A. KLOBUKOWSKI.

The Ratification of the President of the United States of Mexico.

F. GAMBOA.

The Ratification of Her Majesty the Queen of the Netherlands.

O. D. van der STAAL de PIERSHIL.

The Ratification of His Majesty the King of Roumania.

G. M. MITILINEU.

The Ratification of His Majesty the Emperor of All the Russias.

KOUDACHEFF.

The date 1st February, 1913, shall mark the commencement of the period of a month, stipulated by article 18 of the Convention, as regards its coming into force.

In conformity with the stipulations of that Article, the States, signatories of the Convention which have not been able to deposit their Ratifications on the date 1st February, 1913, shall preserve, for a period of a year commencing from that date, the faculty of carrying out this formality.

The Minister for Foreign Affairs of Belgium,
J. DAVIGNON.

Brussels, February 1, 1913.

At the moment of proceeding to the deposit of the Ratification of His Majesty the German Emperor, King of Prussia, the German Government declares that it accedes to the Conventions on behalf of all the German Colonies, under the reservation that the rules shall not apply to natives and persons assimilated thereto.

In depositing His Britannic Majesty's Ratification of the International Maritime Conventions signed at Brussels on the 23rd September, 1910, His Britannic Majesty's Minister at Brussels declares, in pursuance of the provisions of the "Protocole de Signature" signed on the same occasion, that His Britannic Majesty's Government accede to the Conventions for the following British Colonies and foreign Possessions:—

India.
Bahamas.
Barbados.
Bermuda.
British Guiana.
British Honduras.
Ceylon.
Falkland Islands and their dependencies.
Fiji.
Gambia.
Gibraltar.
Gold Coast.
Grenada.
Hong Kong, Jamaica, including Turks and Caicos Islands and Cayman Islands .
Leeward Islands—
- Antigua.
- Dominica.
- Montserrat.
- St. Christopher Nevis.
- Virgin Islands.

Malta.
Mauritius.
Norfolk Island.
Papua.
St. Helena.
St. Lucia.
St. Vincent.
Seychelles.
Sierra Leone.
Southern Nigeria, including the Protectorate.
Straits Settlements, including Labuan.
Trinidad and Tobago.

His Britannic Majesty's Government also accede to the aforesaid Conventions for the Island of Cyprus, for the Federated Malay States of Perak, Selangor, Negri-Sembilan, and Pahang, and for the following British Protectorates:—

East Africa Protectorate;
Gilbert and Ellice Islands Protectorate;
Solomon Islands Protectorate;
Somaliland Protectorate; and Wei-hai Wei.

F. H. VILLIERS.

1911

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RESPECTING MEASURES FOR THE PRESERVATION AND PROTECTION OF THE FUR-SEALS.

Signed at Washington, February 7, 1911

(Ratifications exchanged at Washington, July 7, 1911.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being desirous of adopting effective measures for the preservation and protection of the fur seals, have resolved to conclude a Treaty for that purpose, and to that end have named as their Plenipotentiaries:

His Britannic Majesty, the Right Honourable James Bryce, O.M., His Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Philander C. Knox, Secretary of State of the United States;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article 1

The High Contracting Parties mutually and reciprocally agree that their subjects and citizens, respectively, and all persons subject to their laws and treaties, and their vessels shall be prohibited while this Article remains in force from engaging in pelagic sealing in that part of the Behring Sea and North Pacific Ocean north of the thirty-fifth degree of north latitude and east of the one hundred and eightieth meridian, and that every such person or vessel offending against this prohibition may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be delivered as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offence and impose the penalties for the same, the witnesses and proof necessary to establish the offence being also sent with them, or otherwise furnished to the proper jurisdictional authority with all reasonable promptitude; and they agree, further, respectively, to prohibit during the same period the use of any British or United States port by any persons for any purposes whatsoever connected with the operations of pelagic sealing in said waters, and to prohibit during the same period the importation or bringing of any fur-seal

[1] From Treaty Series No. 25, 1911. As to effect on this Treaty of later Convention of 7th July, 1911, See Art. 15 of that Convention, p. 395.

skins taken in such pelagic sealing into any British or United States port, and by the necessary legislation and enforcement of appropriate penalties thereunder to make such prohibitions effective.

Such prohibitions, however, shall not apply to Indians dwelling on the coasts of the territory of Great Britain or of the United States and carrying on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each, in the way hitherto practised by the Indians, without the use of firearms, provided such Indians are not in the employment of other persons, nor under contract for the delivery of the skins to any person.

Article 2

The United States agrees that one-fifth ($\frac{1}{5}$) in number and in value of the total number of sealskins taken annually upon the Pribilof Islands, or any other islands or shores of the waters above defined, subject to the jurisdiction of the United States, to which the seal herd now frequenting the Pribilof Islands hereafter resorts, shall be delivered at the end of each season to an authorised agent of the Canadian Government in the Pribilof Islands; *Provided, however,* That nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its numbers.

Article 3

It is further agreed that as soon as this Article goes into effect the United States shall pay to Great Britain the sum of two hundred thousand dollars ($200,000) as an advance payment in lieu of such number of fur-seal skins, to which Great Britain would be entitled under the provisions of this Treaty, as would be equivalent to that amount reckoned at their market value at London at the date of delivery, before dressing or curing and less cost of transportation from the Pribilof Islands; such market value in case of dispute to be determined by an umpire to be agreed upon by the High Contracting Parties, which skins shall be retained by the United States in satisfaction of such payment.

The United States further agrees that Great Britain's share of the sealskins taken on the Pribilof Islands shall not be less than one thousand (1,000) in any year even if such number is more than one-fifth of the number to which the authorised killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives of the islands, in which case the United States agrees to pay to Great Britain the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed, and Great Britain agrees that after deducting the skins of Great Britain's share which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from Great Britain's share over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of the skins so retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four (4) per cent per annum.

If, however, the total number of seals frequenting the Pribilof Islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives, as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE 4

The term "pelagic sealing," as used herein, is defined to be the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea, outside territorial waters.

ARTICLE 5

The High Contracting Parties agree that they will each maintain a guard or patrol in the waters of the North Pacific Ocean and Behring Sea so far as may be necessary for the enforcement of the aforesaid prohibitions.

ARTICLE 6

The foregoing Articles shall go into effect as soon as, but not before, an international agreement is concluded and ratified by the Governments of Great Britain, the United States, Japan, and Russia, by which each of those Powers shall undertake, by such stipulations as may be mutually acceptable, to prohibit for a period of not less than fifteen years, its own subjects or citizens and all persons subject to its laws and treaties, from engaging in pelagic sealing in waters including the area defined in Article 1, and effectively to enforce such prohibition.

The foregoing Articles of this Treaty shall continue in force during the period of fifteen (15) years from the day on which they go into effect and thereafter until terminated by twelve (12) months written notice given by either Great Britain or the United States to the other, which notice may be given at the expiration of fourteen years or at any time afterwards.

ARTICLE 7

The High Contracting Parties engage to co-operate with each other in urging other Powers whose subjects or citizens may be concerned in the fur-seal fisheries to forego, in virtue of appropriate arrangements, the exercise of the right of pelagic sealing, and also to prohibit the use of their ports and flag in the furtherance of pelagic sealing within the areas covered by such arrangement.

ARTICLE 8

This Treaty shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the seventh day of February, in the year of Our Lord one thousand nine hundred and eleven.

(L.S.) JAMES BRYCE.
(L.S.) PHILANDER C. KNOX.

[1]INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Signed at Washington, June 2, 1911

[*British Ratification deposited at Washington, April 1, 1913*]

[*Accession of Canada, 1st September, 1923*]

(Translation)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary,, for Austria and for Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Provisional Government of the Republic of Portugal; His Majesty the King of Servia[2]; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; and the Tunisian Government;

Having deemed it expedient to make certain modifications in, and additions to, the International Convention of the 20th March, 1883, for the creation of an International Union for the Protection of Industrial Property, revised at Brussels on the 14th December, 1900, have named as their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Mr. Alfred Mitchell Innes, Councillor of the Embassy of His Britannic Majesty at Washington;

Sir Alfred Bateman, K.C.M.G., formerly Comptroller-General of Commerce, Labour, and Statistics;

Mr. W. Temple Franks, Comptroller-General of Patents, Designs, and Trade-marks.

His Majesty the German Emperor King of Prussia:

Dr. Haniel von Haimhausen, Councillor of the Embassy of His Majesty the German Emperor at Washington;

M. Robolski, "Conseiller supérieur de Régence, Conseiller rapporteur" to the Imperial Department of the Interior;

Professor Dr. Albert Osterrieth.

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[1] From Treaty Series No. 8, 1913.
[2] Servia did not sign the Convention.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

For Austria and Hungary:

His Excellency Baron Ladislas Hengelmüller de Hengervár, His Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at Washington;

For Austria:

His Excellency Dr. Paul Chevalier Beck de Mannagetta et Lerchenau, His Privy Councillor, Departmental Chief in the Imperial and Royal Ministry of Public Works, and President of the Imperial and Royal Patent Office;

For Hungary:

M. Elemér de Pompéry, Ministerial Councillor at the Royal Hungarian Patent Office.

His Majesty the King of the Belgians:

M. Jules Brunet, Director-General in the Ministry for Foreign Affairs;

M. Georges de Ro, Deputy Senator, Belgian Delegate to the Madrid and Brussels Conferences for the Protection of Industrial Property;

M. Albert Capitaine, Advocate at the Liège Court of Appeal.

The President of the United States of Brazil:

M. R. de Lima e Silva, Chargé d'Affaires of the United States of Brazil at Washington.

The President of the Republic of Cuba:

His Excellency M. Rivero, Envoy Extraordinary and Minister Plenipotentiary of Cuba at Washington.

His Majesty the King of Denmark:

M. Martin J. C. T. Clan, Consul-General of Denmark at New York.

The President of the Dominican Republic:

His Excellency M. Emilio C. Joubert, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic at Washington.

His Majesty the King of Spain:

His Excellency Don Juan Riaño y Gayangos, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

His Excellency Don Juan Flórez Posada, Director of the Madrid School of Engineers.

The President of the United States of America:

Mr. Edward Bruce Moore, Commissioner of Patents;

Mr. Frederick P. Fish, Advocate at the Supreme Court of the United States and at the Supreme Court of the State of New York;

Mr. Charles H. Duell, formerly Commissioner of Patents, formerly Judge of the Court of Appeal of the District of Columbia, Advocate at the Supreme Court of the United States and at the Supreme Court of the State of New York;

Mr. Robert H. Parkinson, Advocate at the Supreme Court of the United States and at the Supreme Court of the State of Illinois;

Mr. Melville Church, Advocate at the Supreme Court of the United States.

The President of the French Republic:

M. Lefèvre-Pontalis, Councillor of the Embassy of the French Republic at Washington;

M. Georges Breton, Director of the National Office of Industrial Property;

M. Michel Pelletier, Advocate at the Paris Court of Appeal, Delegate to the Rome, Madrid, and Brussels Conferences for the Protection of Industrial Property;

M. Georges Maillard, Advocate at the Paris Court of Appeal.

His Majesty the King of Italy:

Nob. Lazzaro dei Marchesi Negrotto Cambiaso, Councillor of the Embassy of His Majesty the King of Italy at Washington;

M. Emilio Venezian, Engineer, Inspector at the Ministry of Agriculture, Commerce, and Industry;

Dr. Giovanni Battista Ceccato, Commercial Attaché to the Embassy of His Majesty the King of Italy at Washington.

His Majesty the Emperor of Japan:

M. K. Matsui, Councillor of the Embassy of His Majesty the Emperor of Japan at Washington;

M. Morio Nakamatsu, Director of the Patent Office.

The President of the United States of Mexico:

M. José de las Fuentes, Engineer, Director of the Patent Office.

His Majesty the King of Norway:

M. L. Aubert, Secretary of the Legation of His Majesty the King of Norway at Washington.

Her Majesty the Queen of the Netherlands:

Dr. F. W. J. G. Snyder van Wissenkerke, Director of the Office of Industrial Property, Councillor at the Ministry of Justice.

The President of the Provisional Government of the Republic of Portugal:

His Excellency Viscount de Alte, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Washington.

His Majesty the King of Servia:

His Majesty the King of Sweden:

His Excellency Count Albert Ehrensvärd, His Envoy Extraordinary and Minister Plenipotentiary at Washington.

The Federal Council of the Swiss Confederation:

His Excellency M. Paul Ritter, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at Washington;

M. W. Kraft, attached to the Federal Bureau of Intellectual Property at Berne;

M. Henri Martin, Secretary of the Legation of Switzerland at Washington.

The President of the French Republic, for Tunis:

M. de Peretti de la Rocca, First Secretary of the Embassy of the French Republic at Washington;

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

ARTICLE 1

The contracting countries constitute themselves into a Union for the protection of industrial property.

ARTICLE 2

The subjects or citizens of each of the contracting countries shall in all the other countries of the Union, as regards patents, utility models, industrial designs or models, trade-marks and trade names, indications of origin, and the suppression of unfair competition, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own subjects or citizens. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed on native subjects or citizens. No obligation as to the possession of a domicile or establishment in the country where protection is claimed shall be imposed on those who enjoy the benefits of the Union.

ARTICLE 3

Subjects or citizens of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the subjects or citizens of the contracting countries.

ARTICLE 4

(*a*) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade-mark, in one of the contracting countries, or his legal representative or assignee, shall enjoy, for the purposes of registration in other countries, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

(*b*) Consequently, subsequent registration in any of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade-mark.

(*c*) The above-mentioned periods of priority shall be twelve months for patents and utility models, and four months for industrial designs and models and trade-marks.

(*d*) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine for itself the latest date at which such declaration must be made. The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto. The contracting countries may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, &c.) previously made, certified as correct by the authority by whom it was received. Such copies shall not require any legal authentication. They may also require that the declaration shall be accompanied by a certificate from the proper authority showing the date of the application, and also by a translation. No other formalities may be required for the declaration of priority at the time of application. Each of the contracting countries shall decide for itself what consequences shall follow the omission of the formalities prescribed by the present article, but such consequences shall in no case be more serious than the loss of the right of priority.

(*e*) At later stages, further proof in support of the application may be required.

ARTICLE 4 *bis*

Patents applied for in the various contracting countries by persons admitted to the benefits of the Convention in the terms of articles 2 and 3 shall be independent of the patents obtained for the same invention in the other countries, whether such countries be or be not parties to the Union.

This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and for revocation, and also as regards their normal duration.

The stipulation shall apply to all patents already existing at the time when it shall come into effect.

The same stipulation shall apply in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

ARTICLE 5

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects, but with this reservation: that the patent shall not be liable to revocation on account of failure to work it in any country of the Union until after the expiration of three years from the date of application in that country, and then only in cases where the patentee cannot show reasonable cause for his inaction

ARTICLE 6

Every trade-mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in the other countries of the Union.

Nevertheless, the following marks may be refused or cancelled:—

1. Those which are of such a nature as to prejudice rights acquired by third parties in the country in which protection is applied for.

2. Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin or date of production, or which have become customary in the current language, or in the *bonâ fide* and unquestioned usages of the trade of the country in which protection is sought.

In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and, in particular, the length of time that such a mark has been in use.

3. Those which are contrary to morality or public order.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

ARTICLE 7

The nature of the goods on which the trade-mark is to be used can, in no case, form an obstacle to the registration of the trade-mark.

ARTICLE 7 *bis*

The contracting countries undertake to allow the registration of, and to protect, trade-marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

Nevertheless, each country shall be the sole judge of the particular conditions on which an association may be allowed to obtain protection for its marks.

ARTICLE 8

A trade name shall be protected in all the countries of the Union without necessity of registration, whether it form part or not of a trade-mark.

ARTICLE 9

All goods illegally bearing a trade-mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

If the law of any country does not admit of seizure on importation, such seizure shall be replaced by prohibition of importation.

Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country to which the article bearing it may have been imported.

The seizure shall take place at the request either of the proper Government department or of any other competent authority, or of any interested party, whether individual or society, in conformity with the domestic law of each country.

The authorities are not bound to effect the seizure of goods in transit.

If the law of any country does not admit either of seizure upon importation, of prohibition of importation, or of seizure within the country, these measures shall be replaced by the remedies assured in such case to subjects or citizens by the law of such country.

ARTICLE 10

The stipulations of the preceding article shall be applicable to every production which may falsely bear as indication of origin the name of a specified locality, when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely designated as the place of origin, or in the district where the locality is situated, is to be deemed a party concerned.

ARTICLE 10 *bis*

All the contracting countries undertake to assure to those who enjoy the benefits of the Union effective protection against unfair trade competition.

ARTICLE 11

The contracting countries shall, in conformity with the legislation of each country, accord temporary protection to patentable inventions, to utility models, and to industrial designs or models, as well as to trade-marks, in respect of products which shall be exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

ARTICLE 12

Each of the contracting countries agrees to establish a special Government department for industrial property and a central office for communication to the public of patents, utility models, industrial designs or models, and trade-marks.

This department shall, as far as possible, publish an official periodical paper.

ARTICLE 13

The International Office, established at Berne under the name "Bureau international pour la Protection de la Propriété industrielle," is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organization and supervise its working.

The International Office will centralize information of every kind relating to the protection of industrial property, and will bring it together in the form of a general statistical statement, which will be distributed to all the Administrations. It will interest itself in all matters of common utility to the Union, and will edit, with the help of the documents supplied to it by the various Administrations, a periodical paper in the French language, dealing with questions regarding the object of the Union.

The numbers of this paper, as well as all the documents published by the International Office, will be circulated among the administrations of the countries of the Union in the proportion of the number of contributing units as mentioned below. Such further copies as may be desired, either by the said Administrations, or by societies or private persons, will be paid for separately.

The International Office shall at all times hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. It will furnish an annual report on its working, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

The expenses of the International Office will be borne by the contracting countries in common. In no case may they exceed the sum of 60,000 fr. per annum.

To determine the part which each country should contribute to this total of expenses, the contracting countries, and those which may afterwards join the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:—

	Units.
1st class	25
2nd class	20
3rd class	15
4th class	10
5th class	5
6th class	3

These coefficients will be multiplied by the number of countries in each class, and the sum of the result thus obtained will supply the number of units by which the total expense has to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession the class in which it wishes to be placed.

The Government of the Swiss Confederation will superintend the expenses of the International Office, advance the necessary funds, and render an annual account, which will be communicated to all the other Administrations.

ARTICLE 14

The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, Conferences shall be held successively, in one of the contracting countries, between the delegates of the said countries.

The Administration of the country in which the Conference is to be held will make preparation for the transaction of that Conference, with the assistance of the International Office.

The Director of the International Office will be present at the meetings of the Conferences and will take part in the discussions, but without the privilege of voting.

ARTICLE 15

It is agreed that the contracting countries respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of industrial property, in so far as such arrangements do not contravene the provisions of the present Convention.

ARTICLE 16

Countries which are not parties to the present Convention shall be allowed to accede to it upon their request.

The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other countries.

It shall entail, as a matter of right, accession to all the clauses, as well as admission to all the advantages stipulated in the present Convention, and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated by the acceding country.

ARTICLE 16 *bis*.

The contracting countries have the right of acceding to the present Convention at any time on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or of any of them.

For this purpose they may either make a general declaration, including all their Colonies, Possessions, Dependencies, and Protectorates in the accession, or may expressly name those included, or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Government of the Swiss Confederation and by the latter to all the other countries.

Under the same conditions, the contracting countries may denounce the Convention on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or of any of them.

ARTICLE 17

The execution of the reciprocal engagements contained in the present Convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the contracting countries, who are bound to procure the application of the same, which they engage to do with as little delay as possible.

ARTICLE 17 *bis*.

The Convention shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only affect the denouncing country, the Convention remaining in operation as regards the other contracting countries.

ARTICLE 18

The present Act shall be ratified and the ratifications deposited at Washington not later than the 1st April, 1913. It shall come into force, as between the countries which ratify it, one month after the expiration of that period.

This Act, with its Final Protocol, shall replace, as regards relations between the countries which ratify it, the Convention of Paris of the 20th March, 1883; the Final Protocol annexed to that Act; the Protocol of Madrid of the 15th April, 1891, regarding the endowment of the International Office; and the Additional Act of Brussels of the 14th December, 1900. The above-mentioned Acts shall, however, remain in force as regards relations with countries which have not ratified the present Act.

ARTICLE 19

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United States. A copy, certified as correct, shall be forwarded by the latter to each of the Governments of the Union.

In witness whereof the respective Plenipotentiaries have signed the present Act.

Done at Washington, in a single copy, the 2nd June, 1911.

For Great Britain:
A. MITCHELL INNES.
A. E. BATEMAN.
W. TEMPLE FRANKS.

For Germany:
HANIEL VON HAIMHAUSEN.
H. ROBOLSKI.
ALBERT OSTERRIETH.

For Austria and for Hungary:
L. BARON DE HENGELMULLER, *Ambassadeur d'Autriche-Hongrie.*

For Austria:
DR. PAUL CHEVALIER BECK DE MANNAGETTA ET LERCHENAU, *Chef de Section et Président de l'Office Impérial et Royal des Brevets d'Invention.*

For Hungary:
ELEMER DE POMPERY, *Conseiller ministériel à l'Office Royale Hongrois des Brevets d'Invention.*

For Belgium:
J. BRUNET.
GEORGES DE RO.
CAPITAINE.

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For Brazil:
R. DE LIMA E SILVA.

For Cuba:
ANTONIO MARTIN RIVERO.

For Denmark:
J. CLAN.

For the Dominican Republic:
EMILIO C. JOUBERT.

For Spain:
JUAN RIANO Y GAYANGOS.
J. FLOREZ POSADA.

For the United States of America:
EDWARD BRUCE MOORE.
MELVILLE CHURCH.
CHARLES H. DUELL.
ROBT. H. PARKINSON.
FREDERICK P. FISH.

For France:
PIERRE LEFEVRE-PONTALIS.
G. BRETON.
MICHEL PELLETIER.
GEORGES MAILLARD.

For Italy:
LAZZARO NEGROTTO CAMBIASO.
EMILIO VENEZIAN.
G. B. CECCATO.

For Japan:
K. MATSUI.
MORIO NAKAMATSU.

For the United States of Mexico:
J. DE LAS FUENTES.

For Norway:
LUDWIG AUBERT.

For the Netherlands:
SNYDER VAN WISSENKERKE.

For Portugal:
J. F. H. M. DA FRANCA, VTE. DE ALTE.

For Servia:

For Sweden:
ALBERT EHRENSVARD.

For Switzerland:
P. RITTER.
W. KRAFT.
HENRI MARTIN.

For Tunis:
E. DE PERETTI DE LA ROCCA.

(Translation)

FINAL PROTOCOL

On proceeding to the signature of the Act concluded this day, the undersigned Plenipotentiaries have agreed as follows:—

Ad ARTICLE 1

The words "industrial property" are to be taken in their broadest sense; they extend to all productions of the agricultural industries (wines, corn, fruits, cattle, etc.) and of the mining industries (minerals, mineral waters, etc.).

Ad ARTICLE 2

(*a*) Under the word "patents" are comprised the various kinds of industrial patents recognized by the legislation of each of the contracting countries, such as importation patents, improvement patents, etc., whether for processes or for products.

(*b*) It is understood that the provision of article 2, which exempts the subjects or citizens of the Union countries from the obligation as to the possession of a domicile and establishment, is of the nature of an interpretation, and is consequently to apply to all rights resulting from the Convention of the 20th March, 1883, before the present Act comes into operation.

(*c*) It is understood that the provisions of article 2 do not affect the legislation of each of the contracting countries as regards the procedure to be followed before the tribunals and the competence of those tribunals nor as regards the election of domicile or appointment of an authorized agent which may be laid down in laws as to patents, utility models, trade-marks, etc.

Ad ARTICLE 4

It is understood that when an industrial design or model is registered in a country in virtue of a right of priority based on the registration of a utility model, the period of priority shall not exceed that fixed by article 4 for industrial designs and models.

Ad ARTICLE 6

It is understood that the provision of the first paragraph of article 6 does not exclude the right of requiring from the person registering the mark a certificate proving due registration in the country of origin, issued by the competent authority.

It is understood that the use of public armorial bearings, insignia or decorations, unless authorized by the competent authorities, or the use of official hall-marks or signs indicating an official warranty, which may be adopted by a Union country, may be regarded as contrary to public order in the sense of No. 3 of article 6.

Marks containing a reproduction of public armorial bearings, decorations or insignia, with the authorization of the competent authorities, shall not, however, be considered as contrary to public order.

It is understood that a mark cannot be considered as contrary to public order solely on the ground that it does not conform to some provision of the trade-marks laws, unless such provision itself relates to public order.

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The present final Protocol, which shall be ratified at the same time as the Act concluded on this day, shall be considered as forming an integral part of, and shall have the same force, validity, and duration as the said Act.

In witness whereof the respective Plenipotentiaries have signed this Protocol.

Done at Washington, in a single copy, the 2nd June, 1911.

A. MITCHELL INNES.
A. E. BATEMAN.
W. TEMPLE FRANKS.
HANIEL VON HAIMHAUSEN.
H. ROBOLSKI.
ALBERT OSTERRIETH.
L. BARON DE HENGELMÜLLER.
DR. PAUL CHEVALIER BECK DE MANNAGETTA ET LERCHENAU.
ELEMER DE POMPERY.
J. BRUNET.
GEORGES DE RO.
CAPITAINE.
R. DE LIMA E SILVA.
J. CLAN.
JUAN RIANO Y GAYANGOS.
J. FLOREZ POSADA.
EDWARD BRUCE MOORE.
MELVILLE CHURCH.
CHARLES H. DUELL.
FREDERICK P. FISH.
ROBT. H. PARKINSON.
EMILIO C. JOUBERT.
PIERRE LEFEVRE-PONTALIS.
MICHEL PELLETIER.
G. BRETON.
GEORGES MAILLARD.
LAZZARO NEGROTTO CAMBIASO.
EMILIO VENEZIAN.
G. B. CECCATO.
K. MATSUI.
MORIO NAKAMATSU.
J. DE LAS FUENTES.
SNYDER VAN WISSENKERKE.
J. F. H. M. DA FRANCA, VTE. DE ALTE.
ALBERT EHRENSVARD.
P. RITTER.
W. KRAFT.
HENRI MARTIN.
E. DE PERETTI DE LA ROCCA.
LUDWIG AUBERT.
ANTONIO MARTIN RIVERO.

(Deposit of Ratifications)

(Translation)

PROTOCOL

IN execution of article 18 of the Convention for the Protection of Industrial Property signed at Washington the 2nd June, 1911, the Undersigned, duly authorized thereto, have met together in order to proceed to the deposit of the Acts of Ratification of the aforesaid Convention by their respective Governments.

These Acts, having been presented and found to be in good and due form, have been entrusted to the Secretary of State of the United States of America with a view to their deposit in the archives of the Government of the United States.

In witness whereof the present Protocol has been prepared, of which a certified copy shall be communicated through the diplomatic channel to the Governments constituting the International Union for the Protection of Industrial Property.

Done at Washington, the 1st April, 1913.

[1]For Great Britain:
JAMES BRYCE.

For Germany:
J. BERNSTORFF.

[2]For Austria and for Hungary:
BARON E. ZWIEDINEK, *Chargé d'Affaires d'Autriche-Hongrie.*

For the Dominican Republic:
FRANC J. PEYNADO.

For Spain:
JUAN DE RIANO Y GAYANGOS.

For the United States of America:
WILLIAM JENNINGS BRYAN.

For the French Republic:
JUSSERAND.

For Italy:
CUSANI.

For Japan:
S. CHINDA.

For Mexico:
ARTURO DE LE CUEVA.

For Norway:
H. BRYN.

For the Netherlands:
J. LOUDON.

For Portugal:
ALTE.

For Switzerland:
P. RITTER.

For Tunis:
JUSSERAND.

[1] See Annex 1.
[2] See Annex 2.

ANNEX 1.

Declaration made by His Britannic Majesty's Ambassador at Washington

IN depositing His Britannic Majesty's Ratification of the Convention respecting the Protection of Industrial Property, the "Protocole de Clôture," and the Agreement respecting False Indications of Origin, which were signed at Washington on the 2nd June, 1911, His Britannic Majesty's Ambassador at Washington declares that such Ratification relates only to the United Kingdom of Great Britain and Ireland, and that, as regards His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the seas, any notification of accession which it may be desired hereafter to make on their behalf will form the subject of a separate communication to the Government of the Swiss Confederation, in accordance with the provisions of article 16 *bis* of the Convention and article 5 of the Agreement respectively.

JAMES BRYCE.

ANNEX 2.

Declaration made by the Austro-Hungarian Chargé d'Affaires at Washington

(Translation.)

IMPERIAL AND ROYAL AUSTRO-HUNGARIAN EMBASSY, WASHINGTON, April 1, 1913.

Your Excellency,

ON the occasion of the deposit of the Instruments of Ratification of the International Convention for the Protection of Industrial Property, signed at Washington on the 2nd June, 1911, and the Agreement respecting the International Registration of Trade-marks,[1] I am authorized to inform the Government of the United States of America that these Arrangements *ipso jure* apply also to Bosnia and Herzegovina as soon as they come into force in Austria and in Hungary.

I avail, &c.
ZWIEDINEK.

His Excellency
W. J. BRYAN,
Secretary of State.

ACCESSIONS.

The Dominion of New Zealand..	April 25, 1913
Ceylon..	April 25, 1913
Trinidad and Tobago..	April 25, 1913

[1] This Agreement was not signed by the United Kingdom.

[1]CONVENTION BETWEEN HIS MAJESTY, THE UNITED STATES OF AMERICA, JAPAN AND RUSSIA, RESPECTING MEASURES FOR THE PRESERVATION AND PROTECTION OF THE FUR SEALS IN THE NORTH PACIFIC OCEAN.

Signed at Washington, July 7, 1911.

(Ratifications deposited at Washington, December 12, 1911.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, the United States of America, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

His Britannic Majesty, the Right Honourable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

The President of the United States of America, the Honourable Charles Nagel, Secretary of Commerce and Labour of the United States, and the Honourable Chandler P. Anderson, Counsellor of the Department of State of the United States;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington, and the Honourable Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honourable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:—

Article 1

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Behring, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offence and impose the penalties for the

[1] From Treaty Series No. 2, 1912.

same; and that the witnesses and proofs necessary to establish the offence, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offence.

ARTICLE 2

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbours or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article 1.

ARTICLE 3

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article 1, and no sealskins identified as the species known as *Callorhinus alascanus, Callorhinus ursinus, and Callorhinus kurilensis,* and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE 4

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coasts of the waters mentioned in Article 1, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised and without the use of firearms; provided that such aborigines are not in the employment of other persons, or under contract to deliver the skins to any person.

ARTICLE 5

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article 1 of this Convention.

ARTICLE 6

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

ARTICLE 7

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE 8

All of the High Contracting Parties agree to co-operate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article 1.

ARTICLE 9

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE 10

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article 1 subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE 11.

The United States further agrees to pay the sum of two hundred thousand dollars ($200,000) to Great Britain and the sum of two hundred thousand dollars ($200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars ($200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins takn from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15 per cent) of the number to which the authorised killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein rquired, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4 per cent) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE 12.

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other island or shores of the waters defined in Article 1 subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5 per cent) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5 per cent) does not exceed eighty-five per cent (85 per cent) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE 13.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article 1 subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10 per cent) gross in number and value thereof to an authorised agent of the United States Government, ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10 per cent) gross in number and value thereof to an authorised agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of

this Convention not less than 5 per cent (5 per cent) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5 per cent) does not exceed eighty-five per cent (85 per cent) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE 14.

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article 1 subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorised agent of the United States Government, ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorised agent of the Japanese Government, and ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorised agent of the Russian Government.

ARTICLE 15.

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relative to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE 16.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE 17

This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

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

Done at Washington the seventh day of July, in the year one thousand nine hundred and eleven.

(L.S.)	JAMES BRYCE.	(L.S.)	Y. UCHIDA.
(L.S.)	JOSEPH POPE.	(L.S.)	H. DAUKE.
(L.S.)	CHARLES NAGEL.	(L.S.)	P. BOTKINE.
(L.S.)	CHANDLER P. ANDERSON.	(L.S.)	NOLDE.

Protocol of Deposit of Ratifications

The Convention for the Protection of Fur Seals, signed by the respective Plenipotentiaries of Great Britain, the United States of America, Japan, and Russia, at Washington on July 7, 1911, having been ratified by the four Governments and the ratifications having been found to conform to one another, the undersigned, the Ambassador of Great Britain, the Ambassador of Japan, and the Ambassador of Russia, duly authorized thereto by their respective Governments, do hereby declare that, in conformity with the understanding that has been reached by the Governments signatory of the said Convention as to the form and manner in which the exchange of ratifications provided for in Article 17 of the said Convention shall be effected, they have delivered, and the undersigned Secretary of State of the United States of America hereby declares that he has received, for deposit in the archives of the Government of the United States of America, the respective instruments of ratification by Great Britain, Japan, and Russia, of the said Convention for the Protection of Fur Seals. And the Secretary of State further declares that the instrument of ratification of the said Convention by the President of the United States of America has, in accordance with the understanding above mentioned, been deposited in the archives of the Government of the United States of America, together with the like instruments of ratification of the Sovereigns of Great Britain, Japan and Russia.

In faith whereof the undersigned have prepared the present *procès-verbal* in one original, of which a copy, duly certified, will be transmitted by the Government of the United States, through the diplomatic channel, to each of the signatory Governments, together with a certified copy each of the instrument of ratification of the said Convention by His Britannic Majesty, the President of the United States of America, His Majesty the Emperor of Japan, and His Majesty the Emperor of Russia.

Done at the city of Washington this twelfth day of December, nineteen hundred and eleven.

(L.S.) JAMES BRYCE.
(L.S.) PHILANDER C. KNOX.
(L.S.) M. HANIHARA.
(L.S.) G. BAKHMETEFF.

1912

[1]THE INTERNATIONAL OPIUM CONVENTION, SIGNED AT THE HAGUE, JANUARY 23, 1912, AND SUBSEQUENT RELATIVE PAPERS

[British Ratification 10 January, 1920.]

[*Signed on behalf of Canada 17th December, 1912, but became effective in so far as she is concerned as stipulated in Article 295 of the Treaty of Peace with Germany in virtue of her ratification of that Treaty only from 10th January, 1920*]

(Translation)

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the United States of America; His Majesty the Emperor of China; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British

[1] From Treaty Series No. 17, 1921.

Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; the President of the Portuguese Republic; His Majesty the Emperor of all the Russias; His Majesty the King of Siam,

Desirous of advancing a step further on the road opened by the International Commission of Shanghai of 1909;

Determined to bring about the gradual suppression of the abuse of opium, morphine, and cocaine, as also of the drugs prepared or derived from these substances, which give rise or might give rise to similar abuses;

Taking into consideration the necessity and the mutual advantage of an international agreement on this point;

Convinced that in this humanitarian endeavour they will meet with the unanimous adherence of all the States concerned;

Have decided to conclude a convention with this object, and have appointed as their plenipotentiaries:

His Majesty the German Emperor, King of Prussia: his Excellency M. Felix von Müller, Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary at The Hague; M. Delbrück, Privy Councillor; Dr. Grünenwald, Councillor of Legation; Dr. Kerp, Privy Councillor, a director in the German Health Department; Dr. Rossler, German Consul at Canton.

The President of the United States of America: Bishop Charles H. Brent; Mr. Hamilton Wright; Mr. H. J. Finger.

His Majesty the Emperor of China: his Excellency Liang Ch'eng, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

The President of the French Republic: M. Henri Brenier, Advisory Inspector of the Agricultural and Commercial Service of Indo-China; M. Pierre Guesde, Administrator of the Civil Service of Indo-China.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Honourable Sir Cecil Clementi Smith, G.C.M.G., Member of the Privy Council; Sir William Stevenson Meyer, K.C.I.E., Chief Secretary of the Government of Madras; Mr. William Grenfell Max Müller, C.B., M.V.O., Councillor of Embassy; Sir William Job Collins, M.D., Deputy Lieutenant of the County of London.

His Majesty the King of Italy; his Excellency Count J. Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of Japan: his Excellency M. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague; Dr. Tomoe Takagi, Engineer to the Government-General of Formosa; Dr. Kotaro Nishizaki, Technical Expert attached to the Laboratory of the Hygienic Department.

Her Majesty the Queen of the Netherlands: M. J. T. Cremer, formerly Minister for the Colonies, President of the Netherlands Society of Commerce; M. C. Th. van Deventer, Member of the First Chamber of the States-General; M. A. A. de Jongh, formerly Inspector-General, head of the Opium Monopoly in the Dutch Indies; M. J. G. Scheurer, Member of the Second Chamber of the States-General; M. W. G. van Wettum, Inspector of the Opium Monopoly in the Dutch Indies.

His Imperial Majesty the Shah of Persia: Mirza Mahmoud Khan, Secretary of the Persian Legation at The Hague.

The President of the Portuguese Republic: his Excellency M. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of all the Russias: his Excellency M. Alexander Savinsky, Master of Ceremonies, Councillor of State, Envoy Extraordinary and Minister Plenipotentiary at Stockholm.

His Majesty the King of Siam: his Excellency Phya Akharaj Varadhara, Envoy Extraordinary and Minister Plenipotentiary in London, The Hague and Brussels; Mr. William J. Archer, C.M.G., Councillor of Legation;

Who, after having deposited their full powers, found in good and due form, have agreed as follows:—

CHAPTER I.—*Raw Opium*

Definition.—By "raw opium" is understood:

The spontaneously coagulated juice obtained from the capsules of the *papaver somniferum,* which has only been submitted to the necessary manipulations for packing and transport.

ARTICLE 1

The Contracting Powers shall enact effective laws or regulations for the control of the production and distribution of raw opium, unless laws or regulations on the subject are already in existence.

ARTICLE 2

Due regard being had to the differences in their commercial conditions, the contracting Powers shall limit the number of towns, ports, or other localities through which the export or import of raw opium shall be permitted.

ARTICLE 3

The contracting Powers shall take measures—

(*a*) To Prevent the export of raw opium to countries which shall have prohibited its entry, and

(*b*) To control the export of raw opium to countries which restrict its import,

unless regulations on the subject are already in existence.

ARTICLE 4

The contracting Powers shall make regulations requiring that every package containing raw opium intended for export shall be marked in such a way as to indicate its contents, provided that the consignment exceeds 5 kilog.

ARTICLE 5

The contracting Powers shall not allow the import and export of raw opium except by duly authorized persons.

CHAPTER II.—*Prepared Opium*

Definition—By "prepared opium" is understood:

The product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption.

Prepared opium includes dross and all other residues remaining when opium has been smoked.

ARTICLE 6

The contracting Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence.

ARTICLE 7

The contracting Powers shall prohibit the import and export of prepared opium; those Powers, however, which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.

ARTICLE 8

The contracting Powers which are not yet ready to prohibit immediately the export of prepared opium—

(*a*) Shall restrict the number of towns, ports, or other localities through which prepared opium may be exported;

(*b*) Shall prohibit the export of prepared opium to countries which now forbid, or which may hereafter forbid, the import thereof;

(*c*) Shall, in the meanwhile, prohibit the consignment of prepared opium to a country which desires to restrict its entry, unless the exporter complies with the regulations of the importing country;

(*d*) Shall take measures to ensure that every package exported, containing prepared opium, bears a special mark indicating the nature of its contents;

(*e*) Shall not permit the export of prepared opium except by specially authorized persons.

CHAPTER III—*Medicinal Opium, Morphine, Cocaine, &c.*

Definitions.—By "medicinal opium" is understood:

Raw opium which has been heated to 60° centigrade and contains not less than 10 per cent of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

By "morphine" is understood:

The principal alkaloid of opium, having the chemical formula $C_{17}H_{19}NO_3$.

By "cocaine" is understood:

The principal alkaloid of the leaves of *Erythroxylon Coca,* having the formula $C_{17}H_{21}NO_4$.

By "heroin" is understood:

Diacetyl-morphine, having the formula $C_{21}H_{23}NO_5$.

ARTICLE 9

The contracting Powers shall enact pharmacy laws or regulations to confine to medical and legitimate purposes the manufacture, sale, and use of morphine, cocaine, and their respective salts unless laws or regulations on the subject are already in existence. They shall co-operate with one another to prevent the use of these drugs for any other purpose.

ARTICLE 10

The contracting Powers shall use their best endeavours to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts, as well as the buildings in which these persons carry on such industry or trade.

With this object, the contracting Parties shall use their best endeavours to adopt, or cause to be adopted, the following measures, unless regulations on the subject are already in existence:—

(*a*) To confine the manufacture of morphine, cocaine, and their respective salts to those establishments and premises alone which have been licensed for the purpose, or to obtain information respecting the establishments and premises in which these drugs are manufactured and to keep a register of them;

(*b*) To require that all persons engaged in the manufacture, import, sale, distribution, or export of morphine, cocaine, and their respective salts shall be furnished with a license or permit to engage in these operations, or shall make to the competent authorities an official declaration that they are so engaged;

(*c*) To require that such persons shall enter in their books the quantities manufactured, imports, sales, and all other distribution, and exports of morphine, cocaine, and their respective salts. This rule shall not necessarily apply to medical prescriptions and to sales by duly authorized chemists.

ARTICLE 11

The contracting Powers shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine, and their respective salts to any unauthorized persons, unless regulations on the subject are already in existence.

ARTICLE 12

Due regard being had to the differences in their conditions, the contracting Powers shall use their best endeavours to restrict to authorized persons the import of morphine, cocaine, and their respective salts.

ARTICLE 13

The contracting Powers shall use their best endeavours to adopt, or cause to be adopted, measures to ensure that morphine, cocaine, and their respective salts shall not be exported from their countries, possessions, colonies, and leased territories to the countries, possessions, colonies, and leased territories of the other contracting Powers, except when consigned to persons furnished with the licenses or permits provided for by the laws or regulations of the importing country.

With this object each Government may communicate from time to time to the Governments of the exporting countries lists of the persons to whom licenses or permits for the import of morphine, cocaine, and their respective salts have been granted.

ARTICLE 14

The contracting Powers shall apply the laws and regulations respecting the manufacture, import, sale, or export of morphine, cocaine, and their respective salts—

(*a*) To medicinal opium;

(*b*) To all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine, or more than 0.1 per cent of cocaine;

(*c*) To heroin, its salts and preparations containing more than 0.1 per cent of heroin;

(*d*) To all new derivatives of morphine, of cocaine, or of their respective salts, and to every other alkaloid of opium, which may be shown by scientific research, generally recognized, to be liable to similar abuse and productive of like ill-effects.

Chapter IV

Article 15

The contracting Powers having treaties with China (Treaty Powers), shall, in conjunction with the Chinese Government, take the necessary measures to prevent the smuggling into Chinese territory, as well as into their Far-Eastern colonies and into the leased territories which they occupy in China, of raw and prepared opium, morphine, cocaine, and their respective salts, as also of the substances referred to in article 14 of the present convention. The Chinese Government shall, on their part, take similar measures for the suppression of the smuggling of opium and of the other substances above referred to from China to the foreign colonies and leased territories.

Article 16

The Chinese Government shall promulgate pharmacy laws for their subjects, regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances referred to in article 14 of the present convention, and shall communicate these laws to the Governments having treaties with China, through their diplomatic representatives at Peking. The contracting Powers having treaties with China shall examine these laws and, if they find them acceptable, shall take the necessary measures to apply them to their nationals residing in China.

Article 17

The contracting Powers having treaties with China shall undertake to adopt the necessary measures to restrict and control the habit of smoking opium in their leased territories, settlements, and concessions in China, to suppress, *pari passu* with the Chinese Government, the opium dens or similar establishments which may still exist there, and to prohibit the use of opium in places of entertainment and brothels.

Article 18

The contracting Powers having treaties with China shall take effective measures for the gradual reduction, *pari passu* with the effective measures which the Chinese Government shall take with the same object, of the number of shops in which raw and prepared opium is sold, which may still exist in their leased territories, settlements, and concessions in China. They shall adopt effective measures for the restriction and control of the retail trade in opium in the leased territories, settlements, and concessions, unless regulations on the subject are already in existence.

Article 19

The contracting Powers having post offices in China shall adopt effective measures to prohibit the illegal import into China in the form of postal packages, as well as the illegal transmission through these offices from one place in China to another, of opium (raw or prepared), morphine, cocaine, and their respective salts, and of the other substances referred to in article 14 of the present convention.

Chapter V

Article 20

The contracting Powers shall examine the possibility of enacting laws or regulations making it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence.

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ARTICLE 21

The contracting Powers shall communicate to one another, through the Ministry of Foreign Affairs of the Netherlands—

(*a*) The texts of the existing laws and administrative regulations respecting the matters referred to in the present convention, or promulgated in virtue of the clauses thereof;

(*b*) Statistical information as regards the trade in raw opium, prepared opium, morphine, cocaine, and their respective salts, as well as in the other drugs or their salts or preparations referred to in the present convention.

These statistics shall be furnished with as many details and within a period as short as may be considered possible.

CHAPTER VI.—*Final Provisions.*

ARTICLE 22.

Any Power not represented at the conference shall be allowed to sign the present convention.

With this object the Government of the Netherlands will, immediately after the signature of the convention by the Plenipotentiaries of the Powers which have taken part in the conference, invite all the Powers of Europe and America not represented at the conference, that is to say:

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, the Republic of Cuba, Denmark, the Dominican Republic, the Republic of Ecuador, Spain, Greece, Guatemala, the Republic of Haiti, Honduras, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Panama, Paraguay, Peru, Roumania, Salvador, Servia, Sweden, Switzerland, Turkey, Uruguay, the United States of Venezuela,

to appoint a delegate, furnished with the necessary full powers, to sign the convention at The Hague.

These signatures shall be affixed to the convention by means of a "Protocol of signature by Powers not represented at the conference," to be added after the signatures of the Powers represented, the date of each signature being mentioned.

The Government of the Netherlands will, every month, notify the signatory Powers of each supplementary signature.

ARTICLE 23.

After all the Powers, as well on their own behalf as on behalf of their possessions, colonies, protectorates, and leased territories, have signed the convention or the supplementary protocol above referred to, the Government of the Netherlands will invite all the Powers to ratify the convention with this protocol.

In the event of the signature of all the Powers invited not having been obtained on the date of the 31st December, 1912, the Government of the Netherlands will immediately invite the Powers who have signed by that date to appoint delegates to examine at The Hague the possibility of depositing their ratifications nothwithstanding.

The ratification shall take place within as short a period as possible and shall be deposited at the Ministry of Foreign Affairs at The Hague.

The Government of the Netherlands will every month notify the signatory Powers of the ratifications which they have received in the interval.

As soon as the ratifications of all the signatory Powers, as well on their own behalf as on behalf of their colonies, possessions, protectorates, and leased territories, have been received by the Government of the Netherlands, the latter will notify all the Powers who have ratified the convention of the date on which it received the last instrument of ratification.

ARTICLE 24.

The present convention shall come into force three months after the date mentioned in the notification by the Government of the Netherlands, referred to in the last paragraph of the preceding article.

With regard to the laws, regulations, or other measures contemplated by the present convention, it is agreed that the Bills or drafts required for this purpose shall be prepared not later than six months after the entry into force of the convention. As regards the laws, they shall also be submitted by their Governments to the Parliaments or legislative bodies within the same period of six months, or in any case at the first session following the expiration of this period.

The date on which these laws, regulations, or measures shall come into force shall form the subject of an agreement between the contracting Powers, at the instance of the Government of the Netherlands.

In the event of questions arising relative to the ratifications of the present convention, or to the enforcement either of the convention or of the laws, regulations, or measures resulting therefrom, the Government of the Netherlands will, if these questions cannot be settled by other means, invite all the contracting Powers to appoint delegates to meet at The Hague in order to arrive at an immediate agreement on these questions.

ARTICLE 25.

If one of the contracting Powers should wish to denounce the present convention, the denunciation shall be notified in writing to the Government of the Netherlands, who will immediately communicate a certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall take effect only as regards the Power which notified it, and one year after the notification thereof has reached the Government of the Netherlands.

In the event of questions arising relative to the ratifications of the present present convention.

Done at The Hague the 23rd January, 1912, in a single copy, which shall be deposited and remain in the archives of the Government of the Netherlands, and of which certified copies will be transmitted through the diplomatic channel to all the Powers represented at the conference.

For Germany:
F. VON MULLER.
DELBRUCK.
GRUNENWALD.

For the United States of America:
CHARLES H. BRENT.
HAMILTON WRIGHT.
HENRY J. FINGER.

For China:
LIANG CH'ENG.

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For France:
H. BRENIER.
With the reservation that a separate and special ratification or denunciation may subsequently be obtained for the French protectorates.

For Great Britain:
W. S. MEYER.
W. G. MAX MULLER.
WILLIAM JOB COLLINS.
With the reservation of the following declaration:
The articles of the present convention, if ratified by His Britannic Majesty's Government, shall apply to the Government of British India, Ceylon, the Straits Settlements, Hong Kong, and Wei-hai-Wei in every respect in the same way as they shall apply to the United Kingdom of Great Britain and Ireland; but His Britannic Majesty's Government reserve the right of signing or denouncing separately the said convention in the name of any dominion, colony, dependency, or protectorate of His Majesty other than those which have been specified.

For Italy:
G. DE LA TOUR CALVELLO.

For Japan:
AIMARO SATO.
TOMOE TAKAGI.
KOTARO NISHIZAKI.

For the Netherlands:
J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.
J. G. SCHEURER.

For Persia:
MIRZA MAHMOUD KHAN.
With the reservation of articles 15, 16, 17, 18 and 19 (Persia having no Treaty with China), and paragraph (*a*) of article 3.

For Portugal:
ANTONIO MARIA BARTHOLOMEU FERREIRA.

For Russia:
A. SAVINSKY.

For Siam:
AKHARAJ VARADHARA.
WM. J. ARCHER.
With the reservation of articles 15, 16, 17, 18 and 19, Siam having no treaty with China.

(Translation.)

Final Protocol of the International Opium Conference.

THE International Opium Conference proposed by the Government of the United States of America, and convoked by the Government of the Netherlands, assembled at The Hague, in the Hall of the Knights, on the 1st December, 1911.

The Governments hereinafter enumerated took part in the conference, for which they had appointed the following delegates:—

Germany: his Excellency M. Felix von Müller, Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary at The Hague, First Delegate Plenipotentiary; M. Delbrück, Privy Councillor, Delegate Plenipotentiary; Dr. Grünenwald, Councillor of Legation, Delegate Plenipotentiary; Dr. Kerp, Privy Councillor, Director of the German Health Department, Delegate Plenipotentiary; Dr. Rössler, German Consul at Canton, Delegate Plenipotentiary.

The United States of America: Bishop Charles H. Brent, Delegate Plenipotentiary; Mr. Hamilton Wright, Delegate Plenipotentiary; Mr. H. J. Finger, Delegate Plenipotentiary.

China: his Excellency Liang Ch'eng, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary; T'ang Kwo-an, Assistant Secretary at the Wai-wu Pu, Delegate; Tchang Tsu-Sueng, chargé d'affaires *ad interim* at The Hague, Delegate; Dr. Wu Lien-Teh, M.D. (Cambridge), Surgeon-Major, Director of the School of Medicine, Delegate; M. F. A. Carl, formerly Commissioner of the Imperial Maritime Customs at Newchwang, Delegate; M. A. J. Commijs, Assistant Secretary in the Department of the Inspector-General of Imperial Maritime Customs, Delegate.

France: M. Henri Brenier, Advisory Inspector of the Agricultural and Commercial Service of Indo-China, Delegate Plenipotentiary; M. Pierre Guesde, Administrator of the Civil Service of Indo-China, Delegate Plenipotentiary; Dr. Gaide, Surgeon-Major of the Colonial Troops, Technical Adviser.

Great Britain: The Right Honourable Sir Cecil Clementi Smith, G.C.M.G., Member of the Privy Council, Delegate Plenipotentiary; Sir William Stevenson Meyer, K.C.I.E., Chief Secretary to the Government of Madras, Delegate Plenipotentiary; Mr. William Grenfell Max Müller, C.B., M.V.O., Councillor of Embassy, Delegate Plenipotentiary; Sir William Job Collins, M.D., Deputy Lieutenant of the County of London, Delegate Plenipotentiary.

Italy: his Excellency Count J. Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary; Professor Rocco Santoliquido, Member of Parliament, Director-General of Public Health, Delegate.

Japan: his Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate, Plenipotentiary; Dr. Tomoe Takagi, Engineer to the Government-General of Formosa, Delegate Plenipotentiary; Dr. Kotaro Nishizaki, Technical Expert, attached to the Laboratory of the Hygienic Department, Delegate Plenipotentiary.

The Netherlands: M. J. T. Cremer, formerly Minister for the Colonies, President of the Dutch Society of Commerce, Delegate Plnipotentiary; M. C. Th. van Deventer, Member of the First Chamber of the States-General, Delegate Plenipotentiary; M. A. A. de Jongh, formerly Inspector-General, Head of the Opium Monopoly in the Dutch Indies, Delegate Plenipotentiary; M. J. G. Scheurer, Member of the Second Chamber of the States-General, Delegate Plenipotentiary; M. W. G. van Wettum, Inspector of the Opium Monopoly in the Dutch Indies, Delegate Plenipotentiary.

Persia: Mirza Mahmoud Khan, Secretary of the Persian Legation at The Hague, Delegate Plenipotentiary.

Portugal: his Excellency M. A. M. Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary; M. Oscar George Potier, Consul-General of the First Class, Delegate of the Ministry for Foreign Affairs, Delegate; M. A. Sanches de Miranda, Captain of Artillery, formerly Governor of Colonies, Delegate of the Ministry of the Colonies, Delegate.

Russia: his Excellency M. Alexander Savinsky, Master of Ceremonies of His Majesty the Emperor, Councillor of State, Envoy Extraordinary and Minister

Plenipotentiary at Stockholm, Delegate Plenipotentiary; M. Chapiroff, Honorary Physician at the Court of His Majesty the Emperor, Medical Inspector of the Frontier Guards, Delegate.

Siam: his Excellency Phya Akharaj Varadhara, Envoy Extraordinary and Minister Plenipotentiary in London, The Hague, and Brussels, Delegate Plenipotentiary; Mr. William J. Archer, C.M.G., Councillor of Legation, Delegate Plenipotentiary;

At a series of meetings held from the 1st December, 1911, to the 23rd January, 1912, the conference drew up the annexed text of a convention.

The conference further expressed the following *vœux*:—

1. The conference considers it desirable to direct the attention of the Universal Postal Union—

(1) To the urgency of regulating the transmission through the post of raw opium;

(2) To the urgency of regulating as far as possible the transmission through the post of morphine, cocaine, and their respective salts and other substances referred to in article 14 of the convention;

(3) To the necessity of prohibiting the transmission of prepared opium through the post.

2. The conference considers it desirable to study the question of Indian hemp from the statistical and scientific point of view, with the object of regulating its abuses, should the necessity thereof be felt, by internal legislation or by an international agreement.

In witness whereof the plenipotentiaries have affixed their signatures to the present protocol.

Done at The Hague, the 23rd January, 1912, in a single copy, which shall be deposited and remain in the archives of the Netherlands Government, and certified copies of which shall be transmitted through the diplomatic channel to all the Powers represented at the conference.

For Germany:
F. VON MULLER.
DELBRUCK.
GRUNENWALD.

For the United States of America:
CHARLES H. BRENT.
HAMILTON WRIGHT.
HENRY J. FINGER.

For China:
LIANG CH'ENG.

For France:
H. BRENIER.

For Great Britain:
W. S. MEYER.
W. G. MAX MULLER.
WILLIAM JOB COLLINS.

For Italy:
G. DE LA TOUR CALVELLO.

For Japan:
AIMARO SATO.
TOMOE TAKAGI.
KOTARO NISHIZAKI.

For the Netherlands:
J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.
J. G. SCHEURER.

For Persia:
MIRZA MAHMOUD KHAN.

For Portugal:
ANTONIO MARIA BARTHOLOMEU FERREIRA.

For Russia:
A. SAVINSKY.

For Siam:
WM. J. ARCHER.

(Translation.)

Final Protocol of the Second International Opium Conference, 1913.

THE Second International Opium Conference, convoked by the Government of the Netherlands in accordance with article 23 of the International Opium Convention, met at The Hague, in the Hall of the Knights, on the 1st July, 1913.

The Governments hereinafter enumerated participated in the Conference, for which they had appointed the following delegates:—

Germany: His Excellency M. Felix von Müller, Privy Counsellor, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

United States of America: Dr. Hamilton Wright, Special Commissioner of the Department of State, delegate; His Excellency Mr. Lloyd Bryce, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate; Mr. Gerrit John Kollen, President Emeritus of Hope College, Professor of Mathematics, delegate.

Argentine Republic: Dr. François de Veyga, delegate.

Belgium: His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

United States of Brazil: His Excellency M. J. Graça Aranha, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Chile: His Excellency M. Jorje Huneeus, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

China: His Excellency M. W. W. Yen, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary; Dr. Wu Lien-Teh, M.A., M.D. (Cambridge), Surgeon-Major, Director of the Medical Service, Physician of the Foreign Office, Delegate Plenipotentiary.

Colombia: M. Ch. Hischemöller, Consul at Rotterdam, delegate.

Costa Rica: His Excellency M. Manuel M. de Peralta, Envoy Extraordinary and Minister Plenipotentiary at Paris and at The Hague, delegate.

Denmark: M. J. G. de Grevenkop Castenskjold, Minister Resident at Brussels and at The Hague, delegate.

Dominican Republic: His Excellency Dr. José Lamarche, Envoy Extraordinary and Minister Plenipotentiary, delegate.

Ecuador: His Excellency M. Jorje Huneeus, Envoy Extraordinary and Minister Plenipotentiary of Chile at Brussels and at The Hague, delegate.

Spain: M. Manuel Garcia de Acilu y Benito, Chargé d'Affaires *ad interim* at The Hague, delegate.

France: His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Great Britain: Mr. William Grenfell Max Müller, C.B., M.V.O., Counsellor of Embassy, delegate; Sir William J. Collins, D.L., M.D., F.R.S.C., former Chairman of the London County Council, delegate.

Hayti: M. Stenio Vincent, Chargé d'Affaires at The Hague, delegate.

Italy: Marquis Alexandre Compans de Brichanteau, Chargé d'Affaires *ad interim* at The Hague, delegate.

Japan: M. Jumpei Shinobu, Chargé d'Affaires *ad interim* at The Hague, delegate.

Luxemburg: His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

United States of Mexico: His Excellency M. Frederico Gamboa, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

The Netherlands: M. J. T. Cremer, former Minister for the Colonies, former president of the Netherlands Society of Commerce, Member of the First Chamber

of the States-General, first delegate; Dr. C. Th. van Deventer, Member of the First Chamber of the States-General, delegate; M. A. A. de Jongh, former inspector-general, head of the opium monopoly in the Dutch Indies, delegate; Dr. J. G. Scheurer, Member of the Second Chamber of the States-General, delegate.

Portugal: His Excellency M. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Russia: His Excellency M. A. Swétchine, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate; Professor Stanislas Przibytek, member of the Academy of Medicine at St. Petersburg, delegate.

Siam: His Excellency Phya Sudham Maitri, Envoy Extraordinary and Minister Plenipotentiary at London, Brussels and The Hague, delegate; Mr. William J. Archer, Counsellor of Legation at London and The Hague, delegate.

At a series of meetings held from the 1st to the 9th July, 1913, the Conference, having examined the question submitted to it under paragraph 2 of article 23 of the International Opium Convention of the 23rd January, 1912.

1. Has decided that the deposit of ratifications may now take place.

2. Has unanimously adopted the following resolution:—

Desiring to pursue, in the path first entered upon by the International Commission of Shanghai of 1909 and by the first Conference at The Hague of 1912, the progressive suppression of the abuse of opium, morphine, and cocaine, and of the drugs prepared or derived from these substances, and more than ever convinced of the necessity and mutual advantage of an international agreement on this matter, the Second International Opium Conference,

(1) Resolves that the Government of the Netherlands may be pleased to inform the Governments of Austria-Hungary, Norway and Sweden that the signature, ratification, preparation of legislative measures, and the enforcement of the convention, constitute four distinct stages which allow these Powers to proceed at once to supplemental signature.

Indeed, it is provided by articles 23 and 24 that a period of six months may elapse between the enforcement of the convention and the preparation of bills, regulations and other measures contemplated by the convention. Also, the third paragraph of article 24 allows the contracting Powers to come to an agreement after ratification as to the date of the enactment of such legislative measures. Furthermore it must be observed that the difficulties anticipated by Austria-Hungary, Norway and Sweden, as regards their legislation, were foreseen by the delegates of the signatory Powers, and were indeed, the subject of thorough examination by the twelve contracting Powers. Almost all the signatory Powers are in the same position as the above-mentioned Powers, and have not yet formulated all the measures contemplated by the convention.

(2) Resolves that the Government of the Netherlands may be pleased to communicate to the Governments of Bulgaria, Greece, Montenegro, Peru, Roumania, Servia, Turkey and Uruguay, the following resolution:—

"The Conference regrets that certain Governments have as yet declined or failed to sign the convention. The Conference is of the opinion that the abstention of these Powers would prejudice most seriously the humanitarian ends sought by the convention. The Conference expresses the firm hope that these Powers will alter their negative or dilatory attitude."

(3) Resolves that the Government of the Netherlands may be pleased to inform the Swiss Government that they are mistaken in their belief that their co-operation will be almost valuless. Contrary to the view expressed in the letter of the Federal Council of the 25th October, 1912, the Conference believes that the co-operation of Switzerland will be most useful, while its abstention will jeopardise the results of the convention. As for the consideration advanced by

the Federal Council concerning the respective fields of federal and cantonal legislation, it may be observed that similar difficulties confronted the first Conference, which took them into account while drafting the text of the convention.

(4) Invites the signatory Governments to instruct their representatives abroad to support the above-mentioned representations of their Netherlands colleagues.

3. Has resolved as follows:—

That should the signature of all the Powers invited in accordance with paragraph 1 of article 23 not be obtained by the 31st December, 1913, the Government of the Netherlands will immediately request the signatory Powers to appoint delegates to proceed to The Hague to examine into the possibility of putting into effect the International Opium Convention of the 23rd January, 1912.

In witness whereof the delegates have attached their signatures to this protocol.

Done at The Hague, the 9th July, 1913, in one instrument, which shall be deposited in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be forwarded through diplomatic channels to all the signatory and the non-signatory Powers.

For Germany:
F. DE MULLER.

For the United States of America:
HAMILTON WRIGHT.
LLOYD BRYCE.
GERRIT J. KOLLEN.

For the Argentine Republic:
FRANC. DE VEYGA.

For Belgium:
BN. ALB. FALLON.

For the United States of Brazil:
GRACA ARANHA.

For Chile:
JORJE HUNEEUS.

For China:
W. W. YEN.
WU LIEN TEH.

For Colombia:
CHR. HISCHEMOLLER.

For Costa Rica:
MANUEL M. DE PERATA.

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For the Dominican Republic:
J. LAMARCHE.

For Ecuador:
JORJE HUNEEUS.

For Spain:
MANUEL G. DE ACILU.

For France:
MARCELLIN PELLET.

For Great Britain:
W. G. MAX MULLER.
WILLIAM JOB COLLINS.

For Hayti:
STENIO VINCENT.

For Italy:
BRICHANTEAU.

For Japan:
J. SHINOBU.
(Subject to the eventual approval of his Government.)

For Luxemburg:
BN. ALB. FALLON.

For the United States of Mexico:
F. GAMBOA.

For the Netherlands:
J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.
J. G. SCHEURER.

For Portugal:
ANTONIO MARIA BARTHOLOMEU FERREIRA.

For Russia:
A. SWETCHINE.

For Siam:
PHYA SUDHAM MAITRI.
WM. J. ARCHER.

(Translation.)

Final Protocol of the Third International Opium Conference, 1914.

THE Third International Opium Conference, convoked by the Government of the Netherlands in accordance with the third resolution of the Second Conference, met at The Hague, in the Hall of the Knights, on the 15th June, 1914.

The Governments hereinafter enumerated participated in the Conference, for which they had appointed the following delegates:—

Germany: His Excellency M. Felix von Müller, Privy Counsellor, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

United States of America: His Excellency Mr. Henry van Dyke, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate; Mr. Charles Denby, Consul-General at Vienna, delegate.

Argentine Republic: Dr. François de Veyga, Honorary Professor at the Faculty of Medicine, Buenos Aires, Inspector-General of the Sanitary Service of the Argentine Army (S.R.), delegate.

Belgium: His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

United States of Brazil: His Excellency M. José Pereira da Graça Aranha, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Chile: His Excellency M. Jorje Huneeus, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

China: His Excellency M. Yen Hui-Ch'ing, Envoy Extraordinary and Minister Plenipotentiary at Berlin, delegate; his Excellency M. T'ang Tsai-fou, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Denmark: M. J. G. de Grevenkop Castenskjold, Minister Resident at Brussels and at The Hague, delegate.

Dominican Republic: His Excellency Dr. José Lamarche, Envoy Extraordinary and Minister Plenipotentiary, delegate.

Ecuador: M. Miguel A. Seminario, Chargé d'Affaires at Brussels, delegate.

Spain: His Excellency D. Fernando Osorio y Elola, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

France: His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Great Britain: Mr. William Grenfell Max Müller, C.B., M.V.O., Counsellor of Embassy, Consul-General at Budapest, delegate; Sir William J. Collins, K.C.V.O., M.D., F.R.C.S., former Chairman of the London County Council, delegate.

Guatemala: M. José Maria Lardizabal, Chargé d'Affaires at Paris and The Hague, delegate.

Hayti: M. Stenio Vincent, Chargé d'Affaires at The Hague, delegate.

Italy: His Excellency Count Joseph Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Japan: His Excellency M. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Luxemburg: His Excellency Baron Albéric Fallon, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

United States of Mexico: His Excellency M. Carlos Pereyra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, delegate.

Montenegro: M. H. Mendes da Costa, Consul-General at Amsterdam, delegate.

The Netherlands: M. J. T. Cremer, former Minister of the Colonies, former President of the Netherlands Society of Commerce, Member of the First Chamber of the States-General, first delegate; Dr. C. Th. van Deventer, Member of the Second Chamber of the States-General, delegate; M. A. A. de Jongh, former Inspector-General, head of the Opium Monopoly in the Dutch Indies, Burgomaster of Hoorn, delegate.

Persia: Mirza Mahmoud Khan, Chargé d'Affaires at The Hague, delegate.

Portugal: His Excellency M. Antonio Maria Batholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate; Major A. A. Sanches de Miranda, a former Colonial Governor, delegate of the Ministry of the Colonies.

Roumania: His Excellency M. Charles M. Mitilineu, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Russia: His Excellency M. A. Swétchine, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate.

Siam: His Excellency Phya Sudham Maitri, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate; Mr. William J. Archer, Counsellor of Legation at London and The Hague, delegate.

Sweden: His Excellency M. C. F. de Klercker, Envoy Extraordinary and Minister Plenipotentiary at Brussels and The Hague, delegate.

Switzerland: His Excellency M. G. Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate.

Uruguay: His Excellency M. Alberto Guani, Envoy Extraordinary and Minister Plenipotentiary at Brussels and The Hague, delegate.

The United States of Venezuela: Dr. Esteban Gil Borges, First Secretary of Legation at Paris, delegate.

At a series of meetings held from the 15th to the 25th June, 1914, the Conference having examined the question submitted to it under the third resolution passed by the Second Conference.

(A) has placed on record the following opinions:—

1. That it is possible to bring into force the International Opium Convention of the 23rd January, 1912, notwithstanding the fact that some of the Powers invited, in pursuance of paragraph 1 of article 23, have not yet signed the convention.

2. That the convention shall come into force between all the signatory Powers as soon as the Powers which have already signed, and those which have expressed their intention to adhere to it, have ratified it. The date of the coming into force of the convention shall be that fixed by paragraph 1 of article 24.

3. That, if by a date to be determined by the Conference all the signatory Powers have not yet deposited their ratifications, it shall be permissible for the signatory Powers whose ratifications have been deposited by that date, to bring the convention into force. The same power shall obtain for the signatory Powers which may successively deposit their ratifications after that date.

4. That the date indicated in 3 shall be the 31st December, 1914.

5. That the power of acceding to the convention do remain open to the Powers which have not yet signed.

(B) has decided:

That a protocol by which the signatory Powers desirous of availing themselves of the power mentioned in 3 shall be able to declare their intention of putting the convention in force shall be opened at The Hague.

His Excellency the Minister for Foreign Affairs of the Netherlands, in accordance with the unanimous wish of the Conference, has consented to draw up this protocol, which will remain open for signature.

(C) has unanimously carried the following resolution:—

The Conference invites his Excellency the Minister for Foreign Affairs of the Netherlands to make in the name of the Conference, an urgent and respectful representation to the signatory Powers which have not yet ratified the convention nor expressed their intention of doing so, with a view to induce them to declare their readiness shortly to deposit their ratifications, in order that the convention may come into force as soon as possible.

In witness whereof the delegates have attached their signatures to this protocol.

Done at The Hague, the 25th June, 1914, in one instrument, which shall be deposited in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be forwarded through diplomatic channels to all the signatory and the non-signatory Powers.

For Germany:
F. DE MULLER.
(With reference to his votes on June 18, 1914.)

For the United States of America:
HENRY VAN DYKE.
CHAS. DENBY.

For the Argentine Republic:
FRANC. DE VEYGA.

For Belgium:
BN. ALB. FALLON.

For the United States of Brazil:
GRACA ARANHA.

For Chile[1]:

For China:
W. W. YEN.
TS. F. T'ANG.

For Denmark:
W. GREVENKOP CASTENSKJOLD.

For the Dominican Republic[1]:

For Ecuador[1]:

For Spain:
FERNANDO DE OSORIO.

For France:
MARCELLIN PELLET.

For Great Britain:
W. G. MAX MULLER.
WILLIAM JOB COLLINS.

For Guatemala:
JOSE M. LARDIZABAL.

For Hayti[1]:

For Italy:
S. DE LA TOUR CALVELLO.

For Japan:
AIMARO SATO.

For Luxembourg:
BN. ALB. FALLON.

For the United States of Mexico:
CARLOS PEREYRA.

For Montenegro:
H. M. MENDES DA COSTA.

For the Netherlands:
J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.

For Persia:
MIRZA MAHMOUD KHAN.

For Portugal:
ANTONIO MARIA BARTHOLOMEU FERREIRA.
A. A. SANCHES DE MIRANDA.

For Roumania:
C. M. MITILINEU.

For Russia:
A. SWETCHINE.

For Siam:
PHYA SUDHAM MAITRI.
WM. J. ARCHER.

For Sweden:
F. DE KLERCKER.

For Switzerland:
CARLIN.

For Uruguay[1]:

For the United States of Venezuela:
E. GIL BORGES.

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[1] Communications having been interrupted as the result of the war, it has no longer been possible to obtain this signature, which could not be affixed on the date of the closing of the conference.

(Translation.)

Protocol respecting the putting into force of the International Opium Convention.

THE undersigned duly authorised by their respective Governments, in virtue of the power provided under No. 3 of the Final Protocol of the Third International Opium Conference, declare that their Governments having ratified the International Opium Convention of the 23rd January, 1912, intend to put it into operation.

As regards the Powers which shall sign that Protocol before the 31st December, 1914, the Convention will come into force on that date; as regards the Powers which shall sign it after the 31st December, 1914, the Convention will come into force on the date of signature.

For the United States of America:	
HENRY VAN DYKE,	Feb. 11, 1915
For China:	
T'ANG TSAI-FOU,	Feb. 11, 1915
For the Netherlands:	
J. LOUDON,	Feb. 11, 1915
For Honduras:	
E. H. CRONE,	April 3, 1915
For Norway:	
F. HAGERUP,	Sept. 20, 1915
For Belgium:	
ALB. FALLON,	May 14, 1919
For Luxemburg:	
ALB. FALLON	May 14, 1919
For Sweden:	
G. DE DARDEL,	Jan. 13, 1921
For Spain:	
SANTIAGO MENDEZ DE *VIGO*,	Feb. 11, 1921

List of Accessions and Ratifications.

THE International Opium Convention was signed at The Hague on the 23rd January, 1912, by Germany, the United States of America, China, France, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, Siam;

On the 17th December, 1912, by Great Britain for the following Dominions, Colonies, Dependencies and Protectorates:—

Canada, Newfoundland, New Zealand, Brunei, Cyprus, the East Africa Protectorate, Falkland Islands, Malay Protectorates, Gambia, Gibraltar, Gold Coast, Jamaica, Johore, Kedah, Kelantan, Perlis, Trengganu, Malta, Northern Nigeria, Southern Borneo, Nyasaland, St. Helena, Sarawak, Seychelles, Somaliland, Southern Nigeria, Trinidad, Uganda;

On the 27th February, 1913, for the colony of Fiji;

On the 22nd April, 1913, for the colony of Sierra Leone, the Gilbert and Ellis Islands Protectorate and the Solomon Islands Protectorate;

On the 25th June, 1913, for the Government of the Commonwealth of Australia;

On the 14th November, 1913, for the Bahama Islands and for the three colonies of the Windward Islands, that is to say, Grenada, St. Lucia and St. Vincent;

On the 30th January, 1914, for the Leeward Islands;

On the 11th February, 1914, for British Guiana as well as for British Honduras;

On the 11th March, 1914, for the Government of the Union of South Africa;

On the 28th March, 1914, for Zanzibar, Southern and Northern Rhodesia, Basutoland, the Bechuanaland Protectorate and Swaziland;

On the 4th April, 1914, for the Colony of Barbados;

On the 8th April, 1914, for Mauritius and its dependencies;

On the 11th June, 1914, for the Bermuda Islands.

The "Protocol of Signature of the Powers not represented at the Conference" provided for in the penultimate paragraph of article 22 of the International Opium Convention was signed—

By Costa Rica.. .. .. on April 25, 1912
By Mexico.. .. .. on May 15, 1912
By Guatemala.. .. .. on June 17, 1912
By Belgium (subject to adherence or denunciation as regards Belgian Congo).. on June 18, 1912
By Luxemburg.. .. .. on June 18, 1912
By Panamá.. .. .. on June 19, 1912
By Ecuador.. .. .. on July 2, 1912
By Honduras.. .. .. on July 5, 1912
By Salvador.. .. .. on July 30, 1912
By Hayti.. .. .. on Aug. 21, 1912
By Venezuela.. .. .. on Sept. 10, 1912
By Brazil.. .. .. on Oct. 16, 1912
By Argentina.. .. .. on Oct. 17, 1912
By Spain.. .. .. on Oct. 23, 1912
By the Dominican Republic.. .. .. on Nov. 12, 1912
By Paraguay.. .. .. on Dec. 14, 1912
By Denmark (for Denmark, Iceland and the Danish Antilles).. .. .. on Dec. 17, 1912
By Colombia (subject to the approval of the Legislature of Colombia).. .. .. on Jan. 15, 1913
By the Republic of Cuba.. .. .. on May 8, 1913
By Bolivia.. .. .. on June 4, 1913
By Chile.. .. .. on July, 2, 1913
By Nicaragua.. .. .. on July 18, 1913
By Peru.. .. .. on July 24, 1913
By Sweden (subject to the following declaration: "Opium not being manufactured in Sweden, the Swedish Government will for the moment confine themselves to prohibiting the importation of prepared opium, but they declare at the same time that they are ready to take the measures indicated in article 8 of the convention if experience proves their expediency").. .. .. on Aug. 27, 1913
By Norway.. .. .. on Sept. 2, 1913

By Montenegro (subject to the following declaration: "Opium not being manufactured or produced in Montenegro, the Royal Government of Montenegro will for the moment confine themselves to prohibiting the importation of prepared opium, but they declare at the same time that they are ready to take the measures indicated in article 8 of the convention if experience proves their expediency") .. .. on Dec. 22. 1913
By Roumania.. .. .. on Dec. 27, 1913
By Switzerland (subject to ratification and with the declaration that the Swiss Government will be unable to issue the necessary legal enactments within the term fixed by the convention.. .. .. on Dec. 29, 1913
By Bulgaria.. .. .. on Mar. 2, 1914
By Uruguay.. .. .. on Mar. 9, 1914

The Convention was ratified by:—

Denmark.. .. .. on July 10, 1913
Siam.. .. .. on July 10, 1913
Guatemala.. .. .. on Aug. 27, 1913
Honduras.. .. .. on Aug. 29, 1913
Venezuela.. .. .. on Oct. 28, 1913
United States of America.. .. .. on Dec. 15, 1913
Portugal.. .. .. on Dec. 15, 1913
China.. .. .. on Feb. 9, 1914
Sweden.. .. .. on April 17, 1914
Belgium.. .. .. on June 16, 1914
Italy.. .. .. on June 18, 1914
[1]Great Britain.. .. .. on July 15, 1914
The Netherlands.. .. .. on July 28, 1914
Nicaragua.. .. .. on Nov. 10, 1914
Norway.. .. .. on Nov. 12, 1914
Brazil.. .. .. on Dec. 23, 1914
Ecuador.. .. .. on Feb. 25, 1915
Uruguay.. .. .. on April 3, 1916
Spain.. .. .. on Jan. 25, 1919
Luxemburg.. .. .. on Aug. 6, 1921

The Protocol relative to the putting into force of the Convention was signed by:—

China.. .. .. on Feb. 11, 1915
United States of America.. .. .. on Feb. 11, 1915
The Netherlands.. .. .. on Feb. 11, 1915
Honduras.. .. .. on April 3, 1915
Norway.. .. .. on Sept. 20, 1915
Belgium.. .. .. on May 14, 1919
Luxemburg.. .. .. on May 14, 1919
Sweden.. .. .. on Jan. 13, 1921
Spain.. .. .. on Feb. 11, 1921

[1] See reservations on page 404.

Position of States vis-à-vis *the International Opium Convention at the time of the First Session of the Advisory Committee on Traffic in Opium.*[1]

(*A*) States which have ratified the International Opium Convention and signed the Protocol of Clôture of the Third International Opium Conference, or have ratified the Peace Treaties, thereby undertaking the same obligations:—

1. South Africa.
2. Germany.
3. United States of America.
4. Australia.
5. Austria.
6. Belgium.
7. Bolivia.
8. Brazil.
9. Bulgaria.
10. Canada.
11. China.
12. Cuba.
13. Spain.
14. France.
15. Great Britain.
16. Greece.
17. Guatemala.
18. Haiti.
19. Honduras.
20. India.
21. Italy.
22. Japan.
23. Liberia.
24. Luxemburg.
25. New Zealand.
26. Nicaragua.
27. Norway.
28. Panamá.
29. Netherlands.
30. Peru.
31. Poland.
32. Portugal.
33. Roumania.
34. Serb-Croat-Slovene State.
35. Siam.
36. Sweden.
37. Czecho-Slovakia.
38. Uruguay.

(*B*) States which have ratified the Convention, but not yet signed the Protocol of Clôture of the Third Conference:—

1. Denmark.
2. Ecuador.
3. Venezuela.

(*C*) States which have signed but not yet ratified the Convention:—

1. Argentina.
2. Chile.
3. Colombia.
4. Costa Rica.
5. Dominican Republic.
6. Mexico.
7. Paraguay.
8. Persia.
9. Russia.
10. Salvador.
11. Switzerland.

(*D*) States which have not yet signed the Convention:—

1. Abyssinia.
2. Afghanistan.
3. Albania.
4. Andorra.
5. Armenia.
6. Azerbaidjan.
7. Esthonia.
8. Finland.
9. Georgia.
10. Hedjaz.
11. Hungary[2].
12. Iceland.
13. Latvia.
14. Liechtenstein.
15. Lithuania.
16. Monaco.
17. Russia (Soviet).
18. San Marino.
19. Turkey[2].

[1] May 2-5, 1921.

[2] States which have been invited by the Netherlands Government to sign the Convention, but have not yet done so.

18794—27

Article 295 *of the Treaty of Peace with Germany of June* 28, 1919.[1]

THOSE of the High Contracting Parties who have not yet signed, or who have signed, but not yet ratified, the Opium Convention signed at The Hague on the 23rd January, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

List of States which have signed and ratified.

1. Peace Treaty with Germany:—
   Great Britain, Canada, Australia, South Africa, New Zealand, India, France, Italy, Japan, Belgium, Bolivia, Brazil, Cuba, Greece, Guatemala, Hayti, Honduras, Liberia (with reserve), Nicaragua, Panamá, Peru, Poland, Portugal, Roumania Serb-Croat-Slovene State, Siam, Czecho-Slovakia, Uruguay and Germany.
2. Peace Treaty with Austria:—
   Great Britain, Canada, Australia, South Africa, New Zealand, India, France, Italy, Japan, Belgium, China, Cuba, Greece, Nicaragua, Siam, Czecho-Slovakia and Austria. (Roumania and Serb-Croat-Slovene State have acceded.)
3. Peace Treaty with Bulgaria:—
   Great Britain, Canada, Australia, South Africa, New Zealand, India, France, Italy, Belgium, Greece, Serb-Croat-Slovene State, Siam, Czecho-Slovakia and Bulgaria. (Roumania has acceded.)
4. Peace Treaty with Hungary:—
   Great Britain, Canada, Australia, South Africa, New Zealand, India, France, Italy, Japan, Belgium, Roumania, Serb-Croat-Slovene State, Siam, Czecho-Slovakia and Hungary.

No. 9

Resolution adopted by the Assembly of the League of Nations, December 15, 1920

THAT, having regard to the duty placed on the League by article 23 of the Covenant to supervise the execution of arrangements with regard to the traffic in opium and other dangerous drugs, the Assembly concurs with the Netherlands Government in its view that it will be preferable for the League to undertake the duties placed upon the Netherlands Government by the Opium Convention with regard to the collection of data and dealing with disputes:

[1] Article 247 of the Treaty of Peace with Austria of the 10th September, 1919; article 174 of the Treaty of Peace with Bulgaria of the 27th November, 1919; article 230 of the Treaty of Peace with Hungary of the 4th June, 1920; and article 280 of the Treaty of Peace with Turkey of the 10th August, 1920, are similarly worded.

That for this purpose and for the purpose of enabling the League to exercise its general supervision over the execution of arrangements with regard to this traffic, the Secretariat of the League is entrusted with the duty of collecting information as to the arrangements made in the various countries for carrying out the Opium Convention, the production, distribution and consumption of the drugs, and other necessary data.

That in order to secure the fullest possible co-operation between the various countries in regard to the matter, and to assist and advise the Council in dealing with any questions that may arise, an Advisory Committee be appointed by the Council which shall include representatives of the countries chiefly concerned, in particular Holland, Great Britain, France, India, Japan, China, Siam, Portugal, and shall, subject to the general directions of the Council, meet at such times as may be found desirable.

That in view of the importance of the co-operation of States which have ratified or may hereafter ratify the Opium Convention, but which are not yet Members of the League, the Netherlands Government be requested to invite their concurrence and co-operation in the arrangements indicated above, and that in the event of such concurrence being given the Council be authorized to add to the Advisory Committee, in the capacity of member or assessor, a representative of any such country which is specially concerned in the traffic, and that a special invitation be addressed to the United States of America.

That the Council be authorized, if and when they think it necessary, to add as assessors to the Committee not more than three persons not representatives of Governments, having special knowledge of the question; and that the travelling expenses and allowances of such Members shall be paid out of the funds of the League.

That the Advisory Committee shall, three months before the beginning of every Session of the Assembly, present to the Council for submission to the Assembly a report on all matters regarding the execution of agreements with regard to the traffic in opium and other dangerous drugs.

That the Assembly welcomes the action of the Netherlands Government in endeavouring to secure the signature and ratification of the Opium Convention by countries which have not yet done so, and invites it to inform the Secretariat of the League of the results of its action.

[1]INTERNATIONAL RADIOTELEGRAPH CONVENTION

Signed at London, July 5, 1912

[*British Ratification deposited at London, June 2, 1913*[2]]

(Translation.)

International Radiotelegraph Convention concluded between Great Britain and various British Colonies and Protectorates, the Union of South Africa, the Commonwealth of Australia, Canada, British India, New Zealand, Germany and the German Protectorates, the United States of America and the Possessions of the United States of America, the Argentine Republic, Austria, Hungary, Bosnia-Herzegovina, Belgium, the Belgian Congo, Brazil, Bulgaria, Chile, Denmark, Egypt, Spain and the Spanish Colonies,

[1] From Treaty Series No. 10, 1913.
[2] See p. 455.

France and Algeria, French West Africa, French Equatorial Africa, Indo-China, Madagascar, Tunis, Greece, Italy and the Italian Colonies, Japan and Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Morocco, Monaco, Norway, the Netherlands, the Dutch Indies and the Colony of Curaçao, Persia, Portugal, and the Portuguese Colonies, Roumania, Russia and the Russian Possessions and Protectorates, the Republic of San Marino, Siam, Sweden, Turkey, and Uruguay.

THE undersigned, Plenipotentiaries of the Governments of the countries enumerated above, being assembled in Conference at London, have, by common consent, and subject to ratification, concluded the following Convention:—

ARTICLE 1

The High Contracting Parties undertake to apply the provisions of the present Convention in all the radiotelegraph stations (coast stations and ship stations) which are established or worked by the Contracting Parties and open for the service of public correspondence between the land and ships at sea.

They undertake, moreover, to impose the observance of these provisions upon private enterprises authorised either to establish or to work radiotelegraph coast stations open to the service of public correspondence between the land and ships at sea, or to establish or work radiotelegraph stations whether open for public correspondence or not on board the ships which carry their flag.

ARTICLE 2

That which is called a coast station is any radiotelegraph station established on dry land or on board any ship permanently anchored and utilised for the exchange of correspondence with ships at sea.

Any radiotelegraph station established on board a ship other than a permanently stationary ship is called a ship station.

ARTICLE 3

Coast stations and ship stations are bound to exchange radiotelegrams reciprocally without distinction as to the radiotelegraph system adopted by such stations.

Each ship station is bound to exchange radiotelegrams with any other ship station without distinction as to the radiotelegraph system adopted by such stations.

Nevertheless, in order not to impede scientific progress, the provisions of the present article do not prevent the contingent employment of a radiotelegraph system incapable of communicating with other systems, provided that such incapacity be due to the specific nature of such system and that it be not the effect of devices adopted solely with the object of preventing intercommunication.

ARTICLE 4

Notwithstanding the provisions of article 3, a station may be appropriated to a restricted public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5

Each of the High Contracting Parties undertakes to cause the coast stations to be connected with the telegraph system by means of special wires, or, at any rate, to take such other measures as will ensure a rapid exchange between the coast stations and the telegraph system.

ARTICLE 6

The High Contracting Parties will mutually notify one another of the names of the coast stations and ship stations covered by article 1, as well as of all the particulars necessary to facilitate and accelerate the radiotelegraphic exchanges which will be specified in the Detailed Regulations.

ARTICLE 7

Each of the High Contracting Parties reserves to itself the right to prescribe or to permit, in the stations covered by article 1, independently of the installation of which the particulars are published conformably to article 6, the installation and working of other devices with a view to a special radiotelegraphic transmission without publication of the details of such devices.

ARTICLE 8

The working of radiotelegraph stations shall be organised, as far as possible, in such a manner as not to disturb the service of other stations of the kind.

ARTICLE 9

Radiotelegraph stations shall be obliged to accept with absolute priority calls of distress whencesoever they may come, to reply in like manner to such calls, and to give the effect to them which they require.

ARTICLE 10

The charge of a radiotelegram shall include, as the case may be:—

1. (*a*) The "coast charge" which belongs to the coast station;

(*b*) The "ship charge" which belongs to the ship station;

2. The charge for transmission over the lines of the telegraph system, calculated in accordance with the ordinary rules;

3. The transit charges of the intermediate coast and ship stations and the charges appertaining to special services required by the sender.

The rate of the coast charge shall be subject to the approval of the Government to which the coast station is subject; that of the ship charge, to the approval of the Government to which the ship is subject.

ARTICLE 11

The provisions of the present Convention are completed by Detailed Regulations which have the same validity and come into force at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may be modified at any time by common consent of the High Contracting Parties. Conferences of Plenipotentiaries having power to modify the Convention and the Regulations shall take place periodically; each Conference shall itself fix the place and time of the succeeding meeting.

ARTICLE 12

These Conferences shall be composed of Delegates of the Governments of the Contracting countries.

In the deliberations each country shall exercise one vote only.

If a Government accede to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that the whole or part of such colonies, possessions or protectorates is to be regarded as forming a country for the purposes of the foregoing clause. Nevertheless, the number of votes to be exercised by a Government, including its colonies, possessions or protectorates, may not exceed six.

The following are regarded as forming each a single country for the purposes of the present article:—

German East Africa;
German South-West Africa;
The Cameroons;
Togo;
The German Pacific Protectorates;
Alaska;
Hawaii and the other American possessions in Polynesia;
The Philippine Islands:
Porto Rico and the American possessions in the Antilles;
The zone of the Panamá Canal;
The Belgian Congo;
The Spanish Colony of the Gulf of Guinea;
French West Africa;
French Equatorial Africa;
Indo-China;
Madagascar;
Tunis;
The Union of South Africa;
The Australian Commonwealth;
Canada;
British India;
New Zealand;
Erithrea;
Italian Somaliland;
Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung;
The Dutch Indies;
The Colony of Curaçao;
Portuguese West Africa;
Portuguese East Africa and the Portuguese possessions in Asia;
Russian Central Asia (littoral of the Caspian Sea);
Bokhara;
Khiva;
Western Siberia (littoral of the Arctic Ocean);
Eastern Siberia (littoral of the Pacific Ocean).

ARTICLE 13

The International Bureau of the Telegraph Union shall be entrusted with the duty of collecting, co-ordinating and publishing information of every kind relating to radiotelegraphy, of investigating requests for modification of the Convention and of the Regulations, of publishing the changes adopted and, in general, of proceeding to any administrative work which it may be called upon to undertake in the interests of International Radiotelegraphy.

The expenses of this institution shall be borne by all the Contracting Parties.

ARTICLE 14

Each of the High Contracting Parties reserves to itself the right to fix the conditions under which it will allow radiotelegrams coming from or destined for a station, whether a ship station or a coast station, which is not subject to the provisions of the present Convention.

If a radiotelegram is admitted, the ordinary charges must be applied to it.

Every radiotelegram which comes from a ship station and is received by a coast station of a contracting country, or accepted in transit by the Administration of a contracting country, shall be sent forward.

Every radiotelegram intended for a ship shall also be sent forward if the Administration of a contracting country has allowed it to be handed in or if the Administration of a contracting Government has accepted it in transit from a non-contracting country, subject to the right of the coast station to refuse transmission to a ship station subject to a non-contracting country.

ARTICLE 15

The provisions of articles 8 and 9 of this Convention are equally applicable to radiotelegraphic installations other than those covered by article 1.

ARTICLE 16

The Governments which have not taken part in the present Convention shall be allowed to become party to it at their own request.

Such accession shall be notified through diplomatic channels to that one of the contracting Governments in whose territory the last Conference was held and by that Government to the others.

Such accession shall involve complete acceptance of all the clauses of the present Convention and admission to all the advantages stipulated therein.

The accession to the Convention of the Government of a country having colonies, possessions or protectorates shall not carry with it the accession of the colonies, possessions, or protectorates of such Government, unless a declaration be made to that effect by such Government. These colonies, possessions, or protectorates as a whole, or each one of them separately, may form the subject of a separate accession or of a separate denunciation under the conditions indicated in the present article and in article 22.

ARTICLE 17

The provisions of articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the [1]International Telegraph Convention of St. Petersburg dated 10th (22nd) July, 1875, shall be applicable to international radiotelegraphy.

ARTICLE 18

In case of difference of opinion between two or more contracting Governments in respect of the interpretation or the execution either of the present Convention or of the Regulations provided for by Article 11, the question in dispute may, by common consent, be submitted to arbitration. In such cases, each of the Governments concerned shall choose one other not concerned with the question.

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

In case of an equality of votes, the arbitrators shall appoint in order to settle the difficulty, another contracting Government not concerned in the ques-

[1] See appendix, p. 526.

tion in dispute. In default of an agreement with regard to such choice, each arbitrator shall nominate a contracting Government not interested in the dispute; and lots shall be drawn as between the Governments proposed. The drawing of lots shall be the prerogative of the Government in whose territory the International Bureau provided for in article 13 performs its work.

ARTICLE 19

The High Contracting Parties undertake to adopt or to propose to their respective Legislatures the measures necessary to ensure the execution of the present Convention.

ARTICLE 20

The High Contracting Parties will communicate to one another such laws as may have been already enacted or which may be about to be so enacted in their countries relating the subject of the present Convention.

ARTICLE 21

The High Contracting Parties preserve their entire liberty with regard to the radiotelegraph installations not covered by article 1, and notably with regard to naval and military installations, and also to stations carrying out communications between fixed points. All such installations and stations shall remain subject solely to the obligations provided for in articles 8 and 9 of the present Convention.

Nevertheless, when these installations and stations carry out an exchange of maritime public correspondence, they shall conform, in carrying out such service, to the requirements of the Regulations with regard to the method of transmission and accounting.

If, on the other hand, coast stations carry out, at the same time as public correspondence with ships at sea, communications between fixed points, they shall not be subject, in the execution of this latter service, to the provisions of the Convention, except for the observance of articles 8 and 9 of that Convention.

However, fixed stations which carry out correspondence between land and land must not refuse the exchange of radiotelegrams with another fixed station on account of the system adopted by such station; nevertheless, the liberty of each country shall remain complete in respect of the organisation of the service for correspondence between fixed points and the decision as to the correspondence to be carried out by the stations appropriated to such service.

ARTICLE 22.

The present Convention shall be put into execution from the 1st July, 1913, and shall remain in force for an indeterminate period and until the expiry of one year from the day upon which it is denounced.

Denunciation shall not take effect except as regards the Government in whose name it is made. So far as the other Contracting Parties are concerned, the Convention shall remain in force.

ARTICLE 23.

The present Convention shall be ratified, and the ratifications thereof shall be deposited in London in as short a time as possible.

If one or more of the High Contracting Parties shall not ratify the Convention, it shall not be thereby less valid for the Parties which shall have ratified it.

In witness whereof the respective Plenipotentiaries have signed the Convention in a single copy, which shall remain deposited in the archives of the British Government, and of which a copy shall be sent to each Party.

Done at London the 5th July, 1912.

For Great Britain and various British Colonies and Protectorates:
H. BABINGTON SMITH.
E. W. FARNALL.
E. CHARLTON.
G. M. W. MacDONOGH.

For the Union of South Africa:
RICHARD SOLOMON.

For the Commonwealth of Australia:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK.
F. E. DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Germany and the German Protectorates:
B. KOEHLER.
O. WACHENFELD.
Dr. KARL STRECKER.
SCHRADER.
GOETSCH.
Dr. EMIL KRAUSS.
FIELITZ.

For the United States of America and the Possessions of the United States of America:
JOHN R. EDWARDS.
JNO. Q. WALTON.
WILLIS L. MOORE.
LOUIS W. AUSTIN.
GEORGE OWEN SQUIER.
EDGAR RUSSEL.
C. McK. SALTZMAN.
DAVID WOOSTER TODD.
JOHN HAYS HAMMOND, Jr.
WEBSTER.
W. D. TERRELL.
JOHN I. WATERBURY.

For the Argentine Republic:
VICENTE J. DOMINGUEZ.

For Austria:
Dr. FRITZ RITTER WAGNER von JAUREGG.
Dr. RUDOLF RITTER SPEIL von OSTHEIM.

For Hungary:
CHARLES FOLLERT.
DR. DE HENNYEY.

For Bosnia-Herzegovina:
H. GOIGINGER, G.M.
ADOLF DANINGER.
A. CICOLI.
ROMEO VIO.

For Belgium:
J. BANNEUX.
DELDIME.

For the Belgian Congo:
ROBERT B. GOLDSCHMIDT.

For Brazil:
DR. FRANCISCO BHERING.

For Bulgaria:
IV. STOYANOVITCH.

For Chili:
C. E. RICKARD.

For Denmark:
N. MEYER.
J. A. VOHTZ.
R. N. A. FABER.
T. F. KRARUP.

For Egypt:
J. S. LIDDELL.

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE.
JUAN DE CARRANZA Y GARRIDO.
JACINTO LABRADOR.
ANTONIO NIETO.
TOMAS FERNANDEZ QUINTANA.
JAIME JANER ROBINSON.

For France and Algeria:
A. FROUIN.

For French West Africa:
A. DUCHENE.

For French Equatorial Africa:
A. DUCHENE.

For Indo-China:
A. DUCHENE.

For Madagascar:
A. DUCHENE.

For Tunis:
ET. DE FELCOURT.

For Greece:
C. DOSIOS.

For Italy and the Italian Colonies:
PROF. A. BATTELLI.

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased Territory of Kwantoung:
TETSUJIRO SAKANO.
KENJI IDE.
RIUJI NAKAYAMA.
SEIICHI KUROSE.

For Morocco:
MOHAMMED-EL-KABADJ.
U. ASENSIO.

For Monaco:
FR. ROUSSEL.

For Norway:
HEFTYE.
K. A. KNUDSSÖN.

For the Netherlands:
G. J. C. A. POP.
J. P. GUÈPIN.

For the Netherland Indies and the Colony of Curaçao:
PERK.
F. VAN DER GOOT.

For Persia:
MIRZA ABDUL GHAFFAR KHAN.

For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA.

For Roumania:
C. BOERESCU.

For Russia and the Russian Possessions and Protectorates:
N. DE ETTER.
P. OSSADTCHY.
A. EULER.
SERGUEIEVITCH.
V. DMITRIEFF.
D. SOKOLTSOW.
A. STCHASTNYI.
BARON A. WYNEKEN.

For the Republic of San Marino:
ARTURO SERENA.

For Siam:
LUANG SANPAKITCH PREECHA.
WM. J. ARCHER.

For Sweden:
RYDIN.
HAMILTON.

For Turkey:
M. EMIN.
M. FAHRY.
OSMAN SADI.

For Uruguay:
FED. R. VIDIELLA.

(Translation)

FINAL PROTOCOL

AT the time of proceeding to the signature of the Convention concluded by the International Radiotelegraph Conference of London, the undersigned Plenipotentiaries have agreed as follows:—

I.

The exact nature of the adherence notified on the part of Bosnia-Herzegovina not being yet determined, it is recognized that a vote is attributed to Bosnia-Herzegovina, a decision at a later date being necessary on the question whether this vote belongs to Bosnia-Herzegovina in virtue of the second paragraph of article 12 of the Convention, or whether this vote is accorded to it conformably to the provisions of the third paragraph of that article.

II.

The following declaration is placed on record:—

The delegation of the United States declares that its Government is under the necessity of abstaining from all action with regard to tariffs, because the transmission of radiotelegrams as well as of telegrams in the United States is undertaken, wholly or in part, by commercial or private companies.

III.

The following declaration was also placed on record:—

The Government of Canada reserves to itself the right to fix separately for each of its coast stations a total sea charge for radiotelegrams originating from North America and intended for any ship whatever, the coast charge amounting to three-fifths and the ship charge to two-fifths of such total charge.

In witness whereof the respective Plenipotentiaries have drawn up the present Final Protocol, which shall have the same force and the same validity as if the provisions thereof had been inserted in the text itself of the Convention to which it belongs, and they have signed it in a single copy, which shall remain deposited in the archives of the British Government, and of which a copy shall be sent to each party.

Done at London the 5th July, 1912.

For Great Britain and various British Colonies and Protectorates:
H. BABINGTON SMITH.
E. W. FARNALL.
E. CHARLTON.
G. M. W. MACDONOGH.

For the Union of South Africa:
RICHARD SOLOMON.

For the Commonwealth of Australia:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK.
F. E. DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Germany and the German Protectorates:
B. KOEHLER.
O. WACHENFELD.
Dr. KARL STRECKER.
SCHRADER.
GOETSCH.
Dr. EMIL KRAUSS.
FIELITZ.

For the United States of America and the Possessions of the United States of America:
JOHN R. EDWARDS.
JNO. Q. WALTON.
WILLIS L. MOORE.
LOUIS W. AUSTIN.
GEORGE OWEN SQUIER.
EDGAR RUSSEL.
C. McK. SALTZMAN.
DAVID WOOSTER TODD.
JOHN HAYS HAMMOND, Jr.
WEBSTER.
W. D. TERRELL.
JOHN I. WATERBURY.

For the Argentine Republic:
VICENTE J. DOMINGUEZ.

For Austria:
Dr. FRITZ RITTER WAGNER von JAUREGG.
Dr. RUDOLF RITTER SPEIL von OSTHEIM.

For Hungary:
CHARLES FOLLERT.
Dr. de HENNYEY.

For Bosnia-Herzegovina:
H. GOIGINGER, G.M.
ADOLF DANINGER.
A. CICOLI.
ROMEO VIO.

For Belgium:
J. BANNEUX.
DELDIME.

For the Belgian Congo:
ROBERT B. GOLDSCHMIDT.

For Brazil:
DR. FRANCISCO BHERING.

For Bulgaria:
IV. STOYANOVITCH.

For Chili:
C. E. RICKARD.

For Denmark:
N. MEYER.
J. A. VOHTZ.
R. N. A. FABER.
T. F. KRARUP.

For Egypt:
J. S. LIDDELL.

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE.
JUAN DE CARRANZA Y GARRIDO.
JACINTO LABRADOR.
ANTONIO NIETO.
TOMAS FERNANDEZ QUINTANA.
JAIME JANER ROBINSON.

For France and Algeria:
A. FROUIN.

For French West Africa:
A. DUCHENE.

For French Equatorial Africa:
A. DUCHENE.

For Indo-China:
A. DUCHENE.

For Madagascar:
A. DUCHENE.

For Tunis:
ET. DE FELCOURT.

For Greece:
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TETSUJIRO SAKANO.
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For Morocco:
MOHAMMED-EL-KABADJ.
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D. SOKOLTSOW.
A. STCHASTNYI.
BARON A. WYNEKEN.

For the Republic of San Marino:
ARTURO SERENA.

(Translation)

DETAILED SERVICE REGULATIONS APPENDED TO THE INTERNATIONAL RADIOTELEGRAPH CONVENTION

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1. Organisation of Radiotelegraph Stations.

Article 1.

The choice of radiotelegraph apparatus and devices to be used by coast stations and ship stations is free. The installation of these stations must, as far as possible, be in keeping with scientific and technical progress.

Article 2.

Two wave-lengths, one of 600 and the other of 300 metres, shall be allowed for the service of general public correspondence. Every coast station open to this service must be equipped in such a way as to be able to use these two wave-lengths, of which one shall be indicated as the normal wave-length of the station. During the whole time that it is open every coast station must be in a condition to receive calls made by means of its normal wave-length. Nevertheless, for the correspondence covered by paragraph 2 of article 35, use shall be made of a wave-length of 1,800 metres. Further, each Government may authorise the use, in a coast station, of other wave-lengths for the purpose of securing a long-range service, or a service other than that of general public correspondence, and established in conformity with the provisions of the Convention, with the reservation that these wave-lengths do not exceed 600 metres, or that they do exceed 1,600 metres.

In particular, stations used exclusively for the despatch of signals intended to determine the position of ships must not use wave-lengths exceeding 150 metres.

Article 3.

1. Every ship station must be equipped in such a way as to be able to use the wave-lengths of 600 metres and of 300 metres. The first shall be the normal wave-length, and may not be exceeded in transmission, the case of article 35 (paragraph 2) excepted.

Use may be made of other wave-lengths not exceeding 600 metres, in special cases, and subject to the approval of the Administrations to which the coast stations and ship stations concerned are subject.

2. During the whole time that it is open every ship station must be able to receive calls made by means of its normal wave-length.

3. Ships of small tonnage in the case of which it would be materially impossible to use the wave-length of 600 metres for transmission, may be authorised to employ exclusively the wave-length of 300 metres; they must be able to receive by means of the wave-length of 600 metres.

Article 4.

Communications between a coast station and a ship station, or between two ship stations, must be exchanged on both sides by means of the same wave-length. If, in a particular case, communication is difficult, the two stations may, by mutual consent, pass from the wave-length by means of which they are communicating to the other regulation wave-length. Both stations shall resume their normal wave-lengths when the radiotelegraphic exchange is finished.

Article 5.

1 The International Bureau shall draw up, publish, and revise periodically an official map showing the coast stations, their normal ranges, the principal lines of navigation, and the time normally taken by ships for the voyage between the various ports of call.

2. It shall draw up and publish a Nomenclature of the radiotelegraph stations covered by article 1 of the Convention, and also periodical supplements for additions and modifications. This Nomenclature shall give in the case of each station the following information:—

(1) For coast stations: the name, nationality, and geographical position indicated by the territorial subdivision, and by the longitude and latitude of the place; for ship stations: the name and nationality of the ships; when the case arises, the name and address of the contractor.

(2) The call signal (the call signals must be differentiated from one another, and each one must consist of a group of three letters).

(3) The normal range.

(4) The radiotelegraphic system with the characteristics of the system of emission (musical sparks, tonality expressed by the number of double vibrations, &c.).

(5) The wave-lengths used (the normal wave-length to be underlined).

(6) The nature of the services performed.

(7) The hours of working.

(8) When necessary the hour and method of despatch of time-signals and meteorological telegrams.

(9) The coast or ship charge.

3. There shall also be included in the Nomenclature such information relating to radiotelegraph stations other than those covered by article 1 of the Convention, as shall be communicated to the International Bureau by the Administrations to which such stations are subject, provided that these are either Administrations which are parties to the Convention, or, if they are not parties to it, have made the declaration provided for in article 48.

4. The following notations shall be adopted in documents for the use of the international service to designate radiotelegraph stations:—

PG. Station open to general public correspondence.
PR. Station open to restricted public correspondence.
P. Private station.
O. Station open only to official correspondence.
N. Station always open.
X. Station not having fixed working hours.

5. The name of a ship station indicated in the first column of the Nomenclature must be followed, when there is duplication of the name, by the call-signal of such station.

ARTICLE 6

The exchange of unnecessary signals and words is forbidden to the stations covered by article 1 of the Convention. Experiments and practice shall not be allowed in these stations except so far as they do not disturb the service of other stations.

Practice must be carried out with wave-lengths different from those allowed for public correspondence, and with the minimum of power necessary.

ARTICLE 7

1. All stations are bound to exchange traffic with the minimum of energy necessary to ensure good communication.

2. Every coast or ship station must satisfy the following conditions:—

(*a*) The waves emitted must be as pure and as little damped as possible. In particular, the use of transmitting devices in which the production of the waves emitted is obtained by discharging the aerial directly by sparks (plain aerial) shall not be allowed except in cases of distress.

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It may, however, be allowed in the case of certain special stations (for example, those of small boats) in which the primary power does not exceed 50 watts.

(*b*) The apparatus must be capable of transmitting and receiving at a speed at least equal to twenty words per minute, the word being reckoned at the rate of five letters.

New installations bringing into play an energy of more than 50 watts shall be equipped in such a way that it may be possible to obtain easily several ranges less than the normal range, the shortest being of approximately 15 nautical miles. Installations already established bringing into play an energy of more than 50 watts shall be transformed as far as possible in such manner as to satisfy the foregoing requirements.

(*c*) Receiving apparatus must allow of receiving, with the greateset possible amount of protection from disturbance, transmissions made with the wavelengths specified in the present Regulations, up to 600 metres.

3. Stations serving solely for determining the position of ships (radiophares) must not operate over an area of greater radius than 30 nautical miles.

ARTICLE 8

Independently of the general conditions specified in article 7, ship stations must also satisfy the following conditions:—

(*a*) The power transmitted to the radiotelegraphic apparatus, measured at the terminals of the generator of the station, must not under normal circumstances exceed 1 kilowatt.

(*b*) Subject to the provisions of article 35, paragraph 2, a power exceeding 1 kilowatt may be used, if the ship is under the necessity of corresponding at a distance of more than 200 nautical miles from the nearest coast station, or if, in consequence of exceptional circumstances, communication cannot be realized except by means of an increase of power

ARTICLE 9

1. No ship station may be established or worked by private enterprise without a license issued by the Government to which the ship is subject.

Stations on board ships having their port of register in a colony, possession, or protectorate may be described as being subject to the authority of such colony, possession, or protectorate.

2. Every ship station holding a license issued by one of the contracting Governments must be regarded by the other Governments as having an installation fulfilling the conditions imposed by the present Regulations.

The competent authorities of the countries where the ship calls may demand the production of the licence. In default of such production, these authorities may ascertain whether the radiotelegraph installations of the ship satisfy the conditions imposed by the present Regulations.

When an administration has practical evidence that a ship station is not fulfilling these conditions, it must in every case, address a complaint to the administration of the country to which the ship is subject. From that point onwards the procedure shall be, when necessary, as provided in Article 12, paragraph 2.

ARTICLE 10

1. The service of the ship station must be carried out by a telegraphist holding a certificate issued by the Government to which the ship is subject, or, in an emergency and for one voyage only, by another Government party to the Convention.

2. There shall be two classes of certificates.

The first class certificate shall state the professional qualifications of the operator with regard to—

(*a*) The adjustment of the apparatus and knowledge of their working;

(*b*) Transmitting and receiving by ear, at a speed which must not be less than twenty words per minute;

(*c*) Knowledge of the regulations applying to the exchange of radiotelegraphic communications.

The second class certificate may be issued to a telegraphist who only attains to a speed in transmitting and receiving of twelve to nineteen words per minute, but who fulfils the other conditions mentioned above. Telegraphists holding a second class certificate may be allowed:—

(*a*) On ships which only use radiotelegraphy for their own service and for the correspondence of the ship's company, in particular on fishing vessels;

(*b*) On all ships, as substitutes, provided that such ships have on board at least *one* operator holding a first class certificate. Nevertheless, on ships placed in the first class indicated in article 13, the service must be carried out by at least two telegraphists holding first class certificates.

In ship stations, transmissions may only be made by a telegraphist holding a first or second class certificate, an exception being made of cases of emergency, in which it would be impossible to conform to this provision.

3. Further, the certificate shall testify that the Government has placed the telegraphist under the obligation of preserving the secrecy of correspondence.

4. The radiotelegraph service of the ship station shall be placed under the supreme authority of the captain of the ship.

Article 11

Ships provided with radiotelegraph installations and placed in the first two classes indicated in article 13 shall be bound to have emergency radiotelegraph installations of which all the parts shall be placed in conditions of the greatest safety possible, such conditions to be determined by the Government which issues the licence. These emergency installations must have at command a source of power of their own, must be capable of being set working speedily, must be able to work for six hours at least, and must have a minimum range of 80 nautical miles in the case of ships in the first class and of 50 miles in the case of those of the second class. This emergency installation shall not be required in the case of ships whose ordinary installation fulfils the conditions of the present article.

Article 12

1. If an administration has information of a breach of the Convention or of the regulations committed in one of the stations which it has authorized, it shall ascertain the facts and fix the responsibility.

In the case of ship stations, if the responsibility rests on the operator, the administration shall take the necessary steps, and, if necessary, shall withdraw the certificate. If it is shown that the breach was due to the condition of the apparatus or to instructions given to the telegraphist, the same procedure shall be followed in respect of the license issued to the ship.

2. In the event of repeated breaches by the same ship, if the representations made to the administration to which the ship is subject, by another administration, remain without effect, the latter shall have the right, after notice given, of authorizing its coast stations not to accept communications coming from the ship

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in question. In case of a difference between the two administrations, the question shall be submitted to arbitration on the request of one of the Governments concerned. The procedure is indicated in article 18 of the Convention.

2. Hours of Service of Stations

Article 13

(a) *Coast Stations*

1. The service of coast stations shall be, as far as possible, permanent, day and night, without interruptions.

Nevertheless certain coast stations may have a service of limited duration. Each administration shall fix the hours of service.

2. Coast stations whose service is not permanent may not close before having transmitted all their radiotelegrams to the ships which are within their radius of action nor before having received from such ships all the radiotelegrams of which notice has been given. This provision shall also apply when ships notify their presence before work has actually ceased.

(b) *Ship Stations*

3. Ship stations shall be placed in three classes:—

(1) Stations always open.
(2) Stations having limited working hours.
(3) Stations having no fixed working hours.

During navigation the following must remain permanently on the watch: (1) ships of the first class; (2) those of the second class, during the hours that they are open for service; out of these hours, the latter stations must remain on the watch for the first ten minutes of each hour. The stations of the third class are not bound to perform any regular "listening" service.

It shall fall to the Governments which issue the licenses specified in article 9 to fix the class in which the ship is to be placed in respect of its obligations in the matter of keeping watch. This classification shall be mentioned in the license.

3. Drawing up and Handing in of Radiotelegrams

Article 14

1. Radiotelegrams shall bear, as the first word of the preamble, the service instruction "radio."

2. In the transmission of radiotelegrams coming from a ship at sea, the date and the hour of handing in at the ship station shall be indicated in the preamble.

3. On forwarding over the telegraph system, the coast station shall insert, as the indication of the office of origin, the name of the ship of origin as it appears in the Nomenclature, and also, when the case arises, that of the last ship which served as an intermediary. These particulars shall be followed by the name of the coast station.

Article 15

1. The address of radiotelegrams intended for ships must be as complete as possible. It shall be compulsorily drawn up as follows:—

(*a*) Name or title of the addressee, with supplementary particulars, if necessary.

(*b*) Name of the ship, as it appears in the first column of the Nomenclature.
(*c*) Name of the coast station, as it appears in the Nomenclature.

Nevertheless, the name of the ship may be replaced, at the risks and perils of the sender, by the particulars of the voyage taken by such ship and determined by the names of the ports of origin and destination, or by any other equivalent particulars.

2. In the address the name of the ship, as it appears in the first column of the Nomenclature, shall be counted in every case, and independently of its length, as one word.

3. Radiotelegrams drawn up by means of the International Signal Code shall be forwarded to their destination without being decoded.

4. Charges

Article 16

1. The coast charge and the ship charge shall be fixed in accordance with the tariff per word pure and simple on the basis of a fair remuneration for radiotelegraphic work, with optional application of a minimum charge per radiotelegram.

The coast charge may not exceed 60 centimes per word, nor the ship charge 40 centimes per word. Nevertheless each administration shall have the right to authorize coast and ship charges higher than these maxima in the case of stations having a range of more than 400 nautical miles, or of stations exceptionally onerous on account of the material conditions of their installation or working.

The optional minimum charge per radiotelegram may not exceed the coast or ship charge for a radiotelegram of ten words.

2. In the case of radiotelegrams originating from or intended for a country, and exchanged directly with the coast stations of that country, the charge applying to the transmission over the lines of the telegraph system must not exceed, on the average, that of the inland rate of that country.

This charge shall be reckoned per word pure and simple, with an optional minimum charge not exceeding the charge for ten words. It shall be notified in francs by the administration of the country to which the coast station is subject.

In the case of countries in the European system, with the exception of Russia and Turkey, there shall only be a single charge for the territory of each country.

Article 17

1. When a radiotelegram originating from a ship and intended for *terra firma* passes through one or two ship stations, the charge shall include, in addition to those of the ship of origin, the coast station, and the telegraph system, the ship charge of each of the ships taking part in the transmission.

2. The sender of a radiotelegram originating from *terra firma* and intended for a ship may require that his message be transmitted by way of one or two ship stations; he shall deposit for this purpose the amount of the radiotelegraphic and telegraphic charges, and besides, as a deposit, a sum to be fixed by the office of origin with a view to the payment to the intermediate ship stations, of the transit charges fixed in paragraph 1; he must further pay, as he may choose, either the charge for a telegram of five words or the cost of postage of a letter to be sent by the coast station to the office of origin giving the information necessary for the liquidation of the sum deposited.

The radiotelegram shall then be accepted at the risks and perils of the sender; it shall bear before the address the paid additional particulars: "*x* retransmissions télégraphe" or "*x* retransmissions lettre" (*x* representing the number of retransmissions required by the sender) accordingly as the sender desires that the information necessary for the liquidation of the deposit be furnished by telegram or by letter.

3. The charge for radiotelegrams originating from a ship intended for another ship, and sent by way of one or two intermediate coast stations, shall include;—

The ship charges of both ships, the charge of the coast station or the two coast stations, as the case may be, and when necessary the telegraph charge appropriate to the transit between the two coast stations.

4. The charge for radiotelegrams exchanged between ships without the aid of a coast station includes the ship charges of the ship of origin and of the ship of destination, with the ship charges of the intermediate stations added thereto.

5. The coast and ship charges due to the stations of transit shall be the same as those fixed for such stations when these are stations of origin and destination. In no case shall they be collected more than once.

6. In the case of any intermediate coast station the charge to be collected for the transit service shall be the highest of the coast charges appertaining to the direct exchange with the two ships in question.

Article 18

The country in whose territory is established a coast station acting as intermediary for the exchange of radiotelegrams between a ship station and another country shall be regarded, for the purpose of applying telegraphic charges, as the country of origin or of destination of such radiotelegrams and not as the country of transit.

5. Collection of Charges

Article 19

1. The total charge for radiotelegrams shall be collected from the sender, with the exception—1st, of the cost of express delivery (article 58, paragraph 1, of the Telegraph Regulations); 2nd, of the charges applying to inadmissible joinings or alterations of words, noted by the office or station of destination (article 19, paragraph 9, of the Telegraph Regulations), these charges being collected from the addressee.

Ship stations must possess the necessary tariffs for this purpose. They shall have, however, the right to obtain information from coast stations with regard to charges for radiotelegrams for which they do not possess all the necessary information.

2. The counting of words by the office of origin shall be decisive in the case of radiotelegrams addressed to ships, and that of the ship station of origin shall be decisive in the case of radiotelegrams originating in ships, both for the purpose of transmission and for that of the international accounts. Nevertheless, when the radiotelegram is worded wholly or in part either in one of the languages of the country of destination, in the case of radiotelegrams originating in ships, or in one of the languages of the country to which the ship belongs, in the case of radiotelegrams addressed to ships, and when the radiotelegram contains joinings or alterations of words contrary to the common use of that language, the office or ship station of destination, as the case may be, shall have the right to recover from the addressee the amount of the charge not collected. In the case of a refusal to pay the radiotelegram may be withheld.

6. Transmission of Radiotelegrams

(a) *Signals of Transmission*

Article 20

The signals employed shall be those of the International Morse Code.

Article 21

Ships in distress shall make use of the following signal:—

. . . — — — . . .

repeated at short intervals, followed by the necessary particulars.

As soon as a station hears the signal of distress, it must suspend all correspondence, and must not resume the same until after it has made sure that the communication consequent upon the call for help is finished.

The stations which hear a call of distress must act according to the indications given by the ship which makes the call, with regard to the order of messages or their cessation.

When, at the end of a series of distress calls, there is added the call-signal of a particular station, the reply to the call is proper to that station only, unless that station does not reply. Failing the indication of a particular station in the call for help, every station that hears the call shall be bound to reply thereto.

Article 22

For the purpose of giving or asking information concerning the radiotelegraph service, stations must make use of the signals contained in the list appended to the present Regulations.

(b) *Order of Transmission*

Article 23

Between two stations, radiotelegrams of the same class shall be transmitted singly in alternate order or by series of several radiotelegrams, according to the instructions given by the coast station, on condition that the duration of the transmission of each series do not exceed 15 minutes.

(c) *Calling of Stations and Transmission of Radiotelegrams*

Article 24.

1. As a general rule, it shall be the ship station that calls the coast station, whether it has radiotelegrams to transmit or not.

2. In waters where the radiotelegraphic traffic is congested (the Channel, &c.), the call of a ship to a coast station may not, as a general rule, be made unless the latter is within the normal range of the ship station, and the ship station has approached to a distance less than 75 per cent of the normal range of the coast station.

3. Before proceeding to make a call, the coast station or the ship station must adjust its receiving system to the highest possible degree of sensitiveness, and must make sure that no other communication is being made within its radius of action; if it is otherwise, it shall await the first break, unless it finds that its call is not likely to disturb the communications in progress. The same applies when the station wishes to answer a call.

4. For making a call, every station shall use the normal wave of the station to be called.

5. If, in spite of these precautions, a radiotelegraphic transmission be impeded, the call must cease on the first request made by a coast station open to public correspondence. This station must then indicate the approximate duration of the wait.

6. The ship station must make known to each coast station to which it has notified its presence the time at which it proposes to cease its operations, and also the probable duration of the interruption.

ARTICLE 25.

1. The call comprises the signal — . — .—, the call-signal of the station called, sent three times, and the word "de" followed by the call-signal of the sending station, sent three times.

2. The station called shall reply by giving the signal — . — . —, followed by the call-signal, sent three times, of the calling station, by the word "de," its own call-signal, and the signal — . —.

3. Stations which wish to enter into communication with ships, without, however, knowing the names of those ships which are within their radius of action, may use the signal — . — . — — . — (signal of enquiry). The provisions of paragraphs 1 and 2 are also applicable to the transmission of the signal of enquiry and to the reply to that signal.

ARTICLE 26.

If a station when called does not reply when the call (article 25) has been sent three times at intervals of two minutes, the call may not be resumed until after an interval of fifteen minutes, the station making the call first making sure of the fact that no radiotelegraphic communication is in progress.

ARTICLE 27.

Every station which has to make a transmission necessitating the use of high power shall first send out three times the warning signal — — . . — —, with the minimum of power necessary to reach the neighbouring stations. It shall not then begin to transmit with the high power until thirty seconds after sending the warning signal.

ARTICLE 28.

1. As soon as the coast station has replied, the ship station shall furnish it with the following information if it has messages to transmit to it; this information shall also be given when the coast station asks for it:—

(*a*) The approximate distance, in nautical miles, of the vessel from the coast station;

(*b*) The position of the ship given in a concise form, and adapted to the circumstances of the individual case;

(*c*) The next port at which the ship will touch;

(*d*) The number of radiotelegrams, if they are of normal length, or the number of words if the messages are of exceptional length.

The speed of the ship in nautical miles shall be given specially at the express request of the coast station.

2. The coast station shall reply giving, as provided in paragraph 1, either the number of telegrams or the number of words to be transmitted to the ship, and also the order of transmission.

3. If transmission cannot take place immediately, the coast station shall inform the ship station of the approximate length of the wait.

4. If a ship station when called cannot receive for the moment, it shall inform the calling station of the approximate length of the wait.

5. In the case of exchanges between two ship stations, it shall rest with the station called to fix the order of transmission.

ARTICLE 29.

When a coast station is called by several ship stations, it shall decide the order in which these stations shall be allowed to exchange their messages.

In the regulation of this order, the coast station shall be guided solely by the necessity for allowing every station concerned to exchange the greatest possible number of radiotelegrams.

ARTICLE 30.

Before beginning to exchange correspondence the coast station shall inform the ship station whether the transmission is to be made in alternate order or by series (article 23); it shall then begin to transmit, or shall follow up these instructions by the signal — . —.

ARTICLE 31.

The transmission of a radiotelegram shall be preceded by the signal — . — . — and ended by the signal . — . — . followed by the call-signal of the sending station and by the signal — . —.

In the case of a series of radiotelegrams, the call-letter of the sending station and the signal — . — shall only be given at the end of the series.

ARTICLE 32

When the radiotelegram to be transmitted contains more than forty words the sending station shall interrupt the transmission by the signal . . — — . . after each series of twenty words or thereabouts, and it shall not resume the transmission until after having obtained from the station in correspondence the repetition of the last word clearly received, followed by the said signal, or, if the reception is clear, the signal — . —.

In the case of transmission in series, the acknowledgment of receipt shall be given after each radiotelegram.

Coast stations engaged in transmitting long radiotelegrams must suspend transmission at the end of each period of fifteen minutes, and must remain silent during a period of three minutes before continuing transmission.

Coast and ship stations which work in the conditions laid down in article 35, paragraph 2, must suspend work at the end of each period of fifteen minutes, and keep watch on the wave-length of 600 metres during a period of three minutes before continuing transmission.

ARTICLE 33

1. When the signals become doubtful all possible resources must be drawn upon to accomplish transmission. To this end the radiotelegram shall be transmitted three times at most, at the request of the receiving station. If in spite of this triple transmission the signals are still unintelligible, the radiotelegram shall be cancelled.

If the acknowledgement of receipt does not come to hand, the sending station shall again call the station with which it is in correspondence. When no reply is made after three calls the transmission shall not be persevered with. In such case, the sending station shall have the right to obtain the acknowledgement of receipt through the medium of another radiotelegraph station, using, when necessary, the lines of the telegraph system.

2. If the receiving station considers that, in spite of defective receiving, the radiotelegram can be delivered, it shall insert at the end of the preamble the service advice: "Réception douteuse," and shall forward the radiotelegram. In such case, the Administration to which the coast station is subject shall claim the charges, in conformity with article 42 of the present Regulations. Nevertheless if the ship station later on transmits the radiotelegram to another coast station of the same Administration, the latter can only claim the charges appertaining to a single transmission.

(d) *Acknowledgment of Receipt and end of Work*

Article 34

1. The acknowledgment of receipt shall be given in the form prescribed by the International Telegraph Regulations; it shall be preceded by the call-signal of the sending station and followed by the call-signal of the receiving station.

2. The end of the work between two stations shall be indicated by each one of them by means of the signal . . . — . — followed by its own call-signal.

(e) *Route to be taken by Radiotelegrams*

Article 35

1. As a general principle, the ship station shall transmit its radiotelegrams to the nearest coast station.

However, if the ship station has the choice between several coast stations at equal or nearly equal distances, it shall give the preference to that which is established on the territory of the country of destination or of normal transit of its radiotelegrams.

2. Nevertheless, a sender on board a ship shall have the right to indicate the coast station by which he wishes his radiotelegram to be forwarded. The ship station shall then wait until this coast station is the nearest.

Exceptionally, transmission may be made to a more distant coast station, provided—

(*a*) That the radiotelegram is intended for the country in which such coast station is situated, and that it comes from a ship subject to that country;

(*b*) That for calls and transmission both stations use a wave-length of 1,800 metres;

(*c*) That transmission by this wave-length does not disturb any transmission made, by means of the same wave-length, by a nearer coast station;

(*d*) That the ship station is more than 50 nautical miles distant from any coast station shown in the Nomenclature. The distance of 50 miles may be reduced to 25 miles subject to the reservation that the maximum power at the terminals of the generator do not exceed 5 kilowatts, and that the ship stations be established in conformity with articles 7 and 8. This reduction of distance shall not apply in the seas, bays or gulfs of which the shores belong to one country only, and of which the opening to the high sea is less than 100 miles wide.

7. Delivery of Radiotelegrams

Article 36

When for any cause whatsoever a radiotelegram coming from a ship at sea and intended for *terra firma* cannot be delivered to the addressee, an advice of non-delivery shall be sent out. This advice shall be transmitted to the coast station which received the original radiotelegram. The latter, after verifying the address, shall forward the advice to the ship, if possible, and, if need be, by way of another coast station of the same country or of a neighbouring country.

When a radiotelegram, having arrived at a ship station, cannot be delivered, that station shall inform the office or ship station of origin by means of a service advice. In the case of radiotelegrams coming from *terra firma* this advice shall be transmitted, whenever possible, to the coast station by way of which the radiotelegram passed, or, if necessary, to another coast station of the same country or of a neighbouring country.

Article 37

If the ship to which a radiotelegram is addressed has not notified its presence to the coast station within the time specified by the sender, or, in the absence of such specification, up to the morning of the eighth day following, such coast station shall give notice of the fact to the office of origin, which shall inform the sender of the same.

This latter shall have the option of requiring by paid service advice, telegraphic or postal, addressed to the coast station, that his radiotelegram be kept for a fresh period of nine days, for transmission to the ship, and so on. In the absence of such request, the radiotelegram shall be returned as undelivered at the end of the ninth day (the day of handing in not to be included).

However, if the coast station is sure that the ship has left its radius of action before the station could have transmitted the radiotelegram to it, such station shall immediately inform the office of origin, which shall without delay advise the sender of the cancellation of the message. Nevertheless, the sender may, by paid service advice, request the coast station to transmit the radiotelegram when the ship next passes.

8. Special Radiotelegrams

Article 38

The following only shall be allowed:—

1. *Reply-paid Radiotelegrams.*—These radiotelegrams shall bear before the address, the indication "Réponse payée" or "RP" completed by the mention of the amount paid in advance for the reply, for example, "Réponse payée fr. x" or "RP fr. x."

The reply voucher issued on board a ship shall give the right to send, up to the limit of its value, a radiotelegram to any address whatever from the ship station which issues such voucher.

2. *Collated Radiotelegrams;*

3. *Express Delivery Radiotelegrams.*—But only in cases in which the amount of the cost of express delivery is collected from the addressee. The countries which cannot adopt these radiotelegrams must notify the fact to the International Bureau. Radiotelegrams for express delivery with collection of the cost from the sender may be allowed when they are intended for the country in whose territory the corresponding coast station is situated.

4. *Radiotelegrams for Delivery by Post;*

5. *Multiple Radiotelegrams;*

6. *Radiotelegrams with Acknowledgement of Receipt.*—But only with regard to notification of the date and time at which the coast station has transmitted to the ship station the telegram addressed to the latter;

7. *Paid Service Advicees.*—Except those asking for repetition or information. Nevertheless, all paid service advices shall be allowed on the route over the telegraph lines;

8. *Urgent Radiotelegrams.*—But only in transmission over the telegraph lines, and subject to the application of the International Telegraph Regulations.

Article 39

Radiotelegrams may be transmitted by a coast station to a ship, or by a ship to another ship, with the object of being forwarded by post, the posting to take place from a port of call of the receiving ship.

Such radiotelegrams do not include any radiotelegraphic retransmission.

The address of these radiotelegrams must be drawn up as follows:—

1. Paid instruction "poste" followed by the name of the port where the radiotelegram is to be posted;
2. Full name and address of the addressee;
3. Name of the ship station which is to carry out the posting;
4. When necessary, name of the coast station.

Example: Poste Buenosaires Martinez 14 Calle Prat Valparaiso Avon Lizard.

The charge shall include, as well as the radiotelegraph and telegraph charges, a sum of 25 centimes for the postage of the radiotelegram.

9. Archives

Article 40

The originals of radiotelegrams, as well as the documents relating thereto, retained by the Administrations, shall be kept with all necessary precautions in respect of secrecy for at least fifteen months, counting from the month following that in which the radiotelegrams were handed in.

These originals and documents shall be sent, as far as possible, at least once a month by the ship stations to the Administrations to which they are subject.

10. Refunds and Reimbursements

Article 41

1. With regard to refunds and reimbursements, the provisions of the International Telegraph Regulations shall apply, bearing in mind the restrictions laid down in articles 38 and 39 of the present Regulations and subject to the following reservations:—

The time occupied in radiotelegraphic transmission, and also the time during which the radiotelegram remains at the coast station in the case of radiotelegrams addressed to ships, or in the ship station in the case of radiotelegrams originating in ships, shall not be counted in the period of delay giving rise to refunds and reimbursements.

If the coast station informs the office of origin that a radiotelegram cannot be transmitted to the ship to which it is addressed, the Administration of the country of origin shall immediately initiate the reimbursement to the sender of the coast and ship charges in respect of such radiotelegram. In this case, the charges reimbursed shall not appear in the account for which provision is made by article 42, but the radiotelegram shall be mentioned therein as a memorandum.

Reimbursements shall be borne by the various Administrations and private enterprises which have taken part in the forwarding of the radiotelegram, each one of them relinquishing its share of the charge. Nevertheless, radiotelegrams falling under the provisions of articles 7 and 8 of the Convention of St. Petersburg shall remain subject to the provisions of the International Telegraph Regulations, except when it is due to an error of service that such radiotelegrams have been accepted.

When the acknowledgment of receipt of a radiotelegram has not reached the station which transmitted the message, the charge shall not be refunded until it has been proved that the radiotelegram is one which gives occasion for reimbursement.

11. Accounting

Article 42

1. Coast and ship charges shall not be entered in the accounts provided for by the International Telegraph Regulations.

The accounts relating to these charges shall be settled by the Administrations of the countries concerned. They shall be prepared by the Administrations to which the coast stations belong, and communicated by them to the Administrations concerned. In cases in which the working of the coast stations is independent of the Administration of the country, the person working these stations may be substituted in respect of accounts for the Administration of such country.

2. As to transmission over the lines of the telegraph system, the radiotelegram shall be treated, in respect of accounts, in conformity with the Telegraph Regulations.

3. In the case of radiotelegrams originating from ships, the Administration to which the coast station is subject shall debit the Administration to which the ship station of origin is subject with the coast and ordinary telegraph charges, the total charges collected for prepaid replies, the coast and telegraph charges collected for collations, the charges appertaining to express delivery (in the case provided for in article 38) or delivery by post, and with those collected for supplementary copies (TM). The Administration to which the coast station is subject shall credit, when the case arises, through the channel of the telegraph, accounts and through the medium of the offices which have taken part in the transmission of the radiotelegrams, the Administration to which the office of destination is subject, with the total charges relating to prepaid replies. With regard to telegraph charges and charges relating to express delivery or delivery by post and to supplementary copies, the procedure shall be in conformity with the Telegraph Regulations, the coast station being regarded as the telegraph office of origin.

In the case of radiotelegrams intended for a country lying beyond that to which the coast station belongs, the telegraph charges to be liquidated conformably to the above provisions are those which arise either from tables "A" and "B" appended to the International Telegraph Regulations, or from special arrangements concluded between the Administration of adjoining countries, and

published by those Administrations, and not the charges which might be made, under the special provisions of articles 23, paragraph 1, and 27, paragraph 1, of the Telegraph Regulations.

In the case of radiotelegrams and paid service advices addressed to ships, the Administration to which the office of origin is subject shall be debited directly by that to which the coast station is subject with the coast and ship charges. Neverthless the total charges appertaining to prepaid replies shall be credited, if there is occasion, from country to country, through the channel of the telegraph accounts, until they reach the Administration to which the coast station is subject. In respect of the telegraph charges and charges relating to delivery by post and for supplementary copies, the procedure shall be in conformity with the Telegraph Regulations. The Administration to which the coast station is subject shall credit that to which the ship of destination is subject with the ship charge, if there is occasion with the charges belonging to the intermediate ship stations, with the total charge collected for prepaid replies, with the ship charge relating to collation, and also with the charges made for preparing supplementary copies and for delivery by post.

The paid service advices and the prepaid replies themselves shall be treated, in the radiotelegraph accounts, in all respects like other radiotelegrams.

In the case of radiotelegrams forwarded by means of one or two intermediate ship stations each of the latter shall debit the ship station of origin, if the radiotelegram is one coming from a ship, or the ship station of destination if the radiotelegram is one intended for a ship, with the ship charge due to it for transit.

4. In principle, the settlement of accounts appertaining to exchanges between ship stations shall be made directly as between the companies working those stations, the station of origin being debited by the station of destination.

5. The monthly accounts serving as a basis for the special accounting in respect of radiotelegrams shall be drawn up radiotelegram by radiotelegram, with all necessary particulars, and within a period of six months, counting from the month to which they belong.

6. The Governments reserve to themselves the option of making between themselves and with private companies (contractors working radiotelegraph stations, shipping companies, &c.), special arrangements with a view to the adoption of other provisions respecting accounts.

12. International Bureau

Article 43

The supplementary expenses resulting from the work of the International Bureau, in connection with radiotelegraphy, must not exceed 80,000 fr. per annum, not including special expenses to which the meeting of an International Conference gives rise. The Administrations of the Contracting States shall be, for purposes of contribution to the expenses, divided into six classes, as follows:—

1st class:—Union of South Africa, Germany, United States of America, Alaska, Hawaii and the other American possessions in Polynesia, the Philippine Islands, Porto Rico and the American possessions in the Antilles, the zone of the Panamá Canal, the Argentine Republic, Australia, Austria, Brazil, Canada, France, Great Britain, Hungary, British India, Italy, Japan, New Zealand, Russia, Turkey.

2nd class:—Spain.

3rd class:—Russian Central Asia (littoral of the Caspian Sea), Belgium, Chile, Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Netherland Indies, Norway, Netherlands, Portugal, Roumania, Western Siberia (littoral of the Arctic Ocean), Eastern Siberia (littoral of the Pacific Ocean), Sweden.

4th class:—German East Africa, German South-West Africa, the Cameroons, Togo, German Pacific Protectorates, Denmark, Egypt, Indo-China, Mexico, Siam, Uruguay.

5th class:—French West Africa, Bosnia-Herzegovina, Bulgaria, Greece, Madagascar, Tunis.

6th class:—French Equatorial Africa, Portuguese West Africa, Portuguese East Africa and the Portuguese possessions in Asia, Bokhara, the Belgian Congo, the Colony of Curaçao, the Spanish colony of the Gulf of Guinea, Erithrea, Khiva, Morocco, Monaco, Persia, San Marino, Italian Somaliland.

Article 44

The various Administrations shall forward to the International Bureau a form modelled on that hereto appended, and containing the particulars enumerated in the said form with regard to the stations covered by article 5 of the Regulations. Any modifications which may take place and additions shall be communicated by the Administrations to the International Bureau from the 1st to the 10th of each month. With the help of these communications the International Bureau will draw up the Nomenclature provided for by article 5. The Nomenclature shall be distributed to the Administrations concerned. It may also, with the supplements relating thereto, be sold to the public at the cost price.

The International Bureau shall take care that the adoption of identical call-signals for radiotelegraph stations be avoided.

13. Meteorological Transmissions, Time Signals, and other Transmissions

Article 45

1. The administrations shall take the necessary steps to supply their coast stations with meteorological telegrams containing the particulars of interest to the district of such stations. These telegrams, the text of which must not exceed twenty words, shall be sent to the ships which ask for them. The charge for these meteorological telegrams shall be carried to the account of the ships to which they are addressed.

2. The meteorological observations, made by certain ships appointed for that purpose by the country to which they belong, may be sent once a-day, as paid service advices, to the coast stations authorized to receive them by the administrations concerned, who shall also appoint the meteorological offices to which these observations shall be addressed by the coast stations.

3. Time signals and meteorological telegrams shall be transmitted in succession one to another in such a way that the total duration of their transmission does not exceed ten minutes. In principle, while they are being sent, all radiotelegraph stations, transmission by which might disturb the reception of these signals and telegrams, shall keep silent so as to allow all stations which desire to do so to receive these telegrams and signals. An exception shall be made in the case of distress calls and State telegrams.

4. The Administrations shall facilitate the communication, to the marine information agencies which they may appoint, of the information respecting wrecks and casualties at sea, or presenting a general interest for navigation, which the coast stations can communicate regularly.

14. Various Provisions

Article 46

Transmissions exchanged between ship stations must be carried out in such a way as not to interfere with the service of coast stations, as the latter must have, as a general rule, right of priority for public correspondence.

Article 47

Coast stations and ship stations shall be bound to take part in the retransmission of radiotelegrams in cases in which communication cannot be established directly between the stations of origin and destination.

Nevertheless the number of transmissions shall be limited to two.

In the case of radiotelegrams intended for *terra firma* use may only be made of retransmissions to reach the nearest coast station.

Retransmission shall be in all cases subject to the condition that the intermediate station which receives the radiotelegrams in transit is in a position to send it on.

Article 48

If the transmission of a radiotelegram is carried out partly on the telegraph lines or through radiotelegraph stations belonging to a non-contracting Government, such radiotelegram may be sent forward, subject to the reservation that, at least, the Administrations to which these lines or stations belong shall have declared that they are willing to apply, when the case arises, the provisions of the Convention and of the Regulations, which are indispensable, in order that radiotelegrams may be regularly forwarded and that the accounting shall be assured.

Such declaration shall be made to the International Bureau, and brought to the knowledge of the offices of the Telegraph Union.

Article 49

The modifications of the present Regulations which may be rendered necessary in consequence of the decisions of future Telegraph Conferences, shall come into force on the date fixed for the application of the provisions decided upon by each one of these latter Conferences.

Article 50

The provisions of the International Telegraph Regulations shall apply by analogy to radiotelegraph correspondence in so far as they are not contrary to the provisions of the present Regulations.

The following, in particular, apply to radiotelegraph correspondence: The provisions of article 27, paragraphs 3 to 6, of the Telegraph Regulations referring to the collection of charges; those of articles 36 and 41 referring to the indication of the route to be taken; those of articles 75, paragraph 1; 78, paragraphs 2 to 4; and 79, paragraphs 2 and 4, relating to preparing of accounts. Nevertheless:

1. The period of six months provided by paragraph 2 of article 79 of the Telegraph Regulations for the verification of accounts is extended to nine months in the case of radiotelegrams.

2. The provisions of article 16, paragraph 2, are not considered as authorising the free transmission by radiotelegraph stations of service telegrams relat-

ing exclusively to the telegraph service, nor the free transmission over the lines of the telegraph system of service telegrams relating exclusively to the radiotelegraph service.

3. The provisions of article 79, paragraphs 3 and 5, do not apply to radiotelegraph accounting.

For the purposes of applying the provisions of the Telegraph Regulations, coast stations shall be regarded as offices of transit, except when the Radiotelegraph Regulations stipulate expressly that these stations are to be considered as offices of origin or destination.

Conformably to article 11 of the Convention of London the present Regulations will come into force on the 1st of July, 1913.

In witness whereof the respective Plenipotentiaries have signed these Regulations in a single copy, which will remain deposited in the archives of the British Government and of which a copy will be sent to each Party.

For Great Britain and various British Colonies and Protectorates:
H. BABINGTON SMITH.
E. W. FARNALL.
E. CHARLTON.
G. M. W. MACDONOGH.

For the Union of South Africa:
RICHARD SOLOMON.

For the Commonwealth of Australia:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK.
F. E. DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Germany and the German Protectorates:
B. KOEHLER.
O. WACHENFELD.
Dr. KARL STRECKER.
SCHRADER.
GOETSCH.
Dr. EMIL KRAUSS.
FIELITZ.

For the United States of America and the Possessions of the United States of America:
JOHN R. EDWARDS.
JNO. Q. WALTON.
WILLIS L. MOORE.
LOUIS W. AUSTIN.
GEORGE OWEN SQUIER.
EDGAR RUSSELL.
C. McK. SALTZMAN.
DAVID WOOSTER TODD.
JOHN HAYS HAMMOND, Jr.
WEBSTER.
W. D. TERRELL.
JOHN I. WATERBURY.

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For the Argentine Republic:
VICENTE J. DOMINGUEZ.

For Austria:
DR. FRITZ RITTER WAGNER VON JAUREGG.
DR. RUDOLF RITTER SPEIL VON OSTHEIM.

For Hungary:
CHARLES FOLLERT.
DR. DE HENNYEY.

For Bosnia-Herzegovina:
H. GOIGINGER, G.M.
ADOLF DANINGER.
A. CICOLI.
ROMEO VIO.

For Belgium:
J. BANNEUX.
DELDIME.

For the Belgian Congo:
ROBERT B. GOLDSCHMIDT.

For Brazil:
DR. FRANCISCO BHERING.

For Bulgaria:
IV. STOYANOVITCH.

For Chili:
C. E. RICKARD.

For Denmark:
N. MEYER,
J. A. VOHTZ.
R. N. A. FABER.
T. F. KRARUP.

For Egypt:
J. S. LIDDELL.

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE.
JUAN DE CARRANZA Y GARRIDO.
JACINTO LABRADOR.
ANTONIO NIETO.
TOMAS FERNANDEZ QUINTANA.
JAIME JANER ROBINSON.

For France and Algeria:
A. FROUIN.

For French West Africa:
A. DUCHENE.

For French Equatorial Africa:
A. DUCHENE.

For Indo-China:
A. DUCHENE.

For Madagascar:
A. DUCHENE.

For Tunis:
ET. DE FELCOURT.

For Greece:
C. DOSIOS.

For Italy and the Italian Colonies:
PROF. A. BATTELLI.

For Japan and for Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantoung:
TETSUJIRO SAKANO.
KENJI IDE.
RIUJI NAKAYAMA.
SEIICHI KUROSE.

For Morocco:
MOHAMMED-EL-KABADJ.
U. ASENSIO.

For Monaco:
FR. ROUSSEL.

For Norway:
HEFTYE.
K. A. KNUDSSON.

For the Netherlands:
G. J. C. A. POP.
J. P. GUEPIN.

For the Netherland Indies and the Colony of Curaçao:
PERK.
F. VAN DER GOOT.

For Persia:
MIRZA ABDUL GHAFFAR KHAN.

For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA.

For Roumania:
C. BOERESCU.

For Russia and the Russian Possessions and Protectorates:
N. DE ETTER.
P. OSSADTCHY.
A. EULER.
SERGUEIEVITCH.
V. DMITRIEFF.
D. SOKOLTSOW.
A. STCHASTNYI.
BARON A. WYNEKEN.

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For the Republic of San Marino:
ARTURO SERENA.

For Siam:
LUANG SANPAKITCH PREECHA.
WM. J. ARCHER.

For Sweden:
RYDIN.
HAMILTON.

For Turkey:
M. EMIN.
M. FAHRY.
OSMAN SADI.

For Uruguay:
FED. R. VIDIELLA.

(Annex to Article 44 of the Detailed Regulations)

Administration of . . . .

"ÉTAT SIGNALÉTIQUE" OF RADIOTELEGRAPH STATIONS

(*a*) COAST STATIONS

Name	Nationality	Geographical Position. E = East longitude. O = West longitude. N = North latitude. S = South latitude. Territorial subdivisions	Call Signal	Normal Range in Nautical Miles	Radiotelegraph System with the Characteristics of the System of emission	Wavelengths in Metres (the normal Wavelength is underlined)

Nature of Service effected	Working Hours (Time according to the Meridian)	Coast Charge		Observations (if occasion, time and method of sending time-signals and meteorological telegrams)
		Per Word in Francs	Minimum per Radiotelegram in Francs	

(*b*) Ship Stations

Name	Nationality	Call Signal	Normal Range in Nautical Miles	Radiotelegraph System with the Characteristics of the System of emission	Wave-lengths in Metres

Nature of Services effected	Working Hours	Ship Charge		Observations (if occasion, name and address of the person working the station)
		Per Word in Francs	Minimum per Radio-telegram in Francs	
		1. Warships		
		2. Merchant-ships		

(Annex to Article 22 of the Detailed Regulations)

LIST OF ABBREVIATIONS TO BE USED IN RADIOTELEGRAPH TRANSMISSIONS

Abbreviation	Question	Answer or Advice
1.	2.	3.
— · — · — — · —	(C Q).....	Enquiry signal employed by a station which desires to correspond.
— · — ·	(T R).....	Signal announcing the sending of indications concerning a ship station (article....).
— — · · — —	(!).....	Signal indicating that a station is about to send with high power.
P R B	Do you wish to communicate with my station by means of the International Signal Code?	I wish to communicate with your station by means of the International Signal Code.
Q R A	What is the name of your station?	This station is.....
Q R B	How far are you from my station?	The distance between our stations is ..... nautical miles.
Q R C	What are your true bearings?	My true bearings are ..... degrees.
Q R D	Where are you bound?	I am bound for .....
Q R F	Where are you coming from?	I am coming from .....
Q R G	To what company or line of navigation do you belong?	I belong to .....
Q R H	What is your wave-length?	My wave-length is ..... metres.
Q R J	How many words have you to transmit?	I have ..... words to transmit.
Q R K	How are you receiving?	I am receiving well.
Q R L	Are you receiving badly? Shall I transmit twenty times?	I am receiving badly. Transmit twenty times;
	· · · — · so that you can adjust your apparatus?	· · · — · so that I can adjust my apparatus.
Q R M	Are you disturbed?	I am disturbed.
Q R N	Are the atmsopherics very strong?	The atmospherics are very strong.
Q R O	Shall I increase my power?	Increase your power.

LIST OF ABBREVIATIONS TO BE USED IN RADIOTELEGRAPH TRANSMISSIONS—*Con.*

Abbreviation	Question	Answer or Advice
1.	2.	3.
Q R P	Shall I decrease my power?	Decrease your power.
Q R Q	Shall I transmit faster?	Transmit faster.
Q R S	Shall I transmit more slowly?	Transmit more slowly.
Q R T	Shall I stop transmitting?	Stop transmitting.
Q R U	Have you anything for me?	I have nothing for you.
Q R V	Are you ready?	I am ready. All is in order.
Q R W	Are you busy?	I am busy with another station [or: with .....]. Please do not interrupt.
Q R X	Shall I wait?	Wait. I will call you at ..... o'clock [or: when I want you].
Q R Y	What is my turn?	Your turn is No.....
Q R Z	Are my signals weak?	Your signals are weak.
Q S A	Are my signals strong?	Your signals are strong.
Q S B	Is my note bad? Is my spark bad?	The note is bad. The spark is bad.
Q S C	Is the spacing bad?	The spacing is bad.
Q S D	Let us compare watches. My time is ..... What is your time?	The time is .....
Q S F	Are the radiotelegrams to be transmitted alternately or in series?	Transmission will be in alternate order.
Q S G	.....	Transmission will be in series of five radiotelegrams.
Q S H	.....	Transmission will be in series of ten radiotelegrams.
Q S J	What is the charge to collect for .....?	The charge to collect is .....
Q S K	Is the last radiotelegram cancelled?	The last radiotelegram is cancelled.
Q S L	Have you got the receipt?	Please give a receipt.
Q S M	What is your true course?	My true course is ..... degrees.
Q S N	Are you communicating with land?	I am not communicating with land.
Q S O	Are you in communication with another station [or: with .....]?	I am in communication with ..... [through the medium of .....].
Q S P	Shall I signal to ..... that you are calling him?	Inform ..... that I am calling him.
Q S Q	Am I being called by .....?	You are being called by .....
Q S R	Will you despatch the radiotelegram?	I will forward the radiotelegram.
Q S T	Have you received a general call?	General call to all stations.
Q S U	Please call me when you have finished [or: at ..... o'clock]?	I will call you when I have finished.
Q S V	Is public correspondence engaged?	Public correspondence engaged. Please do not interrupt.
Q S W	Must I increase the frequency of my spark?	Increase the frequency of your spark.
Q S Y	Shall I transmit with a wavelength of ..... metres?	Let us change to the wavelength of ..... metres.
Q S X	Shall I decrease my spark frequency?	Decrease your spark frequency.

When an abbreviation is followed by a mark of interrogation, it applies to the question indicated in respect of that abbreviation.

Stations.		*Examples:*
A	Q R A?	= What is the name of your station?
B	Q R A Campania	= This is the Campania.
A	Q R G?	= To what company or line of navigation do you belong?
B	Q R G Cunard. Q R Z	= I belong to the Cunard line. Your signals are weak.

Station A then increases the power of its transmitter and sends:—

A	Q R K?	= How are you receiving?
B	Q R K	= I am receiving well.
	Q R B 80	= The distance between our stations is 80 nautical miles.
	Q R C 62	= My true bearings are 62 degrees,
	&c.	&c.

RATIFICATIONS

The ratifications of the following States have up to the present been deposited at London on the dates mentioned:—

GREAT BRITAIN[1]	June	2,	1913.
BELGIUM (and the BELGIAN CONGO)	November	23,	1912.
DENMARK	February	14,	1913.
EGYPT	"	1,	"
GERMANY	June	21,	"
ITALY	"	18,	"
MONACO	December	10,	1912.
NETHERLANDS (and the NETHERLAND INDIES and CURAÇAO)	March	20,	1913.
ROUMANIA	June	27,	"
RUSSIA	April	5,	"
SIAM	May	30,	"
SPAIN	June	27,	"
UNITED STATES OF AMERICA[2]	February	21,	"

ACCESSIONS

Newfoundland Papua Norfolk Island	June 2, 1913.

[1] The Ratification of His Britannic Majesty is in respect of the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and India, as well as the following British Colonies and Protectorates on whose behalf the Convention was signed:—

Bahamas.
Barbados.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
British Guiana.
British Honduras.
Ceylon.
Cyprus.
East Africa Protectorate.
Falkland Islands.
Fiji.
Gambia.
Gibraltar.
Gold Coast, including—
  Ashanti.
Hong Kong.
Jamaica, including—
  Turks and Caicos Islands.
  Cayman Islands.
Leeward Islands—
  Antigua.
Montserrat.
  St. Christopher-Nevis.
  Dominica.
  Virgin Islands.
Malay Straits—
  Perak.
  Selangor.
  Negri Sembilan.
  Pahang.
Malta.
Mauritius.
North Borneo.
Northern Nigeria.
Northern Rhodesia.
Nyasaland Protectorate.
St. Helena.
Seychelles.
Sierra Leone.
Somaliland Protectorate.
Southern Nigeria.
Southern Rhodesia.
Straits Settlements, including—
  Labuan and Cocos Islands.
Swaziland.
Trinidad and Tobago.
Uganda Protectorate.
Wei-hai Wei.
Western Pacific Possessions and Protectorates, including—
  Fanning Island.
  Gilbert and Ellice Islands.
  British Solomon Islands.
Windward Islands—
  Grenada.
  St. Lucia.
  St. Vincent.

[2] The Ratification of the United States of America contains the reservation "that nothing in the 9th Article of the Regulations affixed to the Convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering in or clearing from her ports."

[1] AGREEMENT BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RESPECTING THE NORTH ATLANTIC FISHERIES.

Signed at Washington, July 20, 1912.

(Ratifications exchanged at Washington, November 15, 1912.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being desirous of concluding an Agreement regarding the exercise of the liberties referred to in Article 1 of the Treaty of October 20, 1818, have for this purpose named as their Plenipotentiaries:

His Britannic Majesty: Alfred Mitchell Innes, Chargé d'Affaires of His Majesty's Embassy at Washington;

The President of the United States of America: Chandler P. Anderson, Counsellor for the Department of State of the United States;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:—

Article 1

Whereas the award of The Hague Tribunal of September 7, 1910, recommended for the consideration of the Parties certain rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties referred to in Article 1 of the Treaty of October 20, 1818, may be determined in accordance with the principles laid down in the award, and the Parties having agreed to make certain modifications therein, the rules and method of procedure so modified are hereby accepted by the Parties in the following form:—

1. All future municipal laws, ordinances, or rules for the regulation of the fisheries by Great Britain, Canada, or Newfoundland in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulations of a similar character; and all alterations or amendments of such laws, ordinances, or rules shall be promulgated and come into operation within the first fifteen days of November in each year; provided, however, in so far as any such law, ordinance, or rule shall apply to a fishery conducted between the 1st day of November and the 1st day of February, the same shall be promulgated at least six months before the 1st day of November in each year.

Such laws, ordinances, or rules by Great Britain shall be promulgated by publication in the "London Gazette," by Canada in the "Canada Gazette," and by Newfoundland in the "Newfoundland Gazette."

After the expiration of ten years from the date of this Agreement, and so on at intervals of ten years thereafter, either Party may propose to the other that the dates fixed for promulgation be revised in consequence of the varying conditions due to changes in the habits of the fish or other natural causes; and if there shall be a difference of opinion as to whether the conditions have so varied as to render a revision desirable, such difference shall be referred for decision to a commission possessing expert knowledge, such as the Permanent Mixed Fishery Commission hereinafter mentioned.

[1] From Treaty Series No. 22, 1912.

2. If the Government of the United States considers any such laws or regulations inconsistent with the Treaty of 1818, it is entitled so to notify the Government of Great Britain within forty-five days after the publication above referred to, and may require that the same be submitted to and their reasonableness, within the meaning of the award, be determined by the Permanent Mixed Fishery Commission constituted as hereinafter provided.

3. Any law or regulation not so notified within the said period of forty-five days, or which, having been so notified, has been declared reasonable and consistent with the Treaty of 1818 (as interpreted by the said award) by the Permanent Mixed Fishery Commission, shall be held to be reasonable within the meaning of the award; but if declared by the said Commission to be unreasonable and inconsistent with the Treaty of 1818, it shall not be applicable to the inhabitants of the United States exercising their fishing liberties under the Treaty of 1818.

4. Permanent Mixed Fishery Commissions for Canada and Newfoundland, respectively, shall be established for the decision of such questions as to the reasonableness of future regulations, as contemplated by Article 4 of the Special Agreement of January 27, 1909. These Commissions shall consist of an expert national, appointed by each Party for five years; the third member shall not be a national of either Party. He shall be nominated for five years by agreement of the Parties, or, failing such agreement, within two months from the date, when either of the Parties to this Agreement shall call upon the other to agree upon such third member, he shall be nominated by Her Majesty the Queen of the Netherlands.

5. The two national members shall be summoned by the Government of Great Britain, and shall convene within thirty days from the date of notification by the Government of the United States. These two members having failed to agree on any or all of the questions submitted within thirty days after they have convened, or having before the expiration of that period notified the Government of Great Britain that they are unable to agree, the full Commission, under the presidency of the Umpire, is to be summoned by the Government of Great Britain, and shall convene within 30 days thereafter to decide all queestions upon which the two national members had disagreed. The Commission must deliver its decision, if the two Government do not agree otherwise, within forty-five days after it has convened. The Umpire shall conduct the procedure in accordance with that provided in Chapter IV of the Convention for the Pacific Settlement of International Disputes of October 18, 1907, except in so far as herein otherwise provided.

6. The form of convocation of the Commission, including the terms of reference of the question at issue, shall be as follows:—

"The Provision hereinafter fully set forth of an act dated....., published in the '..... Gazette,' has been notified to the Government of Great Britain by the Government of the United States under date of ....., as provided by the Agreement entered into on July 20, 1912, pursuant to the award of The Hague Tribunal of September 7, 1910.

"Pursuant to the provisions of that Agreement the Government of Great Britain hereby summons the Permanent Mixed Fishery Commission for (Canada) (Newfoundland) composed of.....Commissioner for the United States of America, and of.....Commissioner for (Canada) (Newfoundland), who shall meet at Halifax, Nova Scotia, with power to hold subsequent meetings at such other place or places as they may determine, and render a decision

within thirty days as to whether the provision so notified is reasonable and consistent with the Treaty of 1818, as interpreted by the award of The Hague Tribunal of September 7, 1910, and, if not, in what respect it is unreasonable and inconsistent therewith.

"Failing an agreement on this question within thirty days, the Commission shall so notify the Government of Great Britain in order that the further action required by that award shall be taken for the decision of the above question.

"The provision is as follows ....."

7. The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commissioner, shall be final and binding.

8. Any difference in regard to the regulations specified in Protocol XXX[1] of the arbitration proceedings, which shall not have been disposed of by diplomatic methods, shall be referred not to the Commission of expert specialists mentioned in the award but to the Permanent Mixed Fishery Commissions, to be constituted as hereinbefore provided, in the same manner as a difference in regard to future regulations would be so referred.

ARTICLE 2

And whereas the Tribunal of Arbitration in its award decided that—

> In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast.

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

> In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn 3 miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed 10 miles.
>
> For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the Bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

For or near the following bays the limits of exclusion shall be 3 marine miles seawards from the following lines, namely:

For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scatary Island to the northeasterly point of Cape Morien.

[1] See Can. Sess. Papers 97b, 1911, p. 58-61.

Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays.

It is understood that the award does not cover Hudson Bay.

ARTICLE 3

It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

ARTICLE 4

The present Agreement shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Agreement in duplicate and have hereunto affixed their seals.

Done at Washington on the 20th day of July, one thousand nine hundred and twelve.

(L.S.) ALFRED MITCHELL INNES.
(L.S.) CHANDLER P. ANDERSON.

1913

[1] AGREEMENT BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RENEWING FOR A FURTHER PERIOD OF FIVE YEARS THE ARBITRATION CONVENTION SIGNED AT WASHINGTON ON APRIL 4, 1908.

Signed at Washington. May 31, 1913

[*Ratifications exchanged at Washington, April* 10, 1914]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on April 4, 1908, is to remain in force, which period is about to expire, have authorized the undersigned, to wit: Sir Cecil Spring-Rice, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States, and William Jennings Bryan, Secretary of State of the United States, to conclude the following articles:

ARTICLE 1

The Convention of Arbitration of April 4, 1908, between the Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the United States of America, the duration of which by Article 4 thereof was fixed at a period of five years from the date of the exchange of ratifications, which period will terminate on June 4, 1913, is hereby extended and continued in force for a further period of five years from June 4, 1913.

[1] From Treaty Series No. 6, 1914.

ARTICLE 2

The present Agreement shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible.

Done in duplicate at Washington, this 31st day of May, one thousand nine hundred and thirteen.

(L.S.) CECIL SPRING-RICE.
(L.S.) WILLIAM JENNINGS BRYAN.

1914

[1]NOTES EXCHANGED BETWEEN HIS MAJESTY'S AMBASSADOR AT WASHINGTON AND THE UNITED STATES GOVERNMENT ON THE SUBJECT OF OIL PROPERTIES AND MINING RIGHTS IN MEXICO

From U.S. Secretary of State to H.M. Ambassador at Washington

WASHINGTON, June 2, 1914.

EXCELLENCY,—As you are aware from the conversations which we have had upon the subject, many nationals of the United States, Great Britain, and the Netherlands, interested in the oil properties in the vicinity of Tampico and Tuxpam, Mexico, are seriously concerned over the possible cancellation and confiscation of their rights because of their failure to meet their contractual obligations or to conform to the requirement of the Mexican authorities, which failure has resulted from the military operations and disturbed political situation in that region.

This Government considers that the loss by *bona fide* owners of interest in oil properties in Mexico, as a result solely of conditions over which they have no control, would be most unjust and inequitable, and that the Governments, whose nationals are affected, should take such steps as they are able to prevent this wrong from being done.

As a means to this end I have the honour to propose to your Excellency that this Government and the British Government agree that they will withhold all diplomatic support from their respective citizens or subjects who claim, directly or indirectly, any right, title, or interest in oil properties in Mexico which they have acquired since the 20th April, 1914, or may hereafter acquire, directly or indirectly, by reason of the cancellation of contracts, leases, or other forms of conveyance, or by reason of the confiscation or taking by *de facto* authorities of properties in which American citizens or British subjects are interested, on the ground of default in contractual obligations or non-compliance with legal requirements, provided such default or non-compliance was unavoidable because of military operations or political disturbances in Mexico.

It should, however, be distinctly understood that this agreement will not apply to any case in which the failure of the American or British owner of an interest in oil properties in Mexico to perform his contractual obligations or to comply with a legal requirement was not the direct result of the political unrest prevailing in Mexico at the time of default, or to any case of *bona fide* transfer.

[1] From Imperial Parliamentary Paper, Cd. 7463, of 1914.

If the proposed agreement is acceptable to your Government, a note stating their acceptance will be considered by this Government as putting the agreement into effect.

I have the honour further to inform your Excellency that I have addressed a note to the Netherlands Minister in Washington, proposing an agreement between the Governments of the United States and the Netherlands in terms identical with the one here proposed.

I have &c.,

W. J. BRYAN.

From H.M. Ambassador at Washington to U.S. Secretary of State

WASHINGTON, June 2, 1914.

SIR,—I have the honour to acknowledge the receipt of your note dated to-day in which you state:—

"I have the honour to propose to your Excellency that this Government and the British Government agree that they will withhold all diplomatic support from their respective citizens or subjects who claim, directly or indirectly, any right, title, or interest in oil properties in Mexico which they have acquired since the 20th April, 1914, or may hereafter acquire, directly or indirectly, by reason of the cancellation of contracts, leases, or other forms of conveyance, or by reason of the confiscation or taking by *de facto* authorities of properties in which American citizens or British subjects are interested, on the ground of default in contractual obligations or non-compliance with legal requirements, provided such default or non-compliance was unavoidable because of military operations or political disturbances in Mexico.

"It should, however, be distinctly understood that this agreement will not apply to any case in which the failure of the American or British owner of an interest in oil properties in Mexico to perform his contractual obligations or to comply with a legal requirement was not the direct result of the political unrest prevailing in Mexico at the time of the default, or to any case of *bona fide* transfer.

"If the proposed agreement is acceptable to your Government, a note stating their acceptance will be considered by this Government as putting the agreement into effect."

I have the honour to inform you in reply that I am authorized by my Government to accept in their name the agreement as described above, which they will therefore regard as coming into effect from this day's date.

I have &c.,

CECIL SPRING-RICE.

From U.S. Secretary of State to H.M. Chargé d'Affaires, Washington

WASHINGTON, June 24, 1914.

SIR,—The policy adopted by the Governments of the United States and Great Britain in the agreement proposed in my note of the 2nd June, 1914, and in the note of acceptance by your Government, which had as its purpose the preservation of the interests of American citizens and British subjects in the Mexican oilfields, may, in the views of this Government, be appropriately extended so as to cover the loss of title to mines and mining rights owned by American citizens and British subjects.

It appears from the informal conversations which I had at the Department with Ambassador Spring-Rice, that such an extension of the policy would meet with the approval of your Government.

I have the honour therefore to propose that this Government and the British Government agree that they will withhold all diplomatic support from their respective citizens or subjects who claim, directly or indirectly, title or interest in mines or mining rights in Mexico which they have acquired since the 1st January, 1913, or may hereafter acquire, directly or indirectly, by reason of the cancellation of contracts, leases, or other forms of conveyance, or by reason of the confiscation or taking by *de facto* authorities of mines or mining rights, in which American citizens or British subjects are interested, on the ground of default in contractual obligations or non-compliance with legal requirements, provided such default or non-compliance was unavoidable because of military operations or political disturbances in Mexico.

It should, however, be distinctly understood that this agreement will not apply to any case in which the failure of the American or British owner of an interest in mines or mining rights in Mexico to perform his contractual obligations or to comply with a legal requirement was not the direct result of the political unrest prevailing in Mexico at the time of default, or to any case of *bona fide* transfer.

If the proposed agreement relative to mines and mining rights in Mexico is acceptable to your Government, a note stating their acceptance will be considered by this Government as putting the agreement into effect.

I have, &c.,

W. J. BRYAN.

From H.M. Chargé d'Affaires, Washington, to U.S. Secretary of State

WASHINGTON, June 24, 1914.

SIR,—I have the honour to acknowledge the receipt of your note dated to-day, in which you state:—

"I have the honour to propose that this Government and the British Government agree that they will withhold all diplomatic support from their respective citizens or subjects who claim, directly or indirectly, title or interest in mines or mining rights in Mexico which they have acquired since the 1st January, 1913, or may hereafter acquire, directly or indirectly, by reason of the cancellation of contracts, leases, or other forms of conveyance, or by reason of the confiscation or taking by *de facto* authorities of mines or mining rights, in which American citizens or British subjects are interested, on the ground of default in contractual obligations or non-compliance with legal requirements, provided such default or non-compliance was unavoidable because of military operations or political disturbances in Mexico.

"It should, however, be distinctly understood that this agreement will not apply to any case in which the failure of the American or British owner of an interest in mines or mining rights in Mexico to perform his contractual obligations or to comply with a legal requirement was not the direct result of the political unrest prevailing in Mexico at the time of default, or to any case of *bona fide* transfer.

"If the proposed agreement relative to mines and mining rights in Mexico is acceptable to your Government, a note stating their acceptance will be considered by this Government as putting the agreement into effect."

I have the honour to inform you in reply that I am authorized by my Government to accept in their name the agreement as described above, which they will therefore regard as coming into effect from this day's date.

I have, &c.,

COLVILLE BARCLAY.

[1]TREATY BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA WITH REGARD TO THE ESTABLISHMENT OF A PEACE COMMISSION.

Signed at Washington, September 15, 1914

[*Ratifications exchanged at Washington, November* 10, 1914]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a Treaty for that purpose, and to that end have appointed as their Plenipotentiaries:—

His Britannic Majesty: The Right Honourable Sir Cecil Arthur Spring-Rice, G.C.V.O., K.C.M.G., &c., His Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States: The Honourable William Jennings Bryan, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:—

Article 1

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, other than disputes the settlement of which is provided for and, in fact, achieved under existing agreements between the High Contracting Parties, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a Permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article 2

The International Commission shall be composed of five members, to be appointed as follows:—

One member shall be chosen from each country by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of this Treaty, and vacancies shall be filled according to the manner of the original appointment.

Article 3

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Com-

[1] From Treaty Series No. 16, 1914.

mission for investigation and report. The International Commission may, however, spontaneously, by unanimous agreement, offer its services to that effect, and in such case it shall notify both Governments and request their co-operation in the investigation.

In the event of its appearing to His Majesty's Government that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom, but are mainly those of some one or more of the self-governing dominions, namely, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the International Commission for such investigation and report another person selected from a list of persons to be named, one for each of the self-governing dominions, but only one shall act—namely, that one who represents the dominion immediately interested.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submited.

ARTICLE 4

This Treaty shall not affect in any way the provisions of the Treaty of the 11th January, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE 5

The present Treaty shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years, and it shall thereafter remain in force until twelve months after one of the High Contracting Parties have given notice to the other of an intention to terminate it.

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

Done in duplicate at Washington on the fifteenth day of September, in the year of Our Lord nineteen hundred and fourteen.

(L.S.) CECIL SPRING-RICE.

(L.S.) WILLIAM JENNINGS BRYAN.

1916

[1]CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA FOR THE PROTECTION OF MIGRATORY BIRDS IN CANADA AND THE UNITED STATES.

Signed at Washington, August 16, 1916

[*Ratifications exchanged at Washington, December* 7, 1916]

WHEREAS many species of birds in the course of their annual migrations traverse certain parts of the Dominion of Canada and the United States; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both Canada and the United States, but are, nevertheless, in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects; and to the end of concluding a Convention for this purpose have appointed as their respective Plenipotentiaries:

His Britannic Majesty, the Right Honourable Sir Cecil Arthur Spring-Rice, G.C.V.O., K.C.M.G., &c., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Robert Lansing, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and adopted the following Articles:—

ARTICLE 1

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:—

1. Migratory game birds:

(*a*) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

(*b*) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

(*c*) Rallidae or rails, including coots, gallinules, and sora and other rails.

(*d*) Limicolae or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellow legs.

(*e*) Columbidae or pigeons, including doves and wild pigeons.

[1] From Treaty Series No. 7, 1917.

18794—30

2. Migratory insectivorous birds:

Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory non-game birds:

Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Article 2

The High Contracting Powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons, during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities:—

1. The close season on migratory game birds shall be between the 10th March and 1st September, except that the close season on the limicolae or shore birds in the maritime provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between the 1st February and 15th August, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months, as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory non-game birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Article 3

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention there shall be a continuous close season on the following migratory game birds, to wit:—

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellow legs); provided that during such ten years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

Article 4

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ARTICLE 5

The taking of nests or eggs of migratory game or insectivorous or non-game birds shall be prohibited, except for scientific or propagating purposes, under such laws or regulations as the High Contracting Powers may severally deem appropriate.

ARTICLE 6

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or province, during the continuance of the close season in such State or province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation, from the Dominion of Canada into the United States or from the United States into the Dominion of Canada shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

ARTICLE 7

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this Article shall be shipped, sold, or offered for sale.

ARTICLE 8

The High Contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

ARTICLE 9

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States of America by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years, and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year, and so on from year to year.

In faith whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington, this 16th day of August, 1916.

(L.S.) CECIL SPRING-RICE.
(L.S.) ROBERT LANSING.

18794—30½

1918

[1]AGREEMENT BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RENEWING FOR A FURTHER PERIOD OF FIVE YEARS THE ARBITRATION CONVENTION SIGNED AT WASHINGTON ON APRIL 4, 1908.

Signed at Washington, June 3, 1918

[*Ratifications exchanged at Washington, September 24, 1918*]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on April 4, 1908, extended by the agreement concluded between the two Governments on May 31, 1913, shall remain in force, have authorized the undersigned, to wit: The Earl of Reading, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary on Special Mission to the United States, and Robert Lansing, Secretary of State of the United States, to conclude the following articles:—

Article 1

The Convention of Arbitration of April 4, 1908, between the Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the United States of America, the duration of which by Article 4 thereof was fixed at a period of five years from the date of the exchange of ratifications of the said Convention on June 4, 1908, which period by the Agreement of May 31, 1913, between the two Governments, was extended for five years from June 4, 1913, is hereby extended and continued in force for the further period of five years from June 4, 1918.

Article 2

The present agreement shall be ratified by His Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible.

Done in duplicate, this third day of June, one thousand nine hundred and eighteen.

(L.S.) READING.
(L.S.) ROBERT LANSING.

[1] From Treaty Series No. 2, 1919.

1921

(Translation.)

[1]INTERNATIONAL CONVENTION MODIFYING THE CONVENTION SIGNED AT PARIS ON MAY 20, 1875, FOR ASSURING THE INTERNATIONAL UNIFORMITY AND PERFECTION OF THE METRIC SYSTEM, AND THE REGULATIONS ANNEXED TO THAT CONVENTION, CONCLUDED BETWEEN GERMANY, THE ARGENTINE REPUBLIC, AUSTRIA, BELGIUM, BRAZIL, BULGARIA, CANADA, CHILE, DENMARK, SPAIN, THE UNITED STATES OF AMERICA, FINLAND, FRANCE, GREAT BRITAIN, HUNGARY, ITALY, JAPAN, MEXICO, NORWAY, PERU, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, SWEDEN, SWITZERLAND AND URUGUAY

Signed at Sèvres, October 6, 1921

[*British Ratifications deposited February* 21, 1923.]

The undersigned, Plenipotentiaries of the Governments of the above-mentioned States, assembled in conference at Paris, have agreed as follows:—

Article 1

Articles 7 and 8 of the Convention of the 20th May, 1875, are replaced by the following provisions:—

Article 7. After the Committee has proceeded to the work of co-ordination of measurements relating to the electrical units, and when the general Conference shall so have decided unanimously, the Bureau shall be charged with the establishment and preservation of standards of electrical units and of their reference copies ("témoins"), and also the comparison with those standards of national standards or of other standards of precision.

The Bureau is also charged with determinations concerning those physical constants, a more exact knowledge of which would serve to increase accuracy and better to assure uniformity in the spheres to which the above-mentioned units appertain (Article 6 and first paragraph of Article 7).

Finally it is charged with the duty of co-ordination of analogous determinations carried out in other institutions.

Article 8. The international prototypes and standards, as well as their principal copies ("témoins"), shall remain deposited in the Bureau; access to the place of deposit shall be reserved exclusively to the International Committee.

Article 2

Articles 6, 8, 9, 10, 11, 12, 15, 17, 18 and 20 of the Regulations annexed to the Convention of the 20th May, 1875, are replaced by the following provisions:—

Article 6. The annual endowment of the International Bureau consists of two parts, one fixed, the other supplementary.

[1] From Treaty Series No. 24, 1923.

In principle, the fixed part is 250,000 fr., but may be raised to 300,000 fr. by the unanimous decision of the Committee. All the States and self-governing Colonies which have acceded to the Metric Convention before the Sixth General Conference are responsible for this amount.

The supplementary part consists of the contributions of the States and self-governing Colonies which have joined the Convention after the said General Conference.

The Committee is authorized to draw up the annual budget on the proposals of the director, but without exceeding the amount calculated in accordance with the stipulations in the two preceding paragraphs. Every year this budget is brought to the notice of the Governments of the High Contracting Parties in a Special Financial Report.

Should the Committee consider it necessary either to raise beyond 300,000 fr. the fixed part of the annual endowment or to modify the calculation of the contributions determined by Article 20 of the present Regulations it must so inform the Governments in a manner permitting them to give, in good time, the necessary instructions to their delegates at the next General Conference, so that it may be able to deliberate authoritatively. The decision shall only be valid provided none of the contracting States shall have expressed or shall express at the Conference a contrary opinion.

If a State remains for three years in default with its contribution, this liability will be distributed among the other States in proportion to their own contributions. The supplementary amounts thus paid by the States in order to make up the amount of the endowment of the Bureau will be reckoned as an advance on account of the State in arrears, and will be refunded to them if the latter pays the contributions in arrear.

The advantages and privileges attaching to accession to the Metric Convention are suspended in the case of States defaulting for three years.

After three more years the defaulting State is excluded from the Convention and the calculation of the contributions is established anew in conformity with the provisions of Article 20 of the present Regulations.

Article 8. The International Committee, referred to in Article 3 of the Convention, shall consist of eighteen members, all belonging to different countries.

At the re-election of one-half of the International Committee, the members retiring shall be, first, those who, in the event of vacancies, shall have been provisionally elected in the intervals between two sessions of the Conference; the others shall be selected by lot.

Retiring members are re-eligible.

Article 9. The International Committee shall form its own constitution by choosing its president and its secretary by ballot. These appointments shall be notified to the Governments of the High Contracting Parties.

The president and the secretary of the Committee and the director of the Bureau must belong to different countries.

Once constituted, the Committee cannot proceed to fresh elections or appointments until three months after all the members have been notified of the vacancy which has given rise to a vote.

Article 10. The International Committee directs all the metrological work which the High Contracting Parties decide to carry out in common.

It is, furthermore, entrusted with superintending the preservation of the prototypes and international standards.

Finally, it may institute the co-operation of specialists in metrological questions and co-ordinate the results of their labours.

Article 11. The Committee shall meet at least once in every two years.

Article 12. The votes of the Committee shall be by a majority; in case of equal division, the president has the casting vote. Decisions shall not be valid unless the number of members present is equal to at least half the elected members constituting the Committee. Subject to this condition, absent members are entitled to delegate their votes to members present, who must furnish proof of this delegation. The same applies in the case of appointments by ballot.

The director of the Bureau has a voice at the meetings of the Committee.

Article 15. The International Committee shall draw up detailed Regulations for the organization and work of the Bureau and shall fix the fees to be paid for the extra-ordinary work mentioned in Articles 6 and 7 of the Convention.

These fees shall be devoted to the improvement of the scientific material of the Bureau.: An annual deduction may be made on the amount of fees levied by the Bureau for the benefit of the superannuation fund.

Article 17. Regulations drawn up by the Committee shall fix the maximum strength of each class of the staff of the Bureau.

The director and his assistants shall be appointed by ballot of the International Committee. Their appointment shall be notified to the Governments of the High Contracting Parties.

The director will appoint the other members of the staff, within the limits prescribed by the Regulations referred to in the first paragraph above.

Article 18. The director of the Bureau shall have access to the place of deposit of the international prototypes only on a resolution of the Committee and in the presence of at least one of its members.

The place of deposit of the prototypes may only be opened by means of three keys, of which one shall be in the possession of the director of the Archives of France, the second in that of the president of the Committee, and the third in that of the director of the Bureau.

Standards of the same status as national prototypes shall alone serve for the ordinary work of comparisons at the Bureau.

Article 20. The scale of contributions referred to in Article 9 of the Convention is determined, as regards the fixed part, on the basis of the endowment mentioned in Article 6 of the present Regulations and on that of population; the normal contribution of each State must not be less than 5 per mille nor larger than 15 per cent of the total endowment, whatever be the total of the population.

In order to draw up this scale, first the States which fulfil the required conditions for this minimum and this maximum are determined and the remainder of the sum to be contributed is divided among the other States in direct ratio to the total of their population.

The contributions thus calculated are valid for the whole of the time between two consecutive General Conferences and cannot be altered during the interval except in the following cases:—

(*a*) If one of the acceding States has allowed three years in succession to pass without making its payments;

(*b*) If, on the other hand, a State, previously in default for more than three years, having paid its arrears of contributions, the occasion arises to repay to the other Governments the advances made by them.

The supplementary contribution is calculated on the same basis of population, and is equivalent to that paid under like conditions by the States which previously acceded to the Convention.

If a State, party to the Convention, declares that it is desired to extend the privilege to one or more of her Colonies not enjoying self-government, the total of the population of the said Colonies shall be added to that of the State in order to establish the scale of the contributions.

When a self-governing Colony desires to accede to the Convention, it shall be considered, as regards its entry into the Convention, in accordance with the decision of the mother country, either as a dependency of the latter or as a contracting State.

ARTICLE 3.

Any State may accede to the present Convention on notifying its accession to the French Government, which will so inform all the participating States and also the President of the International Committee of Weights and Measures.

Every new accession to the Convention of the 20th May, 1875, involves the obligation of accession to the present Convention.

ARTICLE 4.

The present Convention shall be ratified. Each power shall forward its ratification, with as little delay as possible, to the French Government, which shall notify this fact to the other signatory States. The ratifications shall remain deposited in the archives of the French Government. The present Convention shall come into force, as regards each signatory State, on the date of the deposit of its ratification.

Done at Sèvres, the 6th October, 1921, in a single copy, which shall remain deposited in the archives of the French Government, and of which certified copies shall be forwarded to each of the signatory States.

The said copy, dated as above mentioned, may be signed up to the 31st March, 1922,

In faith whereof the following Plenipotentiaries, whose powers have been found in good and due form, have signed the present Convention.

For Germany:
FORSTER.
KOSTERS.

For the Argentine Republic:
M.-T. DE ALVEAR.
LUIS BEMBERG.

For Austria:
MAYRHAUSER.

For Belgium:
ERN. PASQUIER.

For Brazil:
FRANC. RAMOS DE ANDRADE NEVES.

For Bulgaria:
SAVOFF.

For Canada:
HARDINGE OF PENSHURST.
J. E. SEARS, JR.

For Chile:
M. AMUNATEGUI.

For Denmark:
K. PRYTZ.

For Spain:
SEVERO GOMEZ NUNEZ.

For the United States:
SHELDON WHITEHOUSE.
SAMUEL W. STRATTON.

For Finland:
G. MELANDER.

For France:
P. APPELL.
PAUL JANET.
A. PEROT.
J. VIOLLE.

For Great Britain:
HARDINGE OF PENSHURST.
J. E. SEARS, JR.
P. A. MACMAHON.

For Hungary:
BODOLA LAJOS.

For Italy:
VITO VOLTERRA.
NAPOLEONE REGGIANI.

For Japan:
A. TANAKADATE.
SAISHIRO KOSHIDA.

For Mexico:
JUAN F. URQUIDI.

For Norway:
D. ISAACHSEN.

For Peru:
G. TIRADO:

For Portugal:
ARMANDO NAVARRO.

For Roumania:
ST. HEPITES.
C. STATESCU.

For the Serb-Croat-Slovene State:
M. BOCHKOVITCH.
CELESTIN KARGATCHIN.

For Siam:
DAMRAS.

For Sweden:
K. A. WALLROTH.
IVAR FREDHOLM.

For Switzerland:
RAOUL GAUTIER.

For Uruguay:
J. C. BLANCO.

[1]CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA PROVIDING FOR THE ACCESSION OF CANADA TO THE REAL AND PERSONAL PROPERTY CONVENTION OF MARCH 2, 1899.

Signed at Washington, October 21, 1921

[*Ratifications exchanged at Washington, June* 17, 1922]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being desirous of permitting the Dominion of Canada to accede to the Convention concerning the tenure and disposition of real and personal property, signed at Washington on the 2nd March, 1899, have agreed to conclude a Supplementary Convention for that purpose, and have named as their Plenipotentiaries:

His Britannic Majesty: The Right Honourable Sir Auckland Geddes, K.C.B., his Ambassador Extraordinary and Plenipotentiary at Washington, and

The President of the United States of America: The Honourable Charles E. Hughes, Secretary of State of the United States;

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

Article 1

The provisions of the Convention of the 2nd March, 1899, shall become applicable to the Dominion of Canada upon ratification of the present Convention in the manner provided by Article 2 hereof.

Article 2

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged in Washington as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

The Convention of the 2nd March, 1899, may be terminated with respect to the Dominion of Canada on twelve months' notice to that effect given at any time by either His Britannic Majesty or the United States.

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

Done in duplicate at Washington, this twenty-first day of October, 1921.

(L.S.) A. GEDDES.
(L.S.) CHARLES E. HUGHES.

[1] From Treaty Series No. 10, 1922.

[1]TREATY BETWEEN THE BRITISH EMPIRE, FRANCE, JAPAN AND THE UNITED STATES OF AMERICA RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE PACIFIC OCEAN.—WASHINGTON, DECEMBER 13, 1921.

[*Ratifications exchanged at Washington, August* 17, 1923]

THE United States of America, the British Empire, France and Japan.

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean;

Have determined to conclude a treaty to this effect and have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood, and
Elihu Root,
Citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O.M., M.P., Lord President of His Privy Council;
The Right Honourable Baron Lee of Fareham, G.B.E., K.C.B., First Lord of His Admiralty;
The Right Honourable Sir Auckland Campbell Geddes, K.C.B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;
and

for the Dominion of Canada:
The Right Honourable Sir Robert Laird Borden, G.C.M.G., K.C.;

for the Commonwealth of Australia:
The Honourable George Foster Pearce, Minister of Defence;

for the Dominion of New Zealand:
Sir John William Salmond, K.C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:
The Right Honourable Arthur James Balfour, O.M., M.P.;

for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:

Mr. René Viviani, Deputy, Former President of the Council of Ministers;
Mr. Albert Sarraut, Deputy, Minister of the Colonies;
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

[1] From Treaty Series No. 6, 1924.

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Jushii, a member of the First Class of the Imperial Order of the Rising Sun;

Prince Iyesato Tokugawa, Junii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanoa Hanihara, Vice-Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

I

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II

If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III

This Treaty shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

IV

This Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on the 13th July, 1911, shall terminate. The Government of the United States will transmit to all the Signatory Powers a certified copy of the *procès-verbal* of the deposit of ratifications.

The present Treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington, the 13th day of December, 1921.

CHARLES EVANS HUGHES. (L.S.)
HENRY CABOT LODGE. (L.S.)
OSCAR W. UNDERWOOD. (L.S.)
ELIHU ROOT. (L.S.)
ARTHUR JAMES BALFOUR. (L.S.)
LEE OF FAREHAM. (L.S.)
A. C. GEDDES. (L.S.)
(L.S.) R. L. BORDEN.
(L.S.) G. F. PEARCE.
(L.S.) JOHN W. SALMOND.
(L.S.) ARTHUR JAMES BALFOUR.
(L.S.) V. S. SRINIVASA SASTRI.
(L.S.) RENE VIVIANI.
(L.S.) A. SARRAUT.
(L.S.) JUSSERAND.
(L.S.) T. KATO.
(L.S.) K. SHIDEHARA.
(L.S.) TOKUGAWA IYESATO.
(L.S.) M. HANIHARA.

DECLARATION ACCOMPANYING THE TREATY OF DECEMBER 13, 1921, BETWEEN THE BRITISH EMPIRE, FRANCE, JAPAN AND THE UNITED STATES OF AMERICA, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE PACIFIC OCEAN.—WASHINGTON, DECEMBER 13, 1921.

In signing the treaty this day between the United States of America, the British Empire, France and Japan, it is declared to be the understanding and intent of the Signatory Powers:

1. That the Treaty shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the Mandatory Powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers.

Washington, D.C., 13th December, 1921.

CHARLES EVANS HUGHES.
HENRY CABOT LODGE.
OSCAR W. UNDERWOOD.
ELIHU ROOT.
ARTHUR JAMES BALFOUR.
LEE OF FAREHAM.
A. C. GEDDES.
R. L. BORDEN.
G. F. PEARCE.
JOHN W. SALMOND.
ARTHUR JAMES BALFOUR.
V. S. SRINIVASA SASTRI.
RENÉ VIVIANI.
A. SARRAUT.
JUSSERAND.
T. KATO.
K. SHIDEHARA.
TOKUGAWA IYESATO.
M. HANIHARA.

PROTOCOL OF DEPOSIT OF RATIFICATIONS OF THE TREATY BETWEEN THE BRITISH EMPIRE, FRANCE, JAPAN AND THE UNITED STATES OF AMERICA, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE PACIFIC OCEAN, CONCLUDED AT WASHINGTON, DECEMBER 13, 1921.

In conformity with Article 4 of the treaty between the United States of America, the British Empire, France and Japan, relating to their insular possessions and insular dominions in the region of the Pacific Ocean, concluded at Washington on 13th December, 1921, the undersigned representatives of the United States of America, the British Empire, France and Japan, this day met at the Department of State at Washington, to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said treaty by the Governments they represent.

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding, recited in the ratification, that—

> "The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defence."

The instruments of ratification produced, having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the archives of the Department of State.

In witness whereof, the present *procès-verbal,* of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said treaty, is signed:

Done at Washington, the 17th August, 1923, at 12 o'clock.

For the United States:
CHARLES EVANS HUGHES. (L.S.)

For the British Empire:
H. G. CHILTON. (L.S.)

For France:
ANDRÉ de LABOULAYE. (L.S.)

For Japan:
M. HANIHARA. (L.S.)

1922

[1]TREATY BETWEEN THE BRITISH EMPIRE, FRANCE, JAPAN AND THE UNITED STATES OF AMERICA, SUPPLEMENTARY TO THE QUADRUPLE PACIFIC TREATY OF THE 13TH DECEMBER, 1921, SIGNED AT WASHINGTON, FEBRUARY 6, 1922.

The United States of America, the British Empire, France and Japan have, through their respective Plenipotentiaries, agreed upon the following stipulations supplementary to the Quadruple Treaty signed at Washington on the 13th December, 1921:

The term "insular possessions and insular dominions" used in the aforesaid Treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

[1] From Treaty Series No. 6, 1924.

The present agreement shall have the same force and effect as the said Treaty to which it is supplementary.

The provisions of Article IV of the aforesaid Treaty of the 13th December, 1921, relating to ratification shall be applicable to the present agreement, which in French and English shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other Contracting Powers.

In faith whereof the respective Plenipotentiaries have signed the present agreement.

Done at the City of Washington, the 6th day of February, 1922

	CHARLES EVANS HUGHES.	(L.S.)
	HENRY CABOT LODGE.	(L.S.)
	OSCAR W. UNDERWOOD.	(L.S.)
(L.S.)	ELIHU ROOT.	
(L.S.)	ARTHUR JAMES BALFOUR.	
(L.S.)	LEE OF FAREHAM.	
(L.S.)	A. C. GEDDES.	
(L.S.)	R. L. BORDEN.	
(L.S.)	G. F. PEARCE.	
(L.S.)	JOHN W. SALMOND.	
(L.S.)	ARTHUR JAMES BALFOUR.	
(L.S.)	V. S. SRINIVASA SASTRI.	
	A. SARRAUT.	(L.S.)
	JUSSERAND.	(L.S.)
	T. KATO.	(L.S.)
	K. SHIDEHARA.	(L.S.)
	M. HANIHARA.	(L.S.)

PROTOCOL OF DEPOSIT OF RATIFICATIONS OF THE TREATY BETWEEN THE BRITISH EMPIRE, FRANCE, JAPAN AND THE UNITED STATES OF AMERICA, CONCLUDED AT WASHINGTON, FEBRUARY 6, 1922, SUPPLEMENTARY TO THE TREATY CONCLUDED BETWEEN THE SAME FOUR POWERS ON DECEMBER 13, 1921, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE PACIFIC OCEAN.

In conformity with the agreement between the United States of America, the British Empire, France and Japan, concluded at Washington on 6th February, 1922, supplementary to the treaty concluded between the same four Powers at Washington on 13th December, 1921, relating to their insular possessions and insular dominions in the region of the Pacific Ocean, the undersigned representatives of the United States of America, the British Empire, France and Japan this day met at the Department of State at Washington to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said agreement by the Governments they respectively represent.

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding recited in the ratification, and which repeats the declaration

of intent and understanding signed on 13th December, 1921, by the plenipotentiaries of the four Powers signatories of the treaty of the 13th December, 1921, as follows:—

"1. That the Four-Power Treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean, provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the Mandatory Powers respectively in relation to the mandated islands.

"2. That the controversies to which the second paragraph of Article 1 of the Four-Power Treaty relating to Pacific possessions refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers."

The instruments of ratification produced, having been found upon examination to be in due form, are entrusted to the Government of the United States of America, to be deposited in the archives of the Department of State.

In witness whereof, the present *procès-verbal,* of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said treaty, is signed:

Done at Washington, the 17th August, 1923, at 12 o'clock.

For the United States of America:
CHARLES EVANS HUGHES. (L.S.)

For the British Empire:
H. G. CHILTON. (L.S.)

For France:
ANDRE de LABOULAYE. (L.S.)

For Japan:
M. HANIHARA. (L.S.)

IDENTIC COMMUNICATION MADE TO THE NETHERLANDS (FEBRUARY 4, 1922) AND PORTUGUESE (FEBRUARY 6, 1922) GOVERNMENTS ON BEHALF OF THE BRITISH EMPIRE, AND ALSO "MUTATIS MUTANDIS" ON BEHALF OF THE OTHER POWERS SIGNATORY TO THE QUADRUPLE PACIFIC TREATY OF DECEMBER 13, 1921.

THE British Empire has concluded on the 13th December, 1921, with the United States of America, France and Japan a Treaty with a view to the preservation of general peace and the maintenance of their rights to their insular possessions and insular dominions in the region of the Pacific Ocean. They have agreed thereby as between themselves to respect their rights in relation to these possessions and dominions.

The Netherlands not being signatory to the said Treaty, and the Netherlands possessions in the region of the Pacific Ocean therefore not being included in the agreement referred to, His Britannic Majesty's Government, anxious to forestall any conclusion contrary to the spirit of the Treaty, desires to declare that it is firmly resolved to respect the rights of the Netherlands in relation to her insular possessions in the region of the Pacific Ocean.

[1]TREATY BETWEEN THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN AND THE UNITED STATES OF AMERICA FOR THE LIMITATION OF NAVAL ARMAMENT, SIGNED AT WASHINGTON, FEBRUARY 6, 1922.

[*Ratifications exchanged at Washington, August* 17, 1923.]

THE United States of America, the British Empire, France, Italy and Japan;

Desiring to contribute to the maintenance of the general peace, and to reduce the burdens of competition in armament;

Have resolved, with a view to accomplishing these purposes, to conclude a treaty to limit their respective naval armament, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root.
Citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O.M., M.P., Lord President of His Privy Council;
The Right Honourable Baron Lee of Fareham, G.B.E., K.C.B., First Lord of His Admiralty;
The Right Honourable Sir Auckland Campbell Geddes, K.C.B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;
and

for the Dominion of Canada:
The Right Honourable Sir Robert Laird Borden, G.C.M.G., K.C.;

for the Commonwealth of Australia:
Senator, the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:
The Honourable Sir John William Salmond, K.C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:
The Right Honourable Arthur James Balfour, O.M., M.P.;

for India:
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

[1] From Treaty Series No. 5. 1924.

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His Majesty the King of Italy:
The Honourable Carlo Schanzer, Senator of the Kingdom;
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;
The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;
Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Jushii, a member of the First Class of the Imperial Order of the Rising Sun;
Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:—

CHAPTER I.

GENERAL PROVISIONS RELATING TO THE LIMITATION OF NAVAL ARMAMENT.

Article I.

The Contracting Powers agree to limit their respective naval armament as provided in the present Treaty.

Article II.

The Contracting Powers may retain respectively the capital ships which are specified in Chapter II, Part 1, On the coming into force of the present Treaty, but subject to the following provisions of this Article, all other capital ships, built or building, of the United States, the British Empire and Japan shall be disposed of as prescribed in Chapter II, Part 2.

In addition to the capital ships specified in Chapter II, Part 1, the United States may complete and retain two ships of the "West Virginia" class now under construction. On the completion of these two ships the "North Dakota" and "Delaware" shall be disposed of as prescribed in Chapter II, Part 2.

The British Emipre may, in accordance with the replacement table in Chapter II, Part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the "Thunderer," "King George V," "Ajax" and "Centurion" shall be disposed of as prescribed in Chapter II, Part 2.

Article III.

Subject to the provisions of Article II, the Contracting Powers shall abandon their respective capital ship building programmes, and no new capital ships shall be constructed or acquired by any of the Contracting Powers except replacement tonnage which may be constructed or acquired as specified in Chapter II, Part 3.

Ships which are replaced in accordance with Chapter II, Part 3, shall be disposed of as prescribed in Part 2 of that Chapter.

Article IV.

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement, for the United States, 525,000 tons

(533,400 metric tons); for the British Empire, 525,000 tons (533,400 metric tons); for France, 175,000 tons (177,800 metric tons); for Italy, 175,000 tons (177,800 metric tons); for Japan, 315,000 tons (320,040 metric tons).

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

ARTICLE VI.

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

ARTICLE VII.

The total tonnage for aircraft carriers of each of the Contracting Powers shall not exceed in standard displacement, for the United States, 135,000 tons (137,160 metric tons); for the British Empire, 135,000 tons (137,160 metric tons); for France, 60,000 tons (60,960 metric tons); for Italy, 60,000 tons (60,960 metric tons); for Japan, 81,000 tons (82,296 metric tons).

ARTICLE VIII.

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, Part 3, provided, however, that all aircraft carrier tonnage in existence or building on the 12th November, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the Contracting Powers.

However, any of the Contracting Powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the Contracting Powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a calibre exceeding 6 inches (152 millimetres), except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed eight.

ARTICLE X

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

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ARTICLE XI

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

ARTICLE XII

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

ARTICLE XIII

Except as provided in Article IX, no ship designated in the present Treaty to be scrapped may be reconverted into a vessel of war.

ARTICLE XIV

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimetres) calibre.

ARTICLE XV

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, Section I (*b*), (4) and (5).

ARTICLE XVII

In the event of a Contracting Power being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

ARTICLE XVIII

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power.

ARTICLE XIX

The United States, the British Empire and Japan agree that the *status quo* at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:—

1. The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (*b*) the Hawaiian Islands;

2. Hong Kong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (*a*) those adjacent to the coast of Canada, (*b*) the Commonwealth of Australia and its territories, and (*c*) New Zealand;

3. The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the *status quo* under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

Article XX

The rules for determining tonnage displacements prescribed in Chapter II, Part 4, shall apply to the ships of each of the Contracting Powers.

CHAPTER II

RULES RELATING TO THE EXECUTION OF THE TREATY—DEFINITION OF TERMS

Part I.—Capital Ships which may be Retained by the Contracting Powers

In accordance with Article II ships may be retained by each of the Contracting Powers as specified in this Part.

Ships which may be retained by the United States

Name	Tonnage
Maryland	32,600
California	32,300
Tennessee	32,300
Idaho	32,000
New Mexico	32,000
Mississippi	32,000
Arizona	31,400
Pennsylvania	31,400
Oklahoma	27,500
Nevada	27,500
New York	27,000
Texas	27,000
Arkansas	26,000
Wyoming	26,000
Florida	21,825
Utah	21,825
North Dakota	20,000
Delaware	20,000
Total tonnage	500,650

On the completion of the two ships of the "West Virginia" class and the scrapping of the "North Dakota" and "Delaware," as provided in Article II, the total tonnage to be retained by the United States will be 525,850 tons.

Ships which may be retained by the British Empire

Name	Tonnage
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ramillies	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Elizabeth	27,500
Warspite	27,500
Benbow	25,000
Emperor of India	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King George V	23,000
Ajax	23,000
Centurion	23,000
Total tonnage	580,450

On the completion of the two new ships to be constructed and the scrapping of the "Thunderer," "King George V," "Ajax" and "Centurion," as provided in Article II, the total tonnage to be retained by the British Empire will be 558,950 tons.

Ships which may be retained by France

Name	Tonnage (metric tons)
Bretagne	23,500
Lorraine	23,500
Provence	23,500
Paris	23,500
France	23,500
Jean Bart	23,500
Courbet	23,500
Condorcet	18,890
Diderot	18,890
Voltaire	18,890
Total tonnage	221,170

France may lay down new tonnage in the years 1927, 1929, and 1931, as provided in Part 3, Section II.

Ships which may be retained by Italy

Name	Tonnage (metric tons)
Andrea Doria	22,700
Caio Duilio	22,700
Conte Di Cavour	22,500
Giulio Cesare	22,500
Leonardo Da Vinci	22,500
Dante Alighieri	19,500
Roma	12,600
Napoli	12,600
Vittorio Emanuele	12,600
Regina Elena	12,600
Total tonnage	182,800

Italy may lay down new tonnage in the years 1927, 1929, and 1931, as provided in Part 3, Section II.

Ships which may be retained by Japan

Name	Tonnage
Mutsu	33,800
Nagato	33,800
Hiuga	31,260
Ise	31,260
Yamashiro	30,600
Fu-So	30,600
Kirishima	27,500
Haruna	27,500
Hiyei	27,500
Kongo	27,500
Total tonnage	301,320

PART 2.—RULES FOR SCRAPPING VESSELS OF WAR

The following rules shall be observed for the scrapping of vessels of war which are to be disposed of in accordance with Articles II and III.

I. A vessel to be scrapped must be placed in such condition that it cannot be put to combatant use.

II. This result must be finally effected in any one of the following ways:—

(*a*) Permanent sinking of the vessel;

(*b*) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating;

(*c*) Converting the vessel to target use exclusively. In such case all the provisions of paragraph III of this Part, except sub-paragraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except sub-paragraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.

(*d*) Of the capital ships which would otherwise be scrapped under the present Treaty in or after the year 1931, France and Italy may each retain two sea-going vessels for training purposes exclusively, that is, as gunnery or torpedo schools. The two vessels retained by France shall be of the "Jean Bart" class, and of those retained by Italy one shall be the "Dante Alighieri," the other of the "Giulio Cesare" class. On retaining these ships for the purpose above stated, France and Italy respectively undertake to remove and destroy their conning-towers, and not to use the said ships as vessels of war.

III. (*a*) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.

(*b*) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship:

1. All guns and essential portions of guns, fire-control tops and revolving parts of all barbettes and turrets;
2. All machinery for working hydraulic or electric mountings;
3. All fire-control instruments and range-finders;
4. All ammunition, explosives and mines;
5. All torpedoes, war-heads and torpedo tubes;
6. All wireless telegraphy installations;
7. The conning tower and all side armour, or alternatively all main propelling machinery; and
8. All landing and flying-off platforms and all other aviation accessories.

IV. The periods in which scrapping of vessels is to be effected are as follows:

(*a*) In the case of vessels to be scrapped under the first paragraph of Article II, the work of rendering the vessels incapable of further warlike service, in accordance with paragraph III of this Part, shall be completed within six months from the coming into force of the present Treaty, and the scrapping shall be finally effected within eighteen months from such coming into force.

(*b*) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph II of this Part, within eighteen months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced within four years from the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally scrapped in accordance with paragraph II of this Part within eighteen months from the date when the work of rendering it incapable of further warlike service was commenced.

Part 3.—Replacement

The replacement of capital ships and aircraft carriers shall take place according to the rules in Section I and the tables in Section II of this Part.

Section I.—*Rules for Replacement*

(*a*) Capital ships and aircraft carriers twenty years after the date of their completion may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be laid down not earlier than seventeen years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specifically mentioned in Section II of this Part, shall be laid down until ten years from the 12th November, 1921.

(*b*) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:

1. The names of the capital ships and aircraft carriers to be replaced by new construction;
2. The date of governmental authorization of replacement tonnage;
3. The date of laying the keels of replacement tonnage;
4. The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement;
5. The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement, at time of competion.

(*c*) In case of loss or accidental destruction of capital ships or aircraft carriers, they may immediately be replaced by new construction subject to the tonnage limits prescribed in Articles IV and VII and in conformity with the other provisions of the present Treaty, the regular replacement programme being deemed to be advanced to that extent.

(*d*) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defence against air and submarine attack, and subject to the following rules: The Contracting Powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armour, in calibre, number or general type of mounting of main armament shall be permitted except:

1. In the case of France and Italy, which countries within the limits allowed for bulge may increase their armour protection and the calibre of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimetres) and
2. The British Empire shall be permitted to complete, in the case of the "Renown," the alterations to armour that have already been commenced but temporarily suspended.

Section II.—*Replacement and Scrapping of Capital Ships*

UNITED STATES

Year.	Ships laid down	Ships completed	Ships scrapped (age in parentheses)	Ships retained. Summary	
				Pre-Jutland	Post-Jutland
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0)*	17	1
1922	.....	A, B†	Delaware (12), North Dakota (12)	15	3
1923	.....	.....	.....	15	3
1924	.....	.....	.....	15	3
1925	.....	.....	.....	15	3
1926	.....	.....	.....	15	3
1927	.....	.....	.....	15	3
1928	.....	.....	.....	15	3
1929	.....	.....	.....	15	3
1930	.....	.....	.....	15	3
1931	C, D	.....	.....	15	3
1932	E, F	.....	.....	15	3
1933	G	.....	.....	15	3
1934	H, I	C, D	Florida (23), Utah (23), Wyoming (22)	12	5
1935	J	E, F	Arkansas (23), Texas (21), New York (21)	9	7
1936	K, L	G	Nevada (20), Oklahoma (20)	7	8
1937	M	H, I	Arizona (21), Pennsylvania (21)	5	10
1938	N, O	J	Mississippi (21)	4	11
1939	P, Q	K, L	New Mexico (21), Idaho (20)	2	13
1940	.....	M	Tennessee (20)	1	14
1941	.....	N, O	California (20), Maryland (20)	0	15
1942	.....	P, Q	2 ships West Virginia class	0	15

* The United States may retain the "Oregon" and "Illinois," for non-combatant purposes, after complying with the provisions of Part 2, III (*b*).

† Two "West Virginia" class.

NOTE.—A, B, C, D, &c., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

BRITISH EMPIRE

Year.	Ships laid down	Ships completed	Ships scrapped (age in parentheses)	Ships retained. Summary	
				Pre-Jutland	Post-Jutland
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conqueror (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 building or projected.*	21	1
1922	A, B†	.....	.....	21	1
1923	.....	.....	.....	21	1
1924	.....	.....	.....	21	1
1925	.....	A, B	King George V (13), Ajax (12), Centurion (12), Thunderer (13).	17	3
1926	.....	.....	.....	17	3
1927	.....	.....	.....	17	3
1928	.....	.....	.....	17	3
1929	.....	.....	.....	17	3
1930	.....	.....	.....	17	3
1931	C, D	.....	.....	17	3
1932	E, F	.....	.....	17	3
1933	G	.....	.....	17	3
1934	H, I	C, D	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20).	13	5
1935	J	E, F	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).	9	7
1936	K, L	G	Malaya (20), Royal Sovereign (20)	7	8
1937	M	H, I	Revenge (21), Resolution (21)	5	10
1938	N, O	J	Royal Oak (22)	4	11
1939	P, Q....	K, L	Valiant (23), Repulse (23)	2	13
1940	.....	M	Renown (24)	1	14
1941	.....	N, O	Ramillies (24), Hood (21)	0	15
1942	.....	P, Q	A (17), B (17)	0	15

* The British Empire may retain the "Colossus" and "Collingwood" for non-combatant purposes after complying with the provisions of Part 2, III (*b*).

† Two 35,000-ton ships, standard displacement.

NOTE.—A, B, C, D, &c., represent individual capital ships of 35,000 tons standard displacement laid down and completed in the years specified.

FRANCE

Year	Ships laid down	Ships completed	Ships scrapped (age in parentheses)	Ships retained. Summary	
				Pre-Jutland	Post Jutland
	Tons	Tons			
1922	.....	.....	.....	7	0
1923	.....	.....	.....	7	0
1924	.....	.....	.....	7	0
1925	.....	.....	.....	7	0
1926	.....	.....	.....	7	0
1927	35,000	.....	.....	7	0
1928	.....	.....	.....	7	0
1929	35,000	.....	.....	7	0
1930	.....	35,000	Jean Bart (17), Courbet (17)	5	*
1931	35,000	.....	.....	5	*
1932	35,000	35,000	France (18)	4	*
1933	35,000	.....	.....	4	*
1934	.....	35,000	Paris (20), Bretagne (20)	2	*
1935	.....	35,000	Provence (20)	1	*
1936	.....	35,000	Lorraine (20)	0	*
1937	.....	.....	.....	0	*
1938	.....	.....	.....	0	*
1939	.....	.....	.....	0	*
1940	.....	.....	.....	0	*
1941	.....	.....	.....	0	*
1942	.....	.....	.....	0	*

NOTE.—France expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and that the total capital ship tonnage should keep within the limits imposed by the present treaty.

ITALY

Year	Ships laid down	Ships completed	Ships scrapped (age in parentheses)	Ships retained. Summary	
				Pre-Jutland	Post-Jutland
	Tons	Tons			
1922	.....	.....	.....	6	0
1923	.....	.....	.....	6	0
1924	.....	.....	.....	6	0
1925	.....	.....	.....	6	0
1926	.....	.....	.....	6	0
1927	35,000	.....	.....	6	0
1928	.....	.....	.....	6	0
1929	35,000	.....	.....	6	0
1930	.....	.....	.....	6	0
1931	35,000	35,000	Dante Alighieri (19)	5	*
1932	45,000	.....	.....	5	*
1933	25,000	35,000	Leonardo da Vinci (19)	4	*
1934	.....	.....	.....	4	*
1935	.....	35,000	Giulio Cesare (21)	3	*
1936	.....	45,000	Conte di Cavour (21), Duilio (21)	1	*
1937	.....	25,000	Andrea Doria (21)	0	*

NOTE.—Italy expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should nor surpass 35,000 tons, and the total capital ship tonnage should keep within the limits imposed by the present treaty.

* Within tonnage limitations; number not fixed.

JAPAN

Year	Ships laid down	Ships completed	Ships scrapped (age in parentheses)	Ships retained. Summary	
				Pre-Jutland	Post-Jutland
			Hizen (20), Mikasa (20), Kashima (16), Katori (16), Satsuma (12), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi 0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0). Projected programme 8 ships not laid down.*	8	2
1922	.....	.....	.....	8	2
1923	.....	.....	.....	8	2
1924	.....	.....	.....	8	2
1925	.....	.....	.....	8	2
1926	.....	.....	.....	8	2
1927	.....	.....	.....	8	2
1928	.....	.....	.....	8	2
1929	.....	.....	.....	8	2
1930	.....	.....	.....	8	2
1931	A	.....	.....	8	2
1932	B	.....	.....	8	2
1933	C	.....	.....	8	2
1934	D	A	Kongo (21)	7	3
1935	E	B	Hiyei (21), Haruna (20)	5	4
1936	F	C	Kirishima (21)	4	5
1937	G	D	Fuso (22)	3	6
1938	H	E	Yamashiro (21)	2	7
1939	I	F	Ise (22)	1	8
1940	.....	G	Hiuga (22)	0	9
1941	.....	H	Nagato (21)	0	9
1942	.....	I	Mutsu (21)	0	9

* Japan may retain the " Shikishima " and "Asahi " for non-combatant purposes, after complying with the provisions of Part 2, III (b).

NOTE.—A, B, C, D, &c., represent individual ships of 35,000 tons standard displacement, laid down and completed in the years specified.

Note applicable to all the Tables in Section II

The order above prescribed in which ships are to be scrapped is in accordance with their age. It is understood that when replacement begins according to the above tables the order of scrapping in the case of the ships of each of the Contracting Powers may be varied at its option; provided, however, that such Power shall scrap in each year the number of ships above stated.

Part 4.—Definitions

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

Capital Ship

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

Aircraft Carrier

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be.

Standard Displacement

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present Treaty, except in the expression "metric tons," shall be understood to mean the ton of 2,240 pounds (1,016 kilog.).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

CHAPTER III

MISCELLANEOUS PROVISIONS

Article XXI

If during the term of the present Treaty the requirements of the national security of any Contracting Power in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments, the United States, after consultation with the other Contracting Powers, shall arrange for a conference of all the Contracting Powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present Treaty to consider what changes, if any, in the Treaty may be necessary to meet such developments.

Article XXII

Whenever any Contracting Power shall become engaged in a war which in its opinion affects the naval defence of its national security, such Power may after notice to the other Contracting Powers suspend for the period of hostilities its obligations under the present Treaty other than those under Articles XIII and XVII, provided that such Power shall notify the other Contracting Powers that the emergency is of such a character as to require such suspension.

The remaining Contracting Powers shall in such case consult together with a view to agreement as to what temporary modifications, if any, should be made in the Treaty as between themselves. Should such consultation not produce agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of said Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present Treaty, other than those under Articles XIII and XVII.

On the cessation of hostilities the Contracting Powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present Treaty.

Article XXIII

The present Treaty shall remain in force until the 31st December, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers, whereupon the Treaty shall terminate as regards all the Contracting Powers. Such notice shall be communicated in writing to the Government of the United States, which shall immediately transmit a certified copy of the notification to the other Powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other Contracting Powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any Power has taken effect, all the Contracting Powers shall meet in conference.

Article XXIV

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the *procès-verbal* of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the 6th day of February, 1922.

(L.S.)	CHARLES EVANS HUGHES.	
(L.S.)	HENRY CABOT LODGE.	
(L.S.)	OSCAR W. UNDERWOOD.	
(L.S.)	ELIHU ROOT.	
(L.S.)	ARTHUR JAMES BALFOUR.	
(L.S.)	LEE OF FAREHAM.	
(L.S.)	A. C. GEDDES.	
	R. L. BORDEN.	(L.S.)
	G. F. PEARCE.	(L.S.)
	JOHN W. SALMOND.	(L.S.)
	ARTHUR JAMES BALFOUR.	(L.S.)
	V. S. SRINIVASA SASTRI.	(L.S.)
	A. SARRAUT.	(L.S.)
	JUSSERAND.	(L.S.)
	CARLO SCHANZER.	(L.S.)
(L.S.)	V. ROLANDI RICCI.	
(L.S.)	LUIGI ALBERTINI.	
(L.S.)	T. KATO.	
(L.S.)	K. SHIDEHARA.	
(L.S.)	M. HANIHARA.	

PROTOCOL OF DEPOSIT OF RATIFICATIONS OF THE TREATY BETWEEN THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN AND THE UNITED STATES OF AMERICA FOR THE LIMITATION OF NAVAL ARMAMENT, CONCLUDED AT WASHINGTON, FEBRUARY 6, 1922.

In conformity with Article XXIV of the treaty between the United States of America, the British Empire, France, Italy and Japan to limit their respective naval armament, concluded at Washington on the 6th February, 1922, the undersigned representatives of the United States of America, the British Empire, France, Italy and Japan this day met at the Department of State at Washington to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said treaty by the Governments they represent.

The representative of the Government of the French Republic made the following declaration:—

> "Le Gouvernement français estime et a toujours estimé que les rapports des tonnages globaux en bâtiments de ligne et en porte-aéronefs, attribués à chacune des Puissances contractantes, n'expriment pas l'importance respective des intérêts maritimes de ces Puissances et ne peuvent être étendus aux catégories de navires autres que celles pour lesquelles ils ont été expressément stipulés."

The instruments of ratification produced, having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the archives of the Department of State.

In witness whereof, the present *procès-verbal,* of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said treaty, is signed.

Done at Washington, the 17th August, 1923, at 12 o'clock.

For the United States of America:
CHARLES EVANS HUGHES. (L.S.)

For the British Empire:
H. G. CHILTON. (L.S.)

For France:
ANDRE DE LABOULAYE. (L.S.)

For Italy:
AUGUSTO ROSSO. (L.S.)

For Japan:
M. HANIHARA. (L.S.)

[1] TREATY BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, FRANCE, ITALY, JAPAN, THE NETHERLANDS AND PORTUGAL RELATING TO PRINCIPLES AND POLICIES TO BE FOLLOWED IN MATTERS CONCERNING CHINA.

Washington, February 6, 1922.

[*Ratifications deposited at Washington, August* 5, 1925.]

THE United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Have resolved to conclude a Treaty for that purpose and to that end have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citizens of the United States;

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

[1] From Treaty Series No. 42, 1925.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O.M., M.P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G.B.E., K.C.B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K.C.B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G.C.M.G., K.C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K.C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour, O.M., M.P.;

for India:

The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China:

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;

Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittoria Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Jushii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of the Netherlands:

Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;

Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho e Vasconcellos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreeed as follows:—

ARTICLE 1

The Contracting Powers, other than China, agree:

1. To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government;

3. To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

4. To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE 2

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article 1.

ARTICLE 3

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

(*a*) Any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

(*b*) Any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

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China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

ARTICLE 4

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE 5

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE 6

The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE 7

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

ARTICLE 8

Powers not signatory to the present Treaty, which have Governments recognized by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make the necessary communications to non-Signatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE 9

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the *procès verbal* of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES.	(L.S.)
	HENRY CABOT LODGE.	(L.S.)
	OSCAR W. UNDERWOOD.	(L.S.)
	ELIHU ROOT.	(L.S.)
	BARON DE CARTIER DE MARCHIENNE.	(L.S.)
	ARTHUR JAMES BALFOUR.	(L.S.)
	LEE OF FAREHAM.	(L.S.)
	A. C. GEDDES.	(L.S.)
	R. L. BORDEN.	(L.S.)
	G. F. PEARCE.	(L.S.)
	JOHN W. SALMOND.	(L.S.)
	ARTHUR JAMES BALFOUR.	(L.S.)
	V. S. SRINIVASA SASTRI.	(L.S.)
(L.S.)	SAO-KE ALFRED SZE.	
(L.S.)	V. K. WELLINGTON KOO.	
(L.S.)	CHUNG-HUI WANG.	
(L.S.)	A. SARRAUT.	
(L.S.)	JUSSERAND.	
(L.S.)	CARLO SCHANZER.	
(L.S.)	V. ROLANDI RICCI.	
(L.S.)	LUIGI ALBERTINI.	
	T. KATO.	(L.S.)
	K. SHIDEHARA.	(L.S.)
	M. HANIHARA.	(L.S.)
	BEELAERTS VAN BLOKLAND.	(L.S.)
	W. DE BEAUFORT.	(L.S.)
	ALTE.	(L.S.)
	ERNESTO DE VASCONCELLOS.	(L.S.)

[1]TREATY BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, FRANCE, ITALY, JAPAN, THE NETHERLANDS AND PORTUGAL RELATING TO THE CHINESE CUSTOMS TARIFF.

Washington, February 6, 1922.

[*Ratifications deposited at Washington, August* 5, 1925.]

THE United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal:

With a view to increasing the revenues of the Chinese Government, have resolved to conclude a Treaty relating to the revision of the Chinese Customs Tariff and cognate matters, and to that end have appointed as their Plenipotentiaries:

[1] From Treaty Series No. 43, 1925.

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
Citizens of the United States;

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O.M., M.P., Lord President of His Privy Council;
The Right Honourable Baron Lee of Fareham, G.B.E., K.C.B., First Lord of His Admiralty;
The Right Honourable Sir Auckland Campbell Geddes, K.C.B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;
and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G.C.M.G., K.C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K.C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour, O.M., M.P.;

for India:

The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China:

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipo tentiary at Washington;
Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;
Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;
The Honourable Luigi Albertini; Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Jushii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of the Netherlands:

Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;

Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:

Mr. José Franciso de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho e Vasconcellos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:—

ARTICLE 1.

The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922, in the City of Washington, a Resolution, which is appended as an Annex to this Article, with respect to the revision of Chinese Customs duties, for the purpose of making such duties equivalent to an effective 5 per cent. *ad valorem,* in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said Resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible, but not earlier than two months after publication thereof.

ANNEX

With a view to providing additional revenue to meet the needs of the Chinese Government, the Powers represented at this Conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, agree:

That the Customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on the 19th December, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

A Revision Commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

This Commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent *ad valorem* and who desire to participate therein.

The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this Resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

The revised tariff shall become effective as soon as possible, but not earlier than two months after its publication by the Revision Commission.

The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this Resolution to the Governments of Powers not represented at this Conference, but who participated in the Revision of 1918, aforesaid.

ARTICLE 2

Immediate steps shall be taken, through a Special Conference, to prepare the way for the speedy abolition of *likin* and for the fulfilment of the other conditions laid down in Article 8 of the Treaty of the 5th September, 1902, between Great Britain and China, in Articles 4 and 5 of the Treaty of the 8th October, 1903, between the United States and China, and in Article 1 of the Supplementary Treaty of the 8th October, 1903, between Japan and China, with a view to levying the surtaxes provided for in those Articles.

The Special Conference shall be composed of representatives of the Signatory Powers, and of such other Powers as may desire to participate and may adhere to the present Treaty, in accordance with the provisions of Article 8, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government.

ARTICLE 3

The Special Conference provided for in Article 2 shall consider the interim provisions to be applied prior to the abolition of *likin* and the fulfilment of the other conditions laid down in the articles of the treaties mentioned in Article 2; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

The surtax shall be at a uniform rate of 2½ per cent *ad valorem*, provided that in case of certain articles of luxury which, in the opinion of the Special Conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased, but may not exceed 5 per cent *ad valorem*.

ARTICLE 4

Following the immediate revision of the Customs schedule of duties on imports into China, mentioned in Article 1, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the Customs duties shall correspond to the *ad valorem* rates fixed by the Special Conference provided for in Article 2.

Following this further revision, there shall be, for the same purpose, periodical revisions of the Customs schedule of duties on imports into China every seven years, in view of the decennial revision authorized by existing treaties with China.

In order to prevent delay, any revision made in pursuance of this Article shall be effected in accordance with rules to be prescribed by the Special Conference provided for in Article 2.

ARTICLE 5

In all matters relating to Customs duties there shall be effective equality of treatment and opportunity for all the Contracting Powers.

ARTICLE 6

The principle of uniformity in the rates of Customs duties levied at all the land and maritime frontiers of China is hereby recognized. The Special Conference provided for in Article 2 shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a Customs privilege to be abolished was granted in return for some local economic advantage.

In the meantime, any increase in the rates of Customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate *ad valorem* at all land and maritime frontiers of China.

ARTICLE 7

The charge for transit passes shall be at the rate of 2½ per cent *ad valorem* until the arrangements provided for by Article 2 come into force.

ARTICLE 8

Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per cent *ad valorem,* shall be invited to adhere to the present Treaty.

The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE 9

The provisions of the present Treaty shall override all stipulations of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most-favoured-nation treatment.

ARTICLE 10

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the *procès-verbal* of the deposit of ratifications.

The present Treaty, of which the English and French texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the 6th day of February, 1922.

CHARLES EVANS HUGHES.	(L.S.)
HENRY CABOT LODGE.	(L.S.)
OSCAR W. UNDERWOOD.	(L.S.)
ELIHU ROOT.	(L.S.)
BARON DE CARTIER DE MARCHIENNE.	(L.S.)

(L.S.) ARTHUR JAMES BALFOUR.
(L.S.) LEE OF FAREHAM.
(L.S.) A. C. GEDDES.
(L.S.) R. L. BORDEN.
(L.S.) G. F. PEARCE.
(L.S.) JOHN W. SALMOND.
(L.S.) ARTHUR JAMES BALFOUR.
(L.S.) V. S. SRINIVASA SASTRI.
SAO-KE ALFRED SZE. (L.S.)
V. K. WELLINGTON KOO. (L.S.)
CHUNG-HUI WANG. (L.S.)
A. SARRAUT. (L.S.)
JUSSERAND. (L.S.)
CARLO SCHANZER. (L.S.)
V. ROLANDI RICCI. (L.S.)
LUIGI ALBERTINI. (L.S.)
(L.S.) T. KATO.
(L.S.) K. SHIDEHARA.
(L.S.) M. HANIHARA.
(L.S.) BEELAERTS VAN BLOKLAND.
(L.S.) W. DE BEAUFORT.
(L.S.) ALTE.
(L.S.) ERNESTO DE VASCONCELLOS.

[1]SUPPLEMENTARY EXTRADITION CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA

Signed at London, May 15, 1922

[*Ratifications exchanged at London, July* 28, 1922]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

His Britannic Majesty: the Most Honourable the Marquess Curzon of Kedleston, K.G., His Majesty's Principal Secretary of State for Foreign Affairs; and

The President of the United States: the Honourable George Harvey. Ambassador Extraordinary and Plenipotentiary of the United States at the Court of His Britannic Majesty;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

[1] From Treaty Series No. 18, 1922.

ARTICLE 1

The following crimes are, subject to the provision contained in Article 2 hereof, added to the list of crimes numbered 1 to 10 in the 1st Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article 1 of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 to 15 in Article 1 of the Supplementary Convention concluded between the United States and Great Britain on the 12th April, 1905, that is to say:—

16. Wilful desertion or wilful non-support of minor or dependent children.

ARTICLE 2

The operation of the present Convention is confined to cases in which the offences mentioned in the preceding Article having been committed in the United States or in the Dominion of Canada, the person charged with the offence is found in the Dominion of Canada or in the United States respectively.

ARTICLE 3

The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 16 in the 1st Article of the present Convention, subject to the provision contained in Article 2.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at London, this 15th day of May, 1922.

(L.S.) CURZON OF KEDLESTON.
(L.S.) GEORGE HARVEY.

1923

[1]TREATY BETWEEN CANADA AND THE UNITED STATES OF AMERICA FOR SECURING THE PRESERVATION OF THE HALIBUT FISHERY OF THE NORTH PACIFIC OCEAN.

Signed at Washington, March 2, 1923

[*Ratifications exchanged at Washington, October* 21, 1924.]

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous of securing the preservation of the halibut fishery of the Northern Pacific Ocean have resolved to conclude a Convention for this purpose, and have named as their plenipotentiaries:

[1] From the Original Treaty.

His Britannic Majesty: The Honourable Ernest Lapointe, K.C., B.A., L.L.B., Minister of Marine and Fisheries of Canada; and

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States;

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

Article 1

The nationals and inhabitants and the fishing vessels and boats of the Dominion of Canada and of the United States, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) both in the territorial waters and in the high seas off the western coasts of the Dominion of Canada and of the United States, including Behring Sea, from the 16th day of November next after the date of the exchange of ratifications of this Convention to the 15th day of the following February, both days inclusive, and within the same period yearly thereafter, provided that upon the recommendation of the International Fisheries Commission hereinafter described this close season may be modified or suspended at any time after the expiration of three such seasons, by a special agreement concluded and duly ratified by the High Contracting Parties.

It is understood that nothing contained in this Article shall prohibit the nationals or inhabitants and the fishing vessels or boats of the Dominion of Canada and of the United States, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Article. Any halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited under the provisions of this Article may be retained and used for food for the crew of the vessel by which they are taken. Any portion thereof not so used shall be landed and immediately turned over to the duly authorized officers of the Department of Marine and Fisheries of the Dominion of Canada or of the Department of Commerce of the United States. Any fish turned over to such officers in pursuance of the provisions of this Article shall be sold by them to the highest bidder and the proceeds of such sale, exclusive of the necessary expenses in connection therewith, shall be paid by them into the treasuries of their respective countries.

Article 2

Every national or inhabitant, vessel or boat of the Dominion of Canada or of the United States engaged in halibut fishing in violation of the preceding Article may be seized except within the jurisdiction of the other party by the duly authorized officers of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be mutually agreed upon. The authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of the preceding Article or of the laws or regulations which either High Contracting Party may make to carry those provisions into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

ARTICLE 3

The High Contracting Parties agree to appoint within two months after the exchange of ratifications of this Convention, a Commission to be known as the International Fisheries Commission, consisting of four members, two to be appointed by each party. This Commission shall continue to exist so long as this Convention shall remain in force. Each party shall pay the salaries and expenses of its own members and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The Commission shall make a thorough investigation into the life history of the Pacific halibut and such investigation shall be undertaken as soon as practicable. The Commission shall report the results of its investigation to the two Governments and shall make recommendations as to the regulation of the halibut fishery of the North Pacific Ocean, including the Behring Sea, which may seem to be desirable for its preservation and development.

ARTICLE 4

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention with appropriate penalties for violations thereof.

ARTICLE 5

This Convention shall remain in force for a period of five years and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate it. It shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in Washington as soon as practicable, and the Convention shall come into force on the day of the exchange of ratifications.

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

Done at the City of Washington, the second day of March, in the year of our Lord one thousand nine hundred and twenty-three.

(L.S.) ERNEST LAPOINTE.
(L.S.) CHARLES EVANS HUGHES.

[1]AGREEMENT BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA FOR THE RENEWAL OF THE ARBITRATION CONVENTION BETWEEN THE TWO COUNTRIES OF APRIL 4, 1908, TOGETHER WITH NOTES EXCHANGED AT THE TIME OF SIGNATURE.

Signed at Washington, June 23, 1923.

[*Ratifications exchanged at Washington, December* 29, 1923]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on the 4th April, 1908, extended by the agreement concluded between the

[1] From Treaty Series No. 8, 1924.

two Governments on the 31st May, 1913, and further extended by the agreement concluded between the two Governments on the 3rd June, 1918, shall remain in force, have respectively authorized the undersigned, to wit: Sir Auckland Geddes, G.C.M.G., K.C.B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and Charles Evans Hughes, Secretary of State of the United States, to conclude the following articles:—

ARTICLE 1

The Convention of Arbitration of the 4th April, 1908, between the Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the United States of America, the duration of which by article 4 thereof was fixed at a period of five years from the date of the exchange of ratifications of the said convention on the 4th June, 1908, which period by the agreement of the 31st May, 1913, between the two Governments was extended for five years from the 4th June, 1913, and was extended by the agreement between them of the 3rd June, 1918, for the further period of five years from the 4th June, 1918, is hereby extended and continued in force for the further period of five years from the 4th June, 1923.

ARTICLE 2

The present agreement shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible.

Done in duplicate this 23rd day of June, 1923.

(L.S.) A. C. GEDDES.
(L.S.) CHARLES EVANS HUGHES.

DEPARTMENT OF STATE,
WASHINGTON, June 23, 1923.

The Right Honourable
Sir Auckland Geddes, G.C.M.G., K.C.B.,
Ambassador of Great Britain.

Excellency,

IN connection with the signing to-day of an agreement for the renewal of the Convention of Arbitration concluded between the United States and Great Britain, the 4th April, 1908, and renewed from time to time, I have the honour, in pursuance of our informal conversations, to state the following understanding which I shall be glad to have you confirm on behalf of your Government:—

On the 24th February last the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the protocol of the 16th December, 1920, under which the Permanent Court of International Justice has been created at The Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the British Government will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement, providing for the reference of disputes mentioned in the convention to the Permanent Court of International Justice.

Accept, &c.

CHARLES E. HUGHES.

BRITISH EMBASSY,
WASHINGTON, D.C., June 23, 1923.

The Honourable Charles E. Hughes,
Secretary of State of the United States,
Washington, D.C.

Sir,

I HAVE the honour to acknowledge the receipt of your note of to-day's date in which you were so good as to inform me, in connection with the renewal of the Arbitration Convention of the 4th April, 1908, between Great Britain and the United States, that the President of the United States had proposed to the Senate the adherence of the United States, under certain conditions, to the protocol of the 16th December, 1920, creating the Permanent Court of International Justice at The Hague, and that, if the Senate assents to this proposal, you understand that His Britannic Majesty's Government would be prepared to consider the conclusion of an agreement, providing for the reference to the Permanent Court of International Justice of disputes mentioned in the convention.

Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to confirm your understanding of His Majesty's Government's attitude on this point and to state that if the Senate approve the President's proposal, His Majesty's Government will be prepared to consider with the United States Government the conclusion of an agreement for the reference to the Permanent Court of International Justice of disputes mentioned in the Arbitration Convention.

I have, &c.
A. GEDDES.

1924

[1]CONVENTION BETWEEN HIS MAJESTY AND THE UNITED STATES OF AMERICA RESPECTING THE REGULATION OF THE LIQUOR TRAFFIC.

Washington, January 23, 1924

[*Ratifications exchanged May* 22, 1924]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

And the President of the United States of America;

Being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages;

Have decided to conclude a convention for that purpose;

And have appointed as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Sir Auckland Campbell Geddes, G.C.M.G., K.C.B., his Ambassador Extraordinary and Plenipotentiary to the United States of America;

The President of the United States of America:

Charles Evans Hughes, Secretary of State of the United States;

[1] From Treaty Series No. 22, 1924.

Who, having communicated their full powers found in good and due form, have agreed as follows:—

ARTICLE 1

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

ARTICLE 2

(1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavouring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE 3

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board British vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE 4

Any claim by a British vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by article 2 of this treaty or on the ground that it has not been given the benefit of article 3 shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the

Claims Commission established under the provisions of the Agreement for the Settlement of Outstanding Pecuniary Claims signed at Washington the 18th August, 1910, but the claim shall not, before submission to the tribunal, require to be included in a schedule of claims confirmed in the manner therein provided.

ARTICLE 5

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the treaty shall lapse.

ARTICLE 6

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present treaty the said treaty shall automatically lapse, and, on such lapse or whenever this treaty shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by His Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington as soon as possible.

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

Done at the city of Washington, this twenty-third day of January, in the year of our Lord one thousand nine hundred and twenty-four.

(Seal) A. C. GEDDES.
(Seal) CHARLES EVANS HUGHES.

[1]CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA TO AID IN SUPPRESSING SMUGGLING OPERATIONS ALONG THE BORDER BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES AND IN THE ARREST AND PROSECUTION OF PERSONS VIOLATING THE NARCOTIC LAWS OF EITHER GOVERNMENT.

Signed at Washington, June 6, 1924

[*Ratifications exchanged at Washington, July* 17, 1925]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America being desirous of suppressing smuggling operations along the boundary between the Dominion

[1] From the Original Treaty.

of Canada and the United States of America, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government, and of providing as to the omission of penalties and forfeitures in respect to the carriage of alcoholic liquors through Alaska into the Yukon Territory, have agreed to conclude a Convention to give effect to these purposes and have named as their Plenipotentiaries:

His Britannic Majesty, in respect of the Dominion of Canada: The Honourable Ernest Lapointe, K.C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion; and

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:—

Article I

The High Contracting Parties agree that the appropriate officers of the Governments of Canada and of the United States of America respectively shall be required to furnish upon request to duly authorized officers of the other Government, information concerning clearances of vessels or the transportation of cargoes, shipments or loads of articles across the international boundary when the importation of the cargo carried or of articles transported by land is subject to the payment of duties; also to furnish information respecting clearances of vessels to any ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into the territory of Canada or of the United States.

Article II

The High Contracting Parties agree that clearance from Canada or from the United States shall be denied to any vessel carrying cargo consisting of articles the importation of which into the territory of Canada or of the United States, as the case may be, is prohibited, when it is evident from the tonnage, size and general character of the vessel, or the length of the voyage and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

Article III

Each of the High Contracting Parties agrees with the other that property of all kinds in its possession which, having been stolen and brought into the territory of Canada or of the United States, is seized by its customs authorities shall, when the owners are nationals of the other country, be returned to such owners, subject to satisfactory proof of such ownership and the absence of any collusion, and subject moreover to payment of the expenses of the seizure and detention and to the abandonment of any claims by the owners against the customs, or the customs officers, warehousemen or agents, for compensation or damages for the seizure, detention, warehousing or keeping of the property.

Article IV

The High Contracting Parties reciprocally agree to exchange information concerning the names and activities of all persons known or suspected to be engaged in violations of the narcotic laws of Canada or of the United States respectively.

ARTICLE V

It is agreed that the customs and other administrative officials of the respective Governments of Canada and of the United States shall upon request be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be considered essential to the trial of civil or criminal cases, and as may be produced compatibly with the public interest.

The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

ARTICLE VI

The following offences are added to the list of offences numbered 1 to 3 in Article I of the Treaty concluded between Great Britain and the United States on May 18, 1908, with reference to reciprocal rights for Canada and the United States in the matters of conveyance of prisoners and wrecking and salvage, that is to say:

4. Offences against the narcotic laws of the respective Governments.

ARTICLE VII

No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels, vehicles or persons by reason of the carriage of such liquors when they are in transit under guard by Canadian authorities through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, via the White Pass and Yukon Railway, upwards of twenty miles to Canadian territory, and such transit shall be as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal or on the Panama Railroad, provided that such liquors shall be kept under seal continuously while the vessel or vehicle on which they are carried remains within the United States, its territories or possessions, and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE VIII

This Convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible. The Convention shall come into effect at the expiration of ten days from the date of the exchange of ratifications, and it shall remain in force for one year. If upon the expiration of one year after the Convention shall have been in force no notice is given by either party of a desire to terminate the same, it shall continue in force until thirty days after either party shall have given notice to the other of a desire to terminate the Convention.

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

Done at the City of Washington, this 6th day of June, 1924.

(L.S.) ERNEST LAPOINTE.
(L.S.) CHARLES EVANS HUGHES.

18794—33

1925

[1]SUPPLEMENTARY CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA TO PROVIDE FOR EXTRADITION ON ACCOUNT OF CRIMES OR OFFENCES COMMITTED AGAINST THE LAWS FOR THE SUPPRESSION OF THE TRAFFIC IN NARCOTICS.

Signed at Washington, January 8, 1925

[*Ratifications exchanged at Washington, July* 17, 1925]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the United States of America, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to certain offences committed in the United States or in the Dominion of Canada under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May 1922, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

His Britannic Majesty: The Honourable Ernest Lapointe, Minister of Justice to the Dominion of Canada, and

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States of America;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

Article I.

The following crimes are, subject to the provision contained in Article II hereof, added to the list of crimes numbered 1 to 10 in the 1st Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 and 15 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 12th April, 1905, and to the list of crimes numbered 16 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 15th May, 1922, that is to say:

17. Crimes and offences against the laws for the suppression of the traffic in narcotics.

Article II

The operation of the present Convention is confined to cases in which the offences mentioned in the preceding Article having been committed in the United States or in the Dominion of Canada, the person charged with the offence is found in the Dominion of Canada or in the United States respectively.

Article III

The present Convention shall be considered as an integral part of the said extradition Conventions of the 12th July, 1889, and the 13th December, 1900,

[1] From the Original Treaty.

and the 12th April, 1905, and the 15th May, 1922, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 17 in the 1st Article of the present Convention subject to the provision contained in Article II.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or Ottawa as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof, the respective plenipotentiaries have signed the present Supplementary Convention and have affixed their seals thereto.

Done in duplicate at the City of Washington this 8th day of January, in the year one thousand nine hundred and twenty-five.

(L.S.) ERNEST LAPOINTE.
(L.S.) CHARLES EVANS HUGHES.

[1]TREATY BETWEEN CANADA AND THE UNITED STATES OF AMERICA TO DEFINE MORE ACCURATELY AND TO COMPLETE THE INTERNATIONAL BOUNDARY BETWEEN THE TWO COUNTRIES.

Signed at Washington, February 24, 1925

[*Ratifications exchanged at Washington, July* 17, 1925]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America, desiring to define more accurately at certain points and to complete the international boundary between the United States and Canada and to maintain the demarcation of that boundary, have resolved to conclude a treaty for these purposes, and to that end have appointed as their respective plenipotentiaries:

His Britannic Majesty, in respect of the Dominion of Canada: The Honourable Ernest Lapointe, K.C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion; and

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:—

Article I.

Whereas Article V of the Treaty concerning the boundary between the Dominion of Canada and the United States concluded on April 11, 1908, between Great Britain and the United States, provided for the survey and demarcation of the international boundary line between the Dominion of Canada and the United States from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods, as defined by the treaties concluded between Great Britain and the United States on September 3, 1783, and August 9, 1842;

[1] From the original Treaty.

18794—33½

And whereas Article VI of the said Treaty concluded on April 11, 1908, provided for the relocation and repair of lost or damaged monuments and for the establishment of additional monuments and boundary marks along the course of the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains, as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose by joint action of the Contracting Parties in 1872;

And whereas it has been found by surveys executed under the direction of the Commissioners appointed pursuant to the said Treaty of April 11, 1908, that the boundary line between the Dominion of Canada and the United States from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods as defined by the treaties concluded on September 3, 1783, and August 9, 1842, is intersected by the boundary from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose in 1872, at five points in Lake of the Woods adjacent to and directly south of the said north-westernmost point, and that there are two small areas of United States waters in Lake of the Woods, comprising a total area of two and one-half acres, entirely surrounded by Canadian waters;

And whereas no permanent monuments were ever erected on these boundary lines north of the most southerly of these points of intersection;

The Contracting Parties, in order to provide for a more practical definition of the boundary between the Dominion of Canada and the United States in Lake of the Woods, hereby agree that this most southerly point of intersection, being in latitude 49° 23′ 04″.49 north and longitude 95° 09′ 11″.61 west, shall be the terminus of the boundary line heretofore referred to as the international boundary line between the Dominion of Canada and the United States from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods and the initial point of the boundary line heretofore referred to as the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains, in lieu of the said north-westernmost point.

The aforesaid most southerly point shall be located and monumented by the Commissioners appointed under the said Treaty of April 11, 1908, and shall be marked by them on the chart or charts prepared in accordance with the provisions of Articles V and VI of the said Treaty, and a detailed account of the work done by the Commissioners in locating said point, together with a description of the character and location of the several monuments erected, shall be included in the report or reports prepared pursuant to the said Articles.

The point so defined and monumented shall be taken and deemed to be the terminus of the boundary line heretofore referred to as the international boundary line between the Dominion of Canada and the United States, from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods and the initial point of the boundary line heretofore referred to as the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains.

ARTICLE II

Whereas Article VI of the Treaty concerning the boundary between the Dominion of Canada and the United States concluded on April 11, 1908, between Great Britain and the United States provided for the relocation and repair of lost

or damaged monuments and for the establishment of additional monuments and boundary marks along the courses of the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods south to the 49th parallel of north latitude and thence westward along said parallel of latitude to the summit of the Rocky Mountains, as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose by joint action of the Contracting Parties in 1872;

And whereas Article VI of the said Treaty concluded on April 11, 1908, further provides that in carrying out the provisions of that article the agreement stated in the protocol of the final meeting of the said Joint Commission, dated May 29, 1876, should be observed, by which protocol it was agreed that in the intervals between the monuments along the 49th parallel of north latitude the boundary line has the curvature of a parallel of 49° north latitude;

And whereas the Commissioners appointed and acting under the provisions of Article VI of the said Treaty of 1908 have marked the boundary line wherever necessary in the intervals between the original monuments established by the said Joint Commission, appointed in 1872, in accordance with the agreement stated in the Protocol of the final meeting, dated May 29, 1876, of the Joint Commission aforesaid, and as set forth in Article VI of the Treaty of 1908, by placing intermediate monuments on lines joining the original monuments, which have in each case the curvature of a parallel of 49° north latitude;

And whereas the average distance between adjacent monuments as thus established or re-established along the 49th parallel of north latitude from Lake of the Woods to the summit of the Rocky Mountains by the Commissioners acting under Article VI of the Treaty of 1908 is one and one-third miles and therefore the deviation of the curve of the 49th parallel from a straight or right line joining adjacent monuments is, for this average distance between monuments, only one-third of a foot, and in no case does the actual deviation exceed one and eight-tenths feet;

And whereas it is impracticable to determine the course of a line having the curvature of a parallel of 49° north latitude on the ground between the adjacent monuments which have been established or re-established by the Commissioners and the demarcation of the boundary would be more thoroughly effective if the line between adjacent monuments be defined as a straight or right line;

And whereas it is desirable that the boundary at any point between adjacent monuments may be conveniently ascertainable on the ground, the Contracting Parties, in order to complete and render thoroughly effective the demarcation of the boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains, hereby agree that the line heretofore referred to as the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains shall be defined as consisting of a series of right or straight lines joining adjacent monuments as now established or re-established and as now laid down on charts by the Commissioners acting under Article VI of the Treaty of 1908, in lieu of the definition set forth in the agreement of the aforesaid Joint Commissioners, dated May 29, 1876, and quoted in Article VI of the said Treaty of 1908, that in the intervals between the monuments the line has the curvature of the parallel of 49° north latitude.

Article III

Whereas the Treaty concluded on May 21, 1910, between Great Britain and the United States, defined the international boundary line between the

Dominion of Canada and the United States from a point in Passamaquoddy Bay lying between Treat Island and Friar Head to the middle of Grand Manan Channel and provided that the location of the line so defined should be laid down and marked by the Commissioners appointed under the Treaty of April 11, 1908.

And whereas it has been found by the surveys executed pursuant to the said Treaty of May 21, 1910, that the terminus of the boundary line defined by said Treaty at the middle of Grand Manan Channel is less than three nautical miles distant both from the shore line of Grand Manan Island in the Dominion of Canada and from the shore line of the State of Maine in the United States, and that there is a small zone of waters of controvertible jurisdiction in Grand Manan Channel between said terminus and the High Seas;

The Contracting Parties, in order completely to define the boundary line between the Dominion of Canada and the United States in the Grand Manan Channel, hereby agree that an additional course shall be extended from the terminus of the boundary line defined by the said Treaty of May 21, 1910, south 34° 42′ west, for a distance of two thousand three hundred eighty-three (2,383) metres, through the middle of Grand Manan Channel, to the High Seas.

The course so defined shall be located and marked by the Commissioners appointed under the Treaty of April 11, 1908, and shall be laid down by them on the chart or charts adopted in accordance with the provisions of Article I of the said Treaty, and a detailed account of the work done by the Commissioners in locating and marking said line, together with a description of the several monuments erected, shall be included in the report or reports prepared pursuant to Article I of the Treaty of April 11, 1908.

The course so defined and laid down shall be taken and deemed to be the boundary line between the Dominion of Canada and the United States in Grand Manan Channel from the terminus of the boundary line as defined by the Treaty of May 21, 1910, to the High Seas.

ARTICLE IV

Whereas, pursuant to existing treaties between Great Britain and the United States, a survey and effective demarcation of the boundary line between the Dominion of Canada and the United States through the Great Lakes and the St. Lawrence River and through the Straits of Georgia, Haro, and Juan de Fuca from the 49th parallel to the Pacific Ocean and between the Dominion of Canada and Alaska from the Arctic Ocean to Mount St. Elias have been made and the signed joint maps and reports in respect thereto have been filed with the two Governments;

And whereas a survey and effective demarcation of the boundary line between the Dominion of Canada and the United States from the Gulf of Georgia to Lake Superior and from the St. Lawrence River to the Atlantic Ocean and between the Dominion of Canada and Alaska from Mount St. Elias to Cape Muzon are nearing completion;

And whereas boundary monuments deteriorate and at times are destroyed or damaged; and boundary vistas become closed by the growth of timber;

And whereas changing conditions require from time to time that the boundary be marked more precisely and plainly by the establishment of additional monuments or the relocation of existing monuments;

The Contracting Parties, in order to provide for the maintenance of an effective boundary line between the Dominion of Canada and the United States and between the Dominion of Canada and Alaska, as established or to be established, and for the determination of the location of any point thereof,

which may become necessary in the settlement of any question that may arise between the two Governments, hereby agree that the Commissioners appointed under the provisions of the Treaty of April 11, 1908, are hereby jointly empowered and directed: to inspect the various sections of the boundary line between the Dominion of Canada and the United States and between the Dominion of Canada and Alaska at such times as they shall deem necessary; to repair all damaged monuments and buoys; to relocate and rebuild monuments which have been destroyed; to keep the boundary vistas open; to move boundary monuments to new sites and establish such additional monuments and buoys as they shall deem desirable; to maintain at all times an effective boundary line between the Dominion of Canada and the United States and between the Dominion of Canada and Alaska, as defined by the present treaty and treaties heretofore concluded, or hereafter to be concluded; and to determine the location of any point of the boundary line which may become necessary in the settlement of any question that may arise between the two Governments.

The said Commissioners shall submit to their respective Governments from time to time, at least once in every calendar year, a joint report containing a statement of the inspections made, the monuments and buoys repaired, relocated, rebuilt, moved, and established, and the mileage and location of vistas opened, and shall submit with their reports, plats and tables certified and signed by the Commissioners, giving the locations and geodetic positions of all monuments moved and all additional monuments established within the year, and such other information as may be necessary to keep the boundary maps and records accurately revised.

After the completion of the survey and demarcation of the boundary line between the Dominion of Canada and the United States from the Gulf of Georgia to Lake Superior and from the St. Lawrence River to the Atlantic Ocean, as provided for by the Treaty of April 11, 1908, the Commissioners appointed under the provisions of that Treaty shall continue to carry out the provisions of this Article, and, upon the death, resignation, or other disability of either of them, the Party on whose side the vacancy occurs shall appoint an Expert Geographer or Surveyor as Commissioner, who shall have the same powers and duties in respect to carrying out the provisions of this Article, as are conferred by this Article upon the Commissioner appointed under the provisions of the said Treaty of 1908.

The Contracting Parties further agree that each Government shall pay the salaries and expenses of its own commissioner and his assistants, and that the expenses jointly incurred by the Commissioners in maintaining the demarcation of the boundary line in accordance with the provisions of this Article shall be borne equally by the two Governments.

ARTICLE V

This treaty shall be ratified by the Contracting Parties and the ratifications shall be exchanged in Ottawa or Washington as soon as practicable. The treaty shall take effect on the date of the exchange of ratifications.

Upon the expiration of six years from the date of the exchange of ratifications of the present treaty, or any time thereafter, Article IV may be terminated upon twelve months' written notice given by either Contracting Party to the other, and following such termination the Commissioners therein mentioned and their successors shall cease to perform the functions thereby prescribed.

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

Done at Washington the 24th day of February, A.D. 1925.

(L.S.) ERNEST LAPOINTE.
(L.S.) CHARLES EVANS HUGHES.

[1]CONVENTION, PROTOCOL AND AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA TO REGULATE THE LEVEL OF THE LAKE OF THE WOODS.

Signed at Washington, February 24, 1925

[*Ratifications exchanged at Washington, July* 17, 1925]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America:

Desiring to regulate the level of Lake of the Woods in order to secure to the inhabitants of Canada and the United States the most advantageous use of the waters thereof and of the waters flowing into and from the Lake on each side of the boundary between the two countries, and

Accepting as a basis of agreement the recommendations made by the International Joint Commission in its final report of May 18th, 1917, on the Reference concerning Lake of the Woods submitted to it by the Governments of Canada and the United States of America,

Have resolved to conclude a Convention for that purpose and have accordingly named as their plenipotentiaries:

His Britannic Majesty, in respect of the Dominion of Canada: The Honourable Ernest Lapointe, K.C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion; and

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:—

Article I

In the present Convention, the term " level of Lake of the Woods " or " level of the lake " means the level of the open lake unaffected by wind or currents.

The term " Lake of the Woods watershed " means the entire region in which the waters discharged at the outlets of Lake of the Woods have their natural source.

The term " sea level datum " means the datum permanently established by the International Joint Commission at the town of Warroad, Minnesota, of which the description is as follows:—

> " Top of copper plug in concrete block carried below frost line, and located near fence in front of and to the west of new schoolhouse. Established October 3, 1912. Elevation, sea level datum, 1068.797."

" The International Joint Commission " means the Commission established under the Treaty signed at Washington on the 11th day of January, 1909, between His Britannic Majesty and the United States of America, relating to boundary waters and questions arising between the United States and Canada.

Article II

The level of Lake of the Woods shall be regulated to the extent and in the manner provided for in the present Convention, with the object of securing

[1] From the original Treaty.

to the inhabitants of Canada and the United States the most advantageous use of the waters thereof and of the waters flowing into and from the Lake on each side of the boundary between the two countries for domestic and sanitary purposes, for navigation purposes, for fishing purposes, and for power, irrigation and reclamation purposes.

ARTICLE III

The Government of Canada shall establish and maintain a Canadian Lake of the Woods Control Board, composed of engineers, which shall regulate and control the outflow of the waters of Lake of the Woods.

There shall be established and maintained an International Lake of the Woods Control Board, composed of two engineers, one appointed by the Government of Canada and one by the Government of the United States from their respective public services, and whenever the level of the lake rises above elevation 1061 sea level datum or falls below elevation 1056 sea level datum the rate of total discharge of water from the lake shall be subject to the approval of this Board.

ARTICLE IV

The level of Lake of the Woods shall ordinarily be maintained between elevations 1056 and 1061.25 sea level datum, and between these two elevations the regulation shall be such as to ensure the highest continuous uniform discharge of water from the lake.

During periods of excessive precipitation the total discharge of water from the lake shall, upon the level reaching elevation 1061 sea level datum, be so regulated as to ensure that the extreme high level of the lake shall at no time exceed elevation 1062.5 sea level datum.

The level of the lake shall at no time be reduced below elevation 1056 sea level datum except during periods of low precipitation and then only upon the approval of the International Lake of the Woods Control Board and subject to such conditions and limitations as may be necessary to protect the use of the waters of the lake for domestic, sanitary, navigation and fishing purposes.

ARTICLE V

If in the opinion of the International Lake of the Woods Control Board the experience gained in the regulation of the lake under Articles III and IV, or the provision of additional facilities for the storage of waters tributary to the lake, demonstrates that it is practicable to permit the upper limit of the ordinary range in the levels of the lake to be raised from elevation 1061.25 sea level datum to a higher level and at the same time prevent during periods of excessive precipitation the extreme high level of the lake from exceeding elevation 1062.5 sea level datum, this shall be permitted under such conditions as the International Lake of the Woods Control Board may prescribe. Should such permission be granted, the level at which under Article III the rate of total discharge of water from the lake becomes subject to the approval of the International Lake of the Woods Control Board may, upon the recommendation of that Board, and with the approval of the International Joint Commission, be raised from elevation 1061 sea level datum to a correspondingly higher level.

ARTICLE VI

Any disagreement between the members of the International Lake of the Woods Control Board as to the exercise of the functions of the Board under Articles III, IV and V shall be immediately referred by the Board to the International Joint Commission whose decision shall be final.

ARTICLE VII

The outflow capacity of the outlets of Lake of the Woods shall be so enlarged as to permit the discharge of not less than forty-seven thousand cubic feet of water per second (47,000 c.f.s.) when the level of the lake is at elevation 1061 sea level datum.

The necessary works for this purpose, as well as the necessary works and dams for controlling and regulating the outflow of the water, shall be provided for at the instance of the Government of Canada, either by the improvement of existing works and dams or by the construction of additional works.

ARTICLE VIII

A flowage easement shall be permitted up to elevation 1064 sea level datum upon all lands bordering on Lake of the Woods in the United States, and the United States assumes all liability to the owners of such lands for the costs of such easement.

The Government of the United States shall provide for the following protective works and measures in the United States along the shores of Lake of the Woods and the banks of Rainy River, in so far as such protective works and measures may be necessary for the purposes of the regulation of the level of the lake under the present Convention: namely, the removal or protection of buildings injuriously affected by erosion, and the protection of the banks at the mouth of Warroad River where subject to erosion, in so far in both cases as the erosion results from fluctuations in the level of the lake; the alteration of the railway embankment east of the town of Warroad, Minnesota, in so far as it may be necessary to prevent surface flooding of the higher lands in and around the town of Warroad; the making of provision for the increased cost, if any, of operating the existing sewage system of the town of Warroad, and the protection of the waterfront at the town of Baudette, Minnesota.

ARTICLE IX

The Dominion of Canada and the United States shall each on its own side of the boundary assume responsibility for any damage or injury which may have heretofore resulted to it or to its inhabitants from the fluctuations of the level of Lake of the Woods or of the outflow therefrom.

Each shall likewise assume responsibility for any damage or injury which may hereafter result to it or to its inhabitants from the regulation of the level of Lake of the Woods in the manner provided for in the present Convention.

ARTICLE X.

The Governments of Canada and the United States shall each be released from responsibility for any claims or expenses arising in the territory of the other in connection with the matters provided for in Articles VII, VIII, and IX.

In consideration, however, of the undertakings of the United States as set forth in Article VIII, the Government of Canada shall pay to the Government of the United States the sum of two hundred and seventy-five thousand dollars ($275,000) in currency of the United States. Should this sum prove insufficient to cover the cost of such undertakings one-half of the excess of such cost over the said sum shall, if the expenditure be incurred within five years of the coming into force of the present Convention, be paid by the Government of Canada.

ARTICLE XI.

No diversion shall henceforth be made of any waters from the Lake of the Woods watershed to any other watershed except by authority of the United States or the Dominion of Canada within their respective territories and with the approval of the International Joint Commission.

ARTICLE XII.

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the exchange of the ratifications, which shall take place at Washington or Ottawa as soon as possible.

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

Done in duplicate at Washington, the 24th day of February, 1925.

(L.S.) ERNEST LAPOINTE.
(L.S.) CHARLES EVANS HUGHES.

PROTOCOL ACCOMPANYING CONVENTION TO REGULATE THE LEVEL OF LAKE OF THE WOODS

At the moment of signing the Convention betweeen His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America, regarding the regulation of the level of Lake of the Woods, the undersigned Plenipotentiaries have agreed as follows:—

1. The plans of the necessary works for the enlargement of the outflow capacity of the outlets of Lake of the Woods provided for in Article VII of the Convention, as well as of the necessary works and dams for controlling and regulating the outflow of the water, shall be referred to the International Lake of the Woods Control Board for an engineering report upon their suitability and sufficiency for the purpose of permitting the discharge of not less than forty-seven thousand cubic feet of water per second (47,000 c.f.s.) when the level of the lake is at elevation 1061 sea level datum. Any disagreement between the members of the International Lake of the Woods Control Board in regard to the matters so referred shall be immediately submitted by the Board to the International Joint Commission whose decision shall be final.

2. Should it become necessary to set up a special tribunal to determine the cost of the acquisition of the flowage easement in the United States provided for in Article VIII of the Convention, the Government of Canada shall be afforded an opportunity to be represented thereon. Should the cost be determined by means of the usual judicial procedure in the United States, the Government of Canada shall be given the privilege of representation by counsel in connection therewith.

3. Since Canada is incurring extensive financial obligations in connection with the protective works and measures provided for in the United States along the shores of Lake of the Woods and the banks of Rainy River, under Article VIII of the Convention, the plans, together with the estimates of cost, of all such protective works and measures as the Government of the United States may propose to construct or provide for within five years of the coming into force of the Convention shall be referred to the International Lake of the Woods

Control Board for an engineering report upon their suitability and sufficiency for the purpose of the regulation of the level of the lake under the Convention. Any disagreement between the members of the International Lake of the Woods Control Board in regard to the matters so referred shall be immediately submitted by the Board to the International Joint Commission, whose decision shall be final.

4. In order to ensure the fullest measure of co-operation between the International Lake of the Woods Control Board and the Canadian Lake of the Woods Control Board provided for in Article III of the Convention, the Government of Canada will appoint one member of the Canadian Board as its representative on the International Board.

5. Until the outlets of Lake of the Woods have been enlarged in accordance with Article VII of the Convention, the upper limit of the ordinary range in the levels of the lake provided for in Article IV of the Convention shall be elevation 1060.5 sea level datum, and the International Lake of the Woods Control Board may advise the Canadian Lake of the Woods Control Board in respect of the rate of total discharge of water from the lake which may be permitted.

In faith whereof the undersigned Plenipotentiaries have signed the present Protocol and affixed thereto their respective seals.

Done in duplicate at Washington the 24th day of February, 1925.

(L.S.) ERNEST LAPOINTE,
(L.S.) CHARLES EVANS HUGHES.

AGREEMENT

At the moment of signing the Convention and Protocol between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America, regarding the regulation of the level of Lake of the Woods, the undersigned Plenipotentiaries have agreed that the Government of the Dominion of Canada and the Government of the United States shall, without delay, address to the International Joint Commission identic letters of reference relating to Rainy Lake and other upper waters of the Lake of the Woods watershed as follows:—

"I have the honour to inform you that, in pursuance of Article IX of the Treaty of the 11th January, 1909, between Great Britain and the United States, the Governments of Canada and the United States have agreed to refer to the International Joint Commission the following questions for examination and report, together with such conclusions and recommendations as may be deemed appropriate:—

"*Question* 1.—In order to secure the most advantageous use of the waters of Rainy Lake and of the boundary waters flowing into and from Rainy Lake, for domestic and sanitary purposes, for navigation purposes, for fishing purposes, and for power, irrigation and reclamation purposes, and in order to secure the most advantageous use of the shores and harbours of both Rainy Lake and the boundary waters flowing into and from the lake, is it, from an economic standpoint, now practicable and desirable, having regard for all or any of the interests affected thereby, or under what conditions will it become thus practicable and desirable—

"(*a*) To regulate the level of Rainy Lake in such a manner as to permit the upper limit of the ordinary range of the levels to exceed elevation 1108.61 sea level datum?

"(*b*) To regulate the level of Namakan Lake and the waters controlled by the dams at Kettle falls in such a manner as to permit the upper limit of the ordinary range of the levels to exceed elevation 1120.11 sea level datum?

"(*c*) To provide storage facilities upon all or any of the boundary waters above Namakan Lake?

"*Question* 2.—If it be found practicable and desirable thus (1) to regulate the level of Rainy Lake, and/or (2) to regulate the level of Namakan Lake and the waters controlled by the dams at Kettle falls, and/or (3) to provide storage facilities upon all or any of the boundary waters above Namakan Lake—

"(*a*) What elevations are recommended?

"(*b*) To what extent will it be necessary to acquire lands and to construct works in order to provide for such elevations and/or storage, and what will be their respective costs?

"(*c*) What interests on each side of the boundary would be benefited? What would be the nature and extent of such benefit in each case? How should the cost be apportioned among the various interests so benefited?

"*Question* 3.—What methods of control and operation would be feasible and advisable in order to regulate the volume, use and outflow of the waters in each case in accordance with such recommendations as may be made in answer to questions one and two?

"*Question* 4.—What interests on each side of the boundary are benefited by the present storage on Rainy Lake and on the waters controlled by the dams at Kettle Falls? What are the nature and extent of such benefits in each case? What is the cost of such storage and how should such cost be apportioned among the various interests so benefited?

"Each Government will appoint from its public service such engineering and other technical assistance as may be necessary to enable the Commission to make the desired examination and to submit their report."

In witness whereof the undersigned have signed this Agreement at Washington this 24th day of February, 1925.

ERNEST LAPOINTE,
Minister of Justice in the Government of the Dominion of Canada

CHARLES EVANS HUGHES,
Secretary of State of the United States of America

APPENDIX

[1]DECISION OF THE BRITISH AND AMERICAN COMMISSIONERS, UNDER THE 5TH ARTICLE OF THE TREATY OF 1794 AS MODIFIED BY THE EXPLANATORY ARTICLE CONCLUDED BETWEEN THE TWO GOVERNMENTS, 15TH MARCH, 1798, RELATING TO THE RIVER ST. CROIX.—PROVIDENCE, OCTOBER 25, 1798.

By Thomas Barclay, David Howell, and Egbert Benson, Commissioners appointed in pursuance of the 5th Article of the treaty of amity, commerce and navigation between His Britannic Majesty and the United States of America, finally to decide the question, "What river was truly intended, under the name of the River St. Croix, mentioned in the Treaty of Peace between His Majesty and the United States of America, and forming a part of the boundary therein described."

DECLARATION, OCTOBER 25, 1798

We, the said Commissioners, having been sworn "impartially to examine and decide the said question according to such evidence as should respectively be laid before us on the part of the British Government and of the United States," and having heard the evidence which hath been laid before us by the Agent of His Majesty and the Agent of the United States respectively appointed and authorized to manage the business on behalf of the respective Governments, have decided, and hereby do decide:—The river hereinafter particularly described and mentioned to be the river truly intended under the name of the River St. Croix in the said Treaty of Peace, and forming a part of the boundary therein described, that is to say, the mouth of the said river is in Passamaquoddy Bay, at a point of land called Joe's Point about one mile northward from the northern part of St. Andrew's Island, and in the latitude of 45° 5′ and 5″ north, and in the longitude of 67° 12′ and 30″ west, from the Royal Observatory at Greenwich in Great Britain, and 3° 54′ and 15″ east from Harvard College in the University of Cambridge, in the state of Massachusetts. And the course of the said river up from its source is northerly to a point of land called The Devil's Head, then turning the said point, is westerly to where it divides into two streams, the one coming from the westward and the other coming from the northward, having the Indian name Chiputnatecook, or Chipnitcook, as the same may be variously spelt, then up the said stream, so coming from the northward to its source, which is at a stake near a yellow birch-tree, hooped with iron, marked "S. T. and J. H., 1797," by Samuel Titcomb and John Harris, the surveyors employed to survey the above-mentioned stream coming from the northward. And the said river is designated on the map hereunto annexed and hereby referred to as further descriptive of it by the letters A, B, C, D, E, F, G, H, I, K and L, the letter A being at its said mouth, and the letter L being at its said source. And the course and distance of the said source from the island at the confluence of the above-mentioned two streams is as laid down on the said map, north 5° and about 15′ west by the magnet: about 48¼ miles.

In testimony whereof we have hereunto set our hands and seals at Providence, in the State of Rhode Island, the 25th day of October, in the year 1798.

(L.S.) THOS. BARCLAY. (L.S.) DAVID HOWELL.
(L.S.) EGBERT BENSON.

Witness, ED. WINSLOW, Secretary to the Commissioners.

INTERNATIONAL TELEGRAPH CONVENTION OF ST. PETERSBURG, 10TH (22ND) JULY, 1875

Translation *Extract*

ARTICLE I

The High Contracting Parties recognize the right of everyone to correspond by means of international telegraphs.

ARTICLE II

They agree to take the necessary measures to ensure the secrecy of communications and their due despatch.

[1] From British & Foreign State Papers, Vol. I. p. 807.

ARTICLE III

Notwithstanding, they decline to accept any responsibility on account of the service of the international telegraphs.

ARTICLE V

Telegrams are divided into three classes (1) State telegrams; those which originate with the Head of the State, Ministers, Commanders-in-Chief of land or sea forces, and diplomatic or consular officers of the contracting governments, as well as the replies to such telegrams. (2) Service telegrams; those which originate with the telegraphic Administrations of the contracting States and which concern either the service of the international telegraph system or matters of public concern agreed upon by the said Administrations. (3) Private telegrams.

In transmission, State telegrams shall have priority over other telegrams.

ARTICLE VI

State and service telegrams with regard to all matters may be transmitted in code or cipher. Private telegrams may be exchanged in code or cipher between two States which allow this method of communication. States which do not allow private telegrams in code or cipher, either originating in or destined for their territories, must allow them to pass in transit with the exception of the case of suspension, defined in Article VIII.

ARTICLE VII

The High Contracting Parties reserve the right of stopping the transmission of any private telegram which shall appear dangerous to the safety of the State, or which shall be contrary to the laws of the country, to public order, or to good morals.

ARTICLE VIII

Each government reserves also the right to suspend the international telegraph service for an indefinite period if it considers it necessary, either generally or only for certain lines and for certain descriptions of communications, on the condition that it immediately notifies each of the other contracting governments of such suspension.

ARTICLE XI

Telegrams relative to the service of the international telegraphs of the contracting States are transmitted without charge over the whole telegraph system of the said States.

ARTICLE XII

The High Contracting Parties shall mutually account to one another for the charges collected by each of them.

ARTICLE XVII

The High Contracting Parties reserve to themselves respectively the right of entering separately into special arrangements of all descriptions in connection with matters of service which do not interest the States as a whole.

UNIVERSAL POSTAL CONVENTION, SIGNED AT STOCKHOLM, AUGUST 28, 1924 *(RATIFIED BY CANADA, NOV. 12, 1924.) (RATIFIED BY THE UNITED STATES, MARCH 24, 1925.)*

UNIVERSAL POSTAL CONVENTION

CONCLUDED BETWEEN the UNION OF SOUTH AFRICA, ALBANIA, GERMANY, UNITED STATES OF AMERICA, the whole of the ISLAND POSSESSIONS of the UNITED STATES OF AMERICA other than the PHILIPPINE ISLANDS, the PHILIPPINE ISLANDS, ARGENTINE REPUBLIC, the COMMONWEALTH OF AUSTRALIA, AUSTRIA, BELGIUM, the COLONY OF THE BELGIAN CONGO, BOLIVIA, BRAZIL, BULGARIA, CANADA, CHILE, CHINA, REPUBLIC OF COLOMBIA, REPUBLIC OF COSTA RICA, REPUBLIC OF CUBA, DENMARK, the FREE CITY OF DANZIG, DOMINICAN REPUBLIC, EGYPT, ECUADOR, SPAIN, the SPANISH COLONIES, ESTONIA, ABYSSINIA, FINLAND, FRANCE, ALGERIA, the FRENCH COLONIES AND PROTECTORATES OF INDO-CHINA, the whole of the other FRENCH COLONIES, GREAT BRITAIN and various BRITISH COLONIES AND PROTECTORATES, GREECE, GUATEMALA, REPUBLIC OF HAITI, REPUBLIC OF HONDURAS, HUNGARY, BRITISH INDIA, the IRISH FREE STATE, ICELAND, ITALY, the whole of the ITALIAN COLONIES, JAPAN, CHOSEN (KOREA), the whole of the other JAPANESE DEPENDENCIES, LETTONIA, REPUBLIC OF LIBERIA, LITHUANIA, LUXEMBURG, MOROCCO (except the Spanish Zone), MOROCCO (SPANISH ZONE), MEXICO, NICARAGUA, NORWAY, NEW ZEALAND, REPUBLIC OF PANAMA, PARAGUAY, NETHERLANDS, DUTCH EAST INDIES, DUTCH COLONIES in AMERICA, PERU, PERSIA, POLAND, PORTUGAL, PORTUGUESE

Colonies in Africa, Portuguese Colonies in Asia and Oceania, Roumania, Republic of San Marino, Salvador, Territory of the Sarre, Kingdom of the Serbs, Croats and Slovenes, Kingdom of Siam, Sweden, Switzerland, Czechoslovakia, Tunis, Turkey, the Union of Soviet Socialist Republics, Uruguay, and United States of Venezuela.

The undersigned, plenipotentiaries of the above-named countries, being assembled in Congress at Stockholm, by virtue of Article 27 of the Universal Postal Convention concluded at Madrid on the 30th of November, 1920, have by mutual consent and subject to ratification, revised the said Convention to read as follows:

PART I

Universal Postal Union

CHAPTER I

Organization and Extent of the Union

Article 1

Constitution of the Union

The countries between which the present Convention is concluded form, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of correspondence. It is also the object of the Postal Union to secure the organization and improvement of the various international postal services.

Article 2

New adhesions. Procedure

Countries which do not form part of the Union are at all times admitted to adhere to the Convention.

Their request for adhesion must be notified diplomatically to the Government of the Swiss Confederation, and by the latter to the Governments of all the countries of the Union.

Article 3

Convention and Agreements of the Union

The letter post is governed by the provisions of the Convention.

Other services, such as those relating to insured letters and boxes, postal parcels, postal money orders, transfers to and from postal cheque accounts, collection of bills, drafts, etc., and subscriptions to newspapers and periodicals, form the subject of Agreements between countries of the Union.

These Agreements are binding only upon the countries which have adhered to them.

The adhesion to one or more of these Agreements is subject to the provisions of the foregoing Article.

Article 4

Detailed Regulations

The Administrations of the Union draw up, by mutual agreement, in the form of Detailed Regulations, the measures of order and detail necessary for the carrying out of the Convention and the Agreements.

Article 5

Special Treaties and restricted Unions. Frontier Zone

1. Countries of the Union have the right to maintain and to conclude treaties, as well as to maintain and to establish restricted Unions, with a view to the reduction of postage rates or to any other improvement of postal relations.

2. Moreover, Administrations are authorised to make with one another any necessary agreements on the subject of questions which do not concern the Union generally, provided that conditions less favourable than those laid down by the Acts of the Union are not introduced. In the letter post, for example, they may conclude mutual arrangements for the adoption of lower rates of postage within a radius of 30 kilometres.

Article 6

Internal Laws

The provisions of the Convention and of the Agreements of the Union do not override the legislation of any country as regards anything which is not expressly covered by these Acts.

Article 7

Relations with Countries outside the Union

Administrations of the Union which maintain relations with countries outside the Union are required to put these relations at the disposal of the other Offices for the exchange of correspondence.

The provisions of the Convention apply to the exchange of correspondence between the countries of the Union and countries outside the Union, whenever the services of at least two of the contracting parties are used for that exchange.

Article 8

Colonies, Protectorates, &c.

The following are considered as forming a single country or Administration of the Union as the case may be, within the meaning of the Convention or of the Agreements so far as concerns, in particular, their right to vote at a Congress or Conference, and in the interval between meetings, as well as their contribution to the expenses of the International Bureau of the Universal Postal Union:—

1° The colony of the Belgian Congo;

2° The whole of the island possessions of the United States of America, except the Philippine Islands, and comprising Hawaii, Porto-Rico, Guam, and the Virgin Islands of the United States of America;

3° The Philippine Islands;

4° The whole of the Spanish Colonies;

5° Algeria;

6° The French Colonies and Protectorates in Indo-China;

7° The whole of the other French Colonies;

8° The whole of the Italian Colonies;

9° Chosen (Korea);

10° The whole of the other Japanese Dependencies;

11° The Dutch East Indies;

12° The Dutch Colonies in America;

13° The Portuguese Colonies in Africa;

14° The Portuguese Colonies in Asia and Oceania.

Article 9

Extent of the Union

1. The following are considered as belonging to the Universal Postal Union:—

(*a*) Post offices established by Union countries in countries outside the Union;

(*b*) The Principality of Lichtenstein, as subordinate to the Postal Administration of Switzerland;

(*c*) The Faröe Islands and Greenland, as forming part of Denmark;

(*d*) The Spanish possessions on the North Coast of Africa, as forming part of Spain; the Republic of Andorra, as subordinate to the Postal Administration of Spain;

(*e*) The Principality of Monaco as subordinate to the Postal Administration of France;

(*f*) Walfisch Bay, as forming part of the Union of South Africa; Basutoland, as subordinate to the Postal Administration of the Union of South Africa;

(*g*) The Norwegian post offices in the Spitzbergen Islands, as subordinate to the Postal Administration of Norway.

Article 10

Arbitration

1. In case of disagreement between two or more members of the Union as to the interpretation of the Convention and the Agreements, or as to the responsibility imposed on an Administration by the application of these Acts, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

If one of the Offices in disagreement does not take any action on a proposal for arbitration within a period of six months, or of nine months in the case of oversea countries, the International Bureau, on a request to that effect, may call on the defaulting Administration to appoint an arbitrator, or may appoint one officially.

2. The decision of the arbitrators is given on an absolute majority of votes.

3. In case of an equality of votes, the arbitrators choose, with the view of settling the difference, another Administration with no interest in the question in dispute.

Failing an agreement in the choice, this Administration is appointed by the International Bureau from among the members of the Union not proposed by the arbitrators.

4. The arbitrators may not be appointed from among Administrations which do not participate in the Agreement concerning which the dispute has arisen.

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Article 11

Withdrawal from the Union. Cessation of participation in the Agreements

Each contracting party is free to withdraw from the Union or to cease to participate in the Agreements by notice given one year in advance by its Government to the Government of the Swiss Confederation.

CHAPTER II

Congresses. Conferences. Committees

Article 12

Congresses

1. Delegates of the countries of the Union meet in Congress not later than five years after the date of the entry into force of the Acts of the preceding Congress with the view of revising or of completing them as necessary.

Each country is represented at the Congress by one or several plenipotentiary delegates furnished by their Government with the necessary powers. It may, if it so desires, be represented by the delegation of another country. But it is understood that one delegation can undertake the representation of two countries only, including the country it primarily represents.

In the deliberations each country has one vote only.

2. Each Congress settles the place of meeting of the next Congress. The Government of the country in which it is to take place is responsible, in consultation with the International Bureau, for convening the Congress, and also for notifying to all the Governments and countries of the Union the decisions taken by the Congress.

Article 13

Ratifications. Entry into Force and duration of the Acts of the Congress

The Acts of the Congresses shall be ratified as soon as possible and the ratifications shall be communicated to the Government of the country in which the Congress was held.

If one or more of the contracting parties do not ratify one or other of the Acts signed by them, these Acts are not less binding on the States which have ratified them.

These Acts come into force simultaneously and have the same duration.

From the date fixed for the entry into force of the Acts adopted by a Congress, all the Acts of the preceding Congress are repealed, unless the contrary is expressly decided.

Article 14

Extraordinary Congresses

When a request to that effect is made or approved by at least two-thirds of the contracting countries, an extraordinary Congress is held, after arrangement with the International Bureau.

The regulations laid down by Articles 12 and 13 apply equally to the delegations, to the deliberations and to the Acts of Extraordinary Congresses.

Article 15

Regulations for Congresses

Each Congress draws up the standing orders for its work and deliberations.

Article 16

Conferences

Conferences for the consideration of purely administrative questions may be held at the request of at least two-thirds of the Administrations of the Union.

They are convened after arrangement with the International Bureau.

The Conferences draw up their own standing orders.

Article 17

Committees

Committees charged by a Congress or a Conference with the examination of one or more definite questions are convened by the International Bureau after arrangement with the Administration of the country where these Committees are to sit.

CHAPTER III

PROPOSALS MADE BETWEEN CONGRESSES

Article 18

Introduction of Proposals

In the interval between meetings, any Administration has the right to address to the other Administrations, through the medium of the International Bureau, proposals concerning the Convention and its Detailed Regulations.

The same right is accorded to the Administrations of the countries participating in the Agreements so far as these Agreements and their Detailed Regulations are concerned.

In order to be considered, every proposal introduced in the interval between meetings must be supported by at least two Administrations, not including that which originates the proposal. A proposal lapses when the International Bureau does not receive, at the same time as the proposal, the necessary number of declarations of support.

Article 19

Examination of Proposals

Every proposal is subject to the following procedure:—

A period of six months is allowed to the Administrations of the Unions to examine the proposal and to communicate their observations, if any, to the International Bureau. Amendments are not admitted. The answers are collected by the International Bureau, and communicated to the Administrations, with an invitation to declare themselves for or against. Those who have not furnished their vote within a period of six months from the date of the second circular of the International Bureau notifying to them the observations made, are considered as abstaining.

If the proposal concerns an Agreement or the relative Detailed Regulations, only the Administrations which have adhered to that Agreement may take part in the procedure indicated above.

Article 20

Conditions of approval

1. In order to become binding, the proposals must obtain:

(*a*) Unanimity of votes if they involve the addition of new provisions or any modification of the provisions of Parts I and II, or of Articles 33 to 36, 38, 48 to 53, 55, 56, 58, 60 to 63, 65 to 75, 77 to 80 of the Convention, or of Articles 1, 4, 17, 53, 66 and 86 of its Detailed Regulations;

(*b*) Two-thirds of the votes if they involve a modification of the provisions of articles other than those mentioned in the preceding paragraph;

(*c*) A simple majority if they affect the interpretation of the provisions of the Convention and of its Detailed Regulations, except in the case of disagreement to be submitted to artbitration as provided for by Article 10.

2. The conditions to be fulfilled for the approval of proposals concerning the Agreements are fixed by the Agreements themselves.

Article 21

Notification of decisions

Additions to and modifications of the Convention and the Agreements are sanctioned by a diplomatic declaration, which the Government of the Swiss Confederation undertakes to prepare and forward at the request of the International Bureau to the Governments of the contracting countries.

Additions to and modifications of Detailed Regulations are notified and communicated to the Administrations by the International Bureau. The same applies to the interpretations referred to under (*c*) in the preceding Article.

Article 22

Coming into force of decisions

No addition or modification adopted comes into force until at least three months after its notification.

18794—34½

CHAPTER IV

International Bureau

Article 23

General Functions

1. A central Office, situated at Berne, known as the International Bureau of the Universal Postal Union, and placed under the supervision of the Swiss Postal Administration, serves as a medium of liaison, information and consultation for the countries of the Union.

This Office is entrusted especially with the duty of collecting, collating, publishing and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known proposals for modifying the Acts of the Congress; of notifying alterations adopted; and, in general, of taking up such enquiries and work in connection with editing and arranging material as the Convention, the Agreements, and their Detailed Regulations shall assign to it, or as may be entrusted to it in the interest fo the Union.

2. It acts as clearing-house for the settlement of accounts of every description relative to the international postal service between the Administrations which claim its assistance.

Article 24

Expenses of the International Bureau

1. Each Congress fixes the maximum figure for the ordinary annual expenditure of the International Bureau.

These expenses, as well as the special expenditure occasioned by the meetings of a Congress, Conference, or Committee, and the costs which may arise out of special work entrusted to the International Bureau, are borne in common by all the countries of the Union.

2. To this end, the latter are divided into seven classes, each contributing to the payment of the expenses in the following proportion:—

1st class	25 units
2nd "	20 "
3rd "	15 "
4th "	10 "
5th "	5 "
6th "	3 "
7th "	1 unit

3. In the case of a new adhesion, the Government of the Swiss Confederation settles, by agreement with the Government of the country concerned, the class in which the country is to be placed for the apportionment of the expenses of the International Bureau.

CHAPTER I

PART II

General Regulations

Article 25

Freedom of Transit

1. Freedom of transit is guaranteed throughout the entire territory of the Union.

2. Freedom of transit for postal parcels is limited to the territory of the countries taking part in this service. Insured articles may be forwarded in closed mails over the territory of countries not adhering to the Agreement concerning these articles, but the responsibility of these countries is limited to that prescribed for registered articles.

Article 26

Right to use the services of the Union

The countries of the Union recognize the right of all persons to make use of the services which are the subject of the Convention and the Agreements.

Article 27

Prohibition of unauthorized charges

It is forbidden to impose any postal charge whatever other than those prescribed by the Convention and the Agreements.

Article 28

Temporary suspension of service

When an Administration finds itself obliged, by exceptional circumstances, to suspend temporarily, in whole or in part, either the despatch of correspondence which is delivered to it by another Administration, or the operation of one or more special services, it is bound at once to notify the fact, if necessary by telegraph, to the Administration or Administrations concerned.

Article 29

Standard Monetary Unit

The franc regarded as the monetary unit in the provisions of the Convention and the Agreements is the gold franc of 100 centimes of a weight of 10/31 of a gramme and of a fineness of 0·900.

Article 30

Equivalents

In each country of the Union, postage rates are fixed at the closest possible equivalent, in the actual currency of the country, of the value of the franc.

Article 31

Forms. Language

1. The forms used by the Administrations in their mutual relations must be drawn up in French, with or without an interlinear translation in another language, unless the Administrations concerned arrange otherwise by direct agreement.
2. The forms used by the public which are not printed in French must include an interlinear translation in that language.
3. The forms referred to in §§ 1 and 2 must approximate so far as possible to the dimensions prescribed by the Detailed Regulations of the Convention and of the Agreements.
4. Administrations may by common consent decide upon the language to be used in official correspondence in their reciprocal relations.

Article 32

Identity Cards

1. Each Administration may issue, to persons who apply for them, identity cards to serve as evidence of identity for all kinds of post office business in the countries which have not notified their refusal to admit them.
2. The Administration which issues an identity card is authorized to make, on this account, a charge which may not exceed 1 franc.
3. Administrations are relieved from all responsibility when it is established that a postal packet was delivered or a money order was paid on presentation of a proper identity card.

Administrations are not responsible for the consequences of the loss, abstraction or fraudulent use of a proper identity card.

4. The identity card is valid for three years from the date of issue.

PART III

Provisions Regarding Correspondence

CHAPTER I

General Provisions

Article 33

Definition of Correspondence

The term correspondence means and includes letters, post-cards, both single and reply-paid, commercial papers, samples of merchandise, and printed papers of every kind, including articles printed in relief for the use of the blind.

ARTICLE 34. (*See* Protocol II and V).

Rates of Postage and General Conditions

1. The prepaid rates of postage for the conveyance of correspondence throughout the entire extent of the Union, including delivery at the residence of the addressees in the countries where a delivery is or shall be organized, are fixed as indicated in the following table:—

Articles	Units of Weight	Rates	Limits: of weight	Limits: of size
	gr.	c.		
LETTERS — first unit of weight	20	25	2 kilos	45 cm. in each direction. In roll form: 75 cm. in length, and 10 cm. in diameter.
LETTERS — each succeeding unit	.....	15		
POST-CARDS — Single	.....	15	.....	maximum 15 cm. in length. 10·5 cm. breadth. minimum 10 cm. in length. 7 cm. in breadth
POST-CARDS — Reply-paid	.....	30	.....	
PRINTED PAPERS	50	·5	2 kilos*	*This weight is raised to 3 kilos for volumes sent singly
BLIND LITERATURE	1,000	5	3 kilos	45 cm. in each direction. In roll form: 75 cm. in length, and 10 cm. in diameter.
COMMERCIAL PAPERS	50	5	2 kilos	
" minimum charge	.....	25	.....	
SAMPLES OF MERCHANDISE	50	5	500 gr.	45 cm. in length. 20 cm. in breadth. 10 cm. in depth. In roll form: 45 cm. in length, and 15 cm. in diameter.
" minimum charge	.....	10	.....	

Administrations have the right in their reciprocal relations to allow a reduction of 50 per cent of the ordinary rate for printed papers to newspapers and periodicals posted directly by the publishers.

The same right is accorded to them in respect of sewn or bound books, excluding all publicity matter or advertisements.

The same applies to literary or scientific works exchanged by learned institutions.

2. Each country of the Union fixes, in accordance with the foregoing table, the rates of postage to be charged for correspondence.

3. Letters may not contain any letter, note or document addressed to a person other than the addressee or a person living with him.

4. Commercial papers, samples of merchandise, and printed papers of every kind must not contain any letter or note having the character of actual personal correspondence; they must be made up in such a manner as to admit of their being easily examined, except in the cases specified in the Detailed Regulations.

5. The limits of weight and size fixed by § 1 of the present Article do not apply to correspondence relating to the postal service as specified in § 1 of Article 43.

6. Packets of samples of merchandise may not contain any article having a saleable value.

7. The enclosure in one and the same packet of correspondence of different categories (articles grouped together) is authorized under the conditions laid down in the Detailed Regulations.

8. Apart from the exceptions prescribed by the Convention and its Detailed Regulations, articles which do not fulfil the conditions laid down are not to be forwarded.

Articles which have been wrongly accepted may be returned to the Office of origin. If the Office of destination delivers them to the addressee, it must in that case, apply to them the rates of postage and surcharges prescribed for the category of correspondence to which they properly belong.

9. Packets prepaid at the letter rate may contain articles liable to Customs duties when the importation of these articles by letter post is admitted in the country of destination.

These packets must bear on the address side a label in conformity with the provisions of the Detailed Regulations.

The Administration of the country of destination is authorized to submit these packets to Customs examination, to open them officially, and to collect the import duties, in the manner prescribed by its legislation.

ARTICLE 35. (*See* PROTOCOL III.)

Prepayment

Articles other than letters and single post-cards must be fully prepaid.

Reply-paid post-cards of which the two halves are not fully prepaid at the time of posting are not to be forwarded.

ARTICLE 36. (*See* PROTOCOL III.)

Charge on unpaid or insufficiently prepaid correspondence

Apart from the exceptions laid down in Article 39 of the Detailed Regulations for certain classes of redirected articles, correspondence of every kind not prepaid or insufficiently prepaid is liable to a charge equal to double postage or double the amount of the deficiency, to be paid by the addressees; but that charge may not be less than 10 centimes.

ARTICLE 37

Correspondence exchanged with countries outside the union

1. The rates of postage on correspondence for countries outside the Union may not be lower than the normal Union tariff.

2. Correspondence originating in a country outside the Union which is transferred to a country of the Union unpaid or insufficiently prepaid is taxed by the delivering Office according to the rules applicable in its own service to similar articles addressed to the country where the said correspondence originates.

ARTICLE 38

Surtaxes

Over and above the rates fixed by Articles 34 and 37, a surtax proportionate to the expenses incurred may be levied on every article forwarded by services maintained by Administrations outside the Union, or by extraordinary services within the Union which involve special payment.

When the rate of prepayment for the single post-card comprises the surtax authorized by the preceding paragraph, the same rate is applicable to each half of the reply-paid post-card.

ARTICLE 39

Special Charges

1. Administrations are authorized to make an additional charge, in accordance with their own regulations, on articles posted after the ordinary hour of collection.

2. Countries of destination which are authorized by their legislation to deliver packets containing articles liable to Customs duties may collect, in respect of the clearance of these packets through the Customs, a fee not exceeding 50 centimes per packet.

3. The country of destination is authorized to impose a special surcharge, in accordance with its legislation, on articles addressed *poste restante*.

ARTICLE 40

Express Packets

1. Correspondence is, at the request of the senders, sent out for delivery by special messenger immediately after arrival, in the countries of which the Administrations agree to undertake this service in their reciprocal relations.

2. Such correspondence, which is called "express," is subject, in addition to the ordinary postage, to a special charge amounting as a minimum to double the postage on a single-rate ordinary letter and as a maximum to one franc. This charge must be fully paid in advance by the sender.

3. When the addressee's house is situated outside the free delivery zone of the office of destination a complementary charge not exceeding that prescribed in the inland service may be collected for express delivery.

In this case, however, express delivery is not obligatory.

4. Express packets, upon which the total amount of the charges payable in advance has not been prepaid, are delivered by the ordinary means, unless they have been treated as express by the office of origin.

Article 41

Prohibitions

1. It is forbidden to send by post:—

(*a*) Articles which, from their nature or by their packing, may expose postal officials to danger, or soil or damage correspondence;

(*b*) Explosive, inflammable, or dangerous substances;

(*c*) Living animals, except bees and silk-worms;

(*d*) Articles liable to Customs duty, apart from the exceptions laid down in Article 34, § 9, as well as samples sent in quantities with the intention of avoiding the payment of this duty;

(*e*) Opium, morphine, cocaine, and other narcotics;

(*f*) Obscene or immoral articles;

(*g*) Any articles whatever of which the importation or circulation is forbidden in the country of origin or of destination.

In addition, it is forbidden to send in unregistered packets, coin, bank-notes and currency notes, bullion, precious stones, jewels and other precious articles.

2. Packets which have been wrongly admitted to the post must be returned to the Office of origin, except in cases where the Administration of the country of destination is authorized by its laws or its internal regulations to dispose of them otherwise.

Explosive, inflammable, or dangerous substances, and obscene or immoral articles, however, are not returned to the Office of origin; they are destroyed on the spot under the direction of the Administration finding them.

If packets wrongly admitted to the post are neither returned to origin nor delivered to the addressee, the despatching Office must be advised in order that it may take such steps as are necessary.

3. The right is, moreover, reserved to every country of the Union to refuse to convey *à découvert* over its territory, or to deliver, articles admitted at reduced rates in regard to which the laws, ordinances, or decrees which regulate the conditions of their publication or circulation in that country have not been complied with.

These articles must be returned to the Office of origin.

Article 42

Methods of prepayment

1. Prepayment of postage is effected either by means of postage stamps valid in the country of origin for the correspondence of private individuals, or by means of impressions of stamping machines, officially adopted and working under the immediate control of the Administration.

2. The following are considered as duly prepaid: reply post-cards bearing postage stamps, impressed or affixed, of the country of issue, articles properly prepaid for their first transmission and on which complementary postage has been paid before their redirection, as well as newspapers or packets of newspapers and periodicals with the words "*Abonnement-poste*," or the equivalent, which are sent in virtue of the Agreement for subscriptions to newspapers and periodicals.

3. Correspondence posted on the high seas in the letter box on board a Packet or handed to postal officials on board or to the commanders of ships may, in the absence of different arrangements between the Administrations concerned, be prepaid by means of the postage stamps and according to the tariff of the country to which the said Packet belongs or by which it is maintained. If the posting on board takes place during the stay at one of the two terminal points of the voyage or at any intermediate port of call, prepayment is valid only if it is effected by means of the postage stamps and according to the tariff of the country in the waters of which the Packet happens to be.

Article 43

Exemptions from Postage

1. The following are exempt from postage:—

Correspondence on Postal Service exchanged between Postal Administrations, between these Administrations and the International Bureau, between post offices of Union countries, and between these offices and Administrations, as well as correspondence of which the free transmission is expressly provided for in the Convention, the Agreements, and their Detailed Regulations.

2. With the exception of articles marked with a trade charge, correspondence intended for prisoners of war or despatched by them is also exempt from all postal charges, not only in the countries of origin and destination, but in intermediate countries.

The same privilege is accorded to correspondence concerning prisoners of war, despatched or received, either directly by, or through the agency of, Information Bureaux established on behalf of such persons in belligerent countries or in neutral countries which have received belligerents on their territories.

Belligerents received and interned in a neutral country are treated like prisoners of war, properly so-called, in so far as the application of the above-mentioned rules is concerned.

Article 44. (*See* Protocol VI.)

Reply Coupons

Reply coupons are on sale in the countries of the Union.

The selling price of a reply coupon is fixed by the Administrations concerned, but may not be less than 40 centimes, or the equivalent of this sum in the money of the country of issue.

Each coupon is exchangeable in any country of the Union for a stamp or stamps representing the postage on a single-rate letter for abroad originating in that country. The exchange must, however, be made before the end of the sixth month following the month of issue.

Moreover, the right is reserved to each country to demand that reply coupons and the correspondence to be prepaid by means of the stamps received in exchange for these coupons shall be presented at the same time.

Article 45. (*See* Protocol I.)

Withdrawal of Correspondence. Alteration of Address

1. The sender of a postal packet can have it withdrawn from the post or have its address altered, so long as the article has not been delivered to the addressee.

2. The request to this effect is sent by post or by telegraph at the expense of the sender, who must pay, for every request by post, the charge for a registered single-rate letter, for every request by telegraph, the charge for a telegram, as well as the postal charge, in the case of an alteration of address.

Article 46

Redirection. Undelivered Correspondence

1. No supplementary postage is charged for the redirection of correspondence within the Union, apart from the exceptions provided for in the Detailed Regulations.

The same rule applies to the return of undelivered correspondence to the sender.

2. Correspondence which is redirected or which is undeliverable is delivered to the addressees or senders, against payment of the charges raised on departure or arrival or in course of transmission in consequence of redirection after the first transmission.

3. Correspondence which is not delivered, from whatever cause, must be returned immediately to the country of origin.

The period of retention for correspondence held at the disposal of the addressees or addressed "*poste restante*" is governed by the rules of the country of destination. This period may not, however, exceed six months in relations with countries beyond sea and two months in relations with other countries. The return to the country of origin must take place within a shorter period if the sender has requested it by a note on the address side in a language known in the country of destination.

4. Printed papers of no value are not returned to origin, unless the sender, by means of a note on the outside of the article, has asked for its return.

5. The surcharge on articles addressed "*poste restante*" prescribed by Article 39 is cancelled if the articles are redirected or undelivered.

6. The additional charge provided for in Article 40, § 3, is not cancelled in case of the redirection or non-delivery of an express article.

Article 47

Enquiries

1. For an enquiry in respect of any postal packet a fixed fee not exceeding one franc may be charged.

As regards registered articles, no fee is charged if the sender has already paid the special fee for an advice of delivery.

2. An application is only entertained if made within a year, counting from the day following the posting of the article.

CHAPTER II

Registered Articles

ARTICLE 48. (*See* PROTOCOL VII.)

Charges

1. The articles specified in Article 33 may be registered.

The reply halves of reply-paid postcards cannot, however, be registered by the original senders.

2. The charge on any registered article must be paid in advance. It is made up of:—

(*a*) the postage ordinarily prepayable on the packet according to its class;

(*b*) a fixed registration fee of 40 centimes at most.

3. A receipt must be issued free of charge to the sender of a registered article at the time of posting.

4. Countries prepared to undertake risks arising from causes beyond control are authorized to collect a special charge of 40 centimes at most for each registered article.

ARTICLE 49

Advice of Delivery

The sender of a registered article may obtain an advice of delivery by paying, at the time of posting, a fixed fee of 40 centimes at most.

An advice of delivery may be applied for after the posting of the article within the period fixed by Article 47 for applications, on payment of a fee which may not exceed double that prescribed in the foregoing paragraph.

ARTICLE 50. (*See* PROTOCOL II.)

Responsibility

Except in the cases provided for in the following Article, Administrations are responsible for the loss of registered articles.

The sender is entitled, in respect of the loss, to compensation, of which the amount is fixed at 50 francs per article.

If he has paid an inquiry fee, and if the inquiry has been rendered necessary by a fault of the postal service, the fee is also repaid.

ARTICLE 51

Exceptions in respect of Responsibility

Administrations are relieved from all responsibility for the loss of registered articles:—

(*a*) in circumstances beyond control; the responsibility, however, still attaches to the Administration of origin if it has undertaken to cover risks arising from causes beyond control (Article 48, § 4);

(*b*) which they cannot account for in consequence of the destruction of official documents through a cause beyond control;

(*c*) of which the contents fall within the prohibitions specified in Article 41, § 1;

(*d*) when the sender has not made any application within the period prescribed by Article 47.

ARTICLE 52

Cessation of Responsibility

Administrations cease to be responsible for registered articles which have been delivered under the conditions prescribed by their internal regulations.

For articles addressed "*poste restante*," or held at the disposal of the addressees, responsibility ceases on delivery to a person who has proved his identity according to the rules in force in the country of destination, and whose name and description correspond to those indicated in the address.

ARTICLE 53

Payment of Compensation

The payment of the compensation must be undertaken by the Office to which the despatching office is subordinate, subject to its right to make a claim on the Office responsible.

Article 54

Period for Payment

1. The payment of compensation must take place as soon as possible, and at the latest within six months from the day following the date of the application. This period is extended to nine months in relations with over-sea countries.

2. The Office of origin is authorized to settle with the sender on account of the Office, whether intermediate or of destination, which, duly informed of the application, has let six months pass without settling the matter; this period is extended to nine months in relations with over-sea countries.

The despatching Office may exceptionally postpone settlement of the compensation beyond the period mentioned in the preceding paragraph, when the question whether the loss of the article is due to a cause beyond control is not decided.

Article 55

Fixing of Responsibility

1. Until the contrary is proved, responsibility for the loss of a registered article rests with the Administration which, having received the article without making any observation, and being furnished with all the materials for inquiry prescribed by the regulations, cannot establish delivery to the addressee or regular transfer to the following Office, as the case may be.

If the loss has occurred in course of conveyance without its being possible to ascertain on the territory or in the service of which country the loss took place, the Administrations concerned bear the loss in equal shares. Nevertheless, the whole of the compensation due must be paid to the Office of origin by the first Administration which is unable to establish the regular transfer of the article in question to the next Office. It is left to this Administration to recover from the other responsible Offices the share borne by each in compensating the sender.

2. When a registered article has been lost in circumstances beyond control, the Office on the territory or in the service of which the loss has occurred is responsible to the Office of origin only when both countries undertake risks arising from causes beyond control.

3. By paying compensation the responsible Administration takes over the rights of the person who has received it, up to the amount of this compensation, in any action which may be taken against the sender, the addressee, or third parties.

Article 56

Repayment of compensation to the despatching Office

The Office responsible or on whose account payment is made in accordance with Article 54 is bound to repay to the despatching Office the amount of the compensation within a period of three months after notice of payment.

This repayment is made free of cost to the creditor Office, by means of either a money order or a draft, or in coin current in the creditor country. After the period of three months, the sum due to the despatching Office bears interest, at the rate of 7 per cent per annum, counting from the day of expiry of the said period.

The Office of which the responsibility is duly proved and which has at first declined to pay the compensation must, in addition, bear all additional charges resulting from the unwarranted delay in payment.

Administrations may come to an agreement, however, to liquidate periodically the compensation which they have paid to the senders and which they have agreed to be well founded.

Article 57

Responsibility for Registered Articles outside the Union

Responsibility in regard to registered articles for or from or in transit across countries outside the Union is fixed as follows:

(*a*) for transmission within the limits of the Union, in accordance with the provisions of the Convention;

(*b*) for transmission outside the limits of the Union, in accordance with the conditions notified by the Office of the Union which serves as the intermediate Office.

CHAPTER III

Cash on Delivery Packets

ARTICLE 58

Charges and Conditions. Settlement

1. Registered correspondence marked with trade charges to be collected on delivery may be exchanged between countries of which the Administrations agree to provide this service.

In the absence of any contrary arrangement the amount of the trade charge is expressed in the money of the country in which the packet originated.

The maximum trade charge is equal to the maximum amount fixed for money orders addressed to the country in which the article originated.

Packets marked with trade charges are subject to the same regulations and rates as registered articles.

The sender pays, in addition, a fixed charge which may not be less than 20 centimes nor more than 50 centimes, and a proportional charge of ½ per cent of the amount of the trade charge. The Office or origin may round up this fee to suit its monetary system.

2. The amount collected from the addressee is transmitted to the sender by means of a trade charge money order, which is issued free of commission.

Administrations may agree upon another method of liquidating the sums collected. They may, for example, subject to suitable arrangements, undertake to pay them into a current postal account in the country of destination of the packet.

ARTICLE 59

Cancellation of the amount of the Trade Charge

The sender of a registered article marked with a trade charge can demand the total or partial cancellation of the amount of the trade charge.

Requests of this nature are subject to the same conditions as requests for the withdrawal of correspondence from the post or alteration of address (Article 45).

ARTICLE 60

Responsibility in case of loss of the packet

The loss of a registered article marked with a trade charge involves the responsibility of the postal service under the conditions settled by Articles 50 and 51.

ARTICLE 61

Sums duly collected: Guarantee

The sums duly collected from the addressee, whether or not they have been converted into money orders or paid into a current postal account, are guaranteed to the sender under the conditions laid down in favour of the remitter by the Agreement concerning the Money Money Order service or by the regulations governing the postal cheque and transfer service.

ARTICLE 62

Compensation in case of failure to collect, or of insufficient or fraudulent collection

1. f the packet has been delivered to the addressee without the collection of the trade charge the sender is entitled to compensation, provided that application has been made within the period prescribed by Article 47, § 2, and unless the failure to collect the charge is due to fault or negligence on his part, or unless the contents of the packet fall within the prohibitions prescribed by Article 41.

The same rule applies if the amount collected from the addressee is less than the amount of the trade charge indicated or if it has been collected fraudulently.

The compensation may not, in any case, exceed the amount of the trade charge.

2. By paying compensation the responsible Administration takes over the rights of the sender up to the amount of the compensation in any action which may be taken against the addressee or third parties.

ARTICLE 63

Sums duly collected. Compensation. Payments and Claims

Payment of the sums duly collected as well as of the compensation referred to in the preceding Article must be undertaken by the Administration to which the despatching office is subordinate, subject to its right to make a claim on the Administration responsible.

ARTICLE 64

Period of Payment

The provisions of Article 54 concerning the periods for payment of compensation for the loss of a registered article apply also to the payment of sums collected or of the compensation in respect of packets marked with trade charges.

ARTICLE 65

Fixing of Responsibility

The payment by the Office of origin of sums duly collected, as well as of the compensation prescribed by Article 62, is made on behalf of the Office of destination. The latter is responsible unless it can prove that the fault is due to a breach of the regulations by the Office of origin.

In the case of fraudulent collection following upon the disappearance in the postal service of a trade charge packet, the responsibility of the Offices concerned is fixed in accordance with the provisions of Article 55 for the loss of an ordinary registered article.

ARTICLE 66

Repayment of sums advanced

The Administration of destination is bound to repay to the despatching Administration, under the conditions prescribed by Article 56, the sums which have been advanced on its behalf.

ARTICLE 67

Trade Charge Money Orders

The amount of a trade charge money order which has not been paid to the payee for any reason whatever is not repaid to the office of issue. It is held at the disposal of the payee by the Office which despatched the trade charge packet and accrues definitely to that Office after the expiry of the legal period of validity.

In all other respects, and with the reservations prescribed by the Detailed Regulations, trade charge money orders are subject to the provisions of the Agreement concerning the Money Order service.

ARTICLE 68

Division of Trade Charge fees

The charges referred to in the last paragraph of § 1 of Article 58 are shared equally between the Administrations of origin and destination under the conditions prescribed by the Detailed Regulations.

Where two Offices do not collect a fixed trade charge fee of equal amount, the share to be credited to the corresponding Office is calculated on the basis of the lower fee.

CHAPTER IV

Allocation of Postage Collection. Transit and Warehousing Charges

ARTICLE 69

Allocation of Postage Collections

Except in the cases expressly provided for by the Convention each Administration keeps the whole of the sums which it collects

ARTICLE 70

Transit Rates

1. Correspondence exchanged in closed mails between two Administrations of the Union by means of the services of one or more other Administrations (third services) is subject to transit charges to be paid to each of the countries traversed or whose services take part in the conveyance as indicated in the following table:—

—	Per Kilogramme	
	of letters and post-cards	of other articles
	Fr. c.	Fr. c.
1. Land transits:		
Up to 1,000 Kilometres	0·75	0·10
Above 1,000 up to 2,000 Km	1·00	0·15
" 2,000 " 3,000 "	1·50	0·20
" 3,000 " 6,000 "	2·50	0·30
" 6,000 " 9,000 "	3·50	0·40
" 9,000 Kilometres	4·50	0·50
2. Sea transits:		
Up to 300 nautical miles	0·75	0·10
Above 300 up to 1,500 nautical miles	2·00	0·25
Between Europe and North America	3·00	0·40
Above 1,500 up to 6,000 nautical miles	4·00	0·50
Above 6,000 nautical miles	6·00	0·75

2. The transit charges for sea conveyance over a dstance not exceeding 300 nautical miles are fixed at one-third of the amounts specified in the foregoing paragraph if the Administration concerned already receives on account of the mails conveyed the payment applicable to land transit.

3. In the case of sea conveyance performed by two or more Administrations, the charges paid for the entire transit may not exceed 6 francs per kilogramme of letters and post-cards and 75 centimes per kilogramme of other articles. When the totals of these charges exceed respectively 6 francs and 75 centimes they are shared between the Administrations participating in the service, in proportion to the distances traversed, without prejudice to any other arrangement which may be made between the parties interested.

4. In the absence of any other arrangement, the direct sea conveyance between two countries by means of vessels maintained by one of them is considered as a third service, as well as conveyance between two offices of the same country, by means of services maintained by another country.

5. Correspondence exchanged *à découvert* between two Administrations of the Union is subject irrespective of weight or destination, to the following transit charges per article, namely:—

Letters	6 centimes each
Post-cards	2½ centimes each
Other articles	2½ centimes each

Administrations are, however, authorized to consider as closed mails articles despatched *à découvert* which exceed 250 grammes in weight.

6. As regards transit charges, newspapers or packets of newspapers and periodicals sent in vertue of the Agreement concerning subscriptions to newspapers and periodicals, as well as insured boxes despatched under the agreement concerning insured letters and boxes, are considered as "other articles."

7. An office is authorised to submit for the consideration of a Committee of arbitrators the results of statistics which, in its opinion, differ widely from the real position. The arrangements for arbitration are as laid down in Article 10.

Article 71 (*See* Protocol VIII)

Warehousing Charges

For the warehousing, in a port, of closed mails brought by one Packet and intended to be taken on by another, a fixed payment of 50 centimes per bag is made to the Postal Administration of the place where the mails are warehoused, provided that that Office does not receive payment for a land or sea transit.

Article 72

Exemption from Transit Charges

The correspondence exempt from postage mentioned in Article 43, reply post-cards returned to the country of origin, redirected articles, undelivered articles, advices of delivery, postal money orders, and all other documents relative to the postal service, *e.g.*, communications concerning the postal cheque service, are exempt from all charges for land or sea transit.

Mis-sent mails are regarded, in respect of transit and warehousing charges, as if they had followed their normal route.

Article 73

Extraordinary Services

The transit rates specified in Article 70 do not apply to conveyance within the Union by means of extraordinary services specially established or maintained by one Administration at the request of one or more other Administrations. The conditions of this class of conveyance are regulated by mutual consent between the Administrations concerned.

Article 74

Air Services

1. The transit rates prescribed by Article 70 do not apply to air services established for the transmission of correspondence between two or more countries.

2. The rates for conveyance applicable to each air service are uniform for all Administrations which use the service without sharing in the working expenses.

3. The Postal Administrations of the countries served directly by air services fix by agreement with the Companies concerned the rates for conveyance applicable to the mails loaded at the air-ports in their respective territories for the services performed by the machines of these Companies. Each Administration, however, which maintains an air service retains the right to collect the rates for conveyance by this service directly from each Administration which makes use of it. This right extends to the whole of the route.

4. The transfer, in course of transmission, of mails conveyed successively by several distinct air services must be performed by the Postal Administration of the country in which the transfer takes place. This rule does not apply when the transfer takes place between machines performing successive stages of the same service.

If the mails have to be warehoused before their further transmission by another air service, the Postal Administration concerned is entitled to warehousing charges under the conditions laid down in Article 71.

Apart from these warehousing charges, the Administrations of the countries flown over have no right to any remuneration for mails conveyed by air routes over their territories.

Article 75

Payment and Accounting

1. The cost of transit and warehousing is borne by the Administration of the country of origin.

2. The general accounting for these expenses is based on data obtained from statistics taken once in every five years, during a period of 28 days to be fixed in the Detailed Regulations.

3. When the annual balance of the accounts for transit and warehousing charges between two Administrations does not exceed 1,000 francs, the debtor Administration is relieved of all payment on this account.

Article 76

Transit Charges in relations with Countries outside the Union

1. Offices which have relations with countries situate outside the Union must lend their assistance to all the other Offices of the Union to secure that the correspondence conveyed may be subject outside the Union, as within it, to the transit charges fixed by Article 70.

2. The total charges for sea transit, within and without the Union, may not exceed 15 francs per kilogramme of letters and post-cards and 1 franc per kilogramme of other articles. If necessary these charges are divided, in the ratio of distances, between the Offices taking part in the conveyance.

3. The charges for transit, by land or sea, without as well as within the limits of the Union, on the correspondence to which the present Article applies are established in the same manner as the transit charges relating to correspodnence exchanged between Union countries by means of the services of other countries of the Union.

Article 77

Exchange of Closed Mails with Ships of War

1. Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanding officers of naval divisions or ships of war of the same country stationed abroad, or between the commanding officer of one of those naval divisions or ships of war and the commanding officer of another division or ship of the same country, through the medium of the land or sea services maintained by the other countries.

2. Correspondence of every description enclosed in these mails must consist exclusively of such as is addressed to or sent by the officers and crews of the ships to or from which the mails are forwarded; the rates and conditions of despatch applicable to them are settled, according to its internal regulations, by the Postal Administration of the country to which the ships belong.

3. In the absence of any contrary arrangement between the Offices concerned, the Post Office which despatches or receives the mails in question is accountable to the intermediate Offices for transit charges calculated in accordance with the provisions of Article 70.

MISCELLANEOUS PROVISIONS

Article 78

Freedom of Transit: Non-observance

When a country does not observe the provisions of Article 25, relating to freedom of transit, Administrations have the right to suppress the postal service with that country. They must give previous notice of this measure, by telegraph, to the Administration concerned.

Article 79

Undertakings

The contracting countries undertake to adopt, or to propose to their respective legislatures, the necessary measures:

(*a*) for punishing the counterfeiting and the fraudulent use of international reply coupons, the fraudulent use, for the prepayment of correspondence, of counterfeit or used postage stamps as well as of counterfeit impressions of stamping machines or of impression already used;

(b) for prohibiting and suppressing the fraudulent manufacture, sale, hawking, or distribution of impressed and adhesive stamps in use in the postal service, forged or imitated in such a manner that they could be mistaken for the impressed and adhesive stamps issued by the Administration of any one of the contracting countries;

(c) for punishing the fraudulent manufacture and circulation of postal identity cards, as well as the fraudulent use of these cards;

(d) for preventing and, if necessary, for punishing the insertion of opium, morphine, cocaine and other narcotics in postal packets, unless their insertion is expressly authorized by the Convention and Agreements of the Union.

FINAL PROVISIONS

Article 80

Entry into Force and Duration of the Convention

The present Convention shall come into force on the 1st of October, 1925, and shall remain in operation for an indefinite period.

In faith whereof the plenipotentiaries of the above-named countries have signed the present Convention in a single copy which shall remain in the Archives of the Government of Sweden and of which a copy shall be delivered to each party.

Done at Stockholm, the 28th of August, 1924.

[Here follow the signatures:]

II

FINAL PROTOCOL OF THE CONVENTION

At the moment of proceeding to sign the Universal Postal Convention concluded this day, the undersigned plenipotentiaries have agreed as follows:

I

Withdrawal of Correspondence

The provisions of Article 45 of the Convention do not apply to Great Britain and to the British Dominions, Colonies and Protectorates, of which the internal legislation does not permit the withdrawal of correspondence at the request of the sender.

II

Equivalents: Maximum and Minimum Limit

1. Each country has the right to increase up to 60 per cent or to reduce by as much as 20 per cent the postage rates prescribed by Article 34, § 1, as indicated in the following table:

—	Lower limit (gold value)	Higher limit (gold value)
	centimes	centimes
Letters first unit	20	40
Letters each succeeding unit	12	24
Post-cards single	12	24
Post-cards reply-paid	24	48
Printed Papers (per 50 grammes)	4	8
Blind Literature (per 1,000 gr.)	4	8
Commercial Papers (per 50 gr.)	4	8
Do (minimum charge)	20	.....
Samples of merchandise (per 50 grammes)	4	8
Samples of merchandise (minimum charge)	8	.....

The rates adopted must, as far as possible, maintain the same proportions to one another as the basic rates, each Office being empowered to round up its rates to suit its currency.

2. It is open to each country to reduce to 10 centimes the postage on a single post-card and to 20 centimes that on a reply-paid post-card.

3. The printed papers rate may exceptionally be reduced to 3 centimes for each 50 grammes.

4. Each Office is free to fix the amount to be paid to its own nationals in respect of the compensation prescribed by Article 50.

The sum of 50 francs is, however, taken as the basis of settlement of accounts between the Offices concerned.

5. The rates adopted by a country apply to the charges to be collected on unpaid or insufficiently prepaid inward correspondence.

III

Right to declare Prepayment obligatory

When a country allows its postage rates to fall below 20 centimes for a single-rate letter and below the proportional amount for post-cards and other articles, other countries are authorised to declare prepayment obligatory so far as that country is concerned and may deliver without surcharge unpaid or insufficiently prepaid correspondence coming from that country. It remains understood that that country also has the right to make prepayment obligatory.

Each country is also empowered not to accept reply-paid post-cards in the service with another country when the difference between the postage rates of the two countries is such that the use of these cars may give rise to abuses on the part of the public.

IV

Posting of Correspondence Abroad

Each country is authorised to take all measures it may consider desirable to prevent correspondence originating on its territory from being conveyed across the frontier to be posted abroad. It has, in particular, the right to charge at its inland rate or to return to origin correspondence addressed to persons or firms in the interior of the country which persons or firms domiciled in the same country post or cause to be posted abroad in order to take advantage of lower rates of postage. The method of collecting the charges is left to the option of the country concerned.

V

Ounce avoirdupois

As an exceptional measure, it is agreed that countries which, by reason of their internal regulations, are unable to adopt the decimal-metric system of weight, are empowered to substitute for it the ounce avoirdupois (28.3465 grammes) taking one ounce as equivalent to 20 grammes for letters, and two ounces as equivalent to 50 grammes for printed papers, commercial papers and samples.

VI

Reply Coupons

Administrations have the right not to undertake the sale of reply coupons.

They are authorised to restrict the number of reply coupons sold to or exchanged for the same person on any one day. In this case, they notify their decision to the International Bureau which communicates it to the Administrations of the Union.

The Postal Administrations of Persia and Uruguay are empowered provisionally not to sell and exchange reply coupons.

VII

Registration Fee

The countries which cannot fix at 40 centimes the registration fee prescribed by Article 48, § 2, of the Convention are authorised to charge a fee which may amount to 50 centimes at most.

VIII

Warehousing Charges

Exceptionally, the Portuguese Administration is authorized to collect for all the mails transtranshipped at the port of Lisbon the warehousing charges prescribed by Article 71.

IX

Protocol left open to the Countries not represented

As Ecuador, Guatemala, the Republic of Honduras, Nicaragua and Salvador, which form part of the Postal Union, were not represented at the Congress, the Protocol remains open to them in order to adhere to the Convention and the Agreements there concluded, or only to one or other of them.

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The Protocol also remains open, with the same object, to the Commonwealth of Australia, of which the delegate was obliged to absent himself at the moment when the Acts were signed.

X

Protocol left open to the Countries represented for signature and adhesions

The Protocol remains open to those countries whose representatives have to-day signed only the Convention, or only a certain number of the Agreements drawn up by the Congress, in order to permit them to adhere to the other Agreements signed this day, or to one or other of them.

XI

Period for the notification of adhesions by the Countries of the Union not represented

The adhesions referred to in Article IX above must be notified diplomatically to the Government of the Kingdom of Sweden by the respective Governments, and by it to the States of the Union. The period allowed for this notification will expire on the 1st September, 1925.

XII

Select Committee (Commission d'Etudes)

A Committee, composed of the representatives of fourteen Administrations, is directed to enquire into and to find ways and means by which the work of Congresses may be simplified and progress hastened.

The result of its enquiries will be submitted to the Administrations for decision, and in such time as will permit of its application to the next Congress.

For this purpose the said Committee is authorised to formulate all such proposals as it may consider advisable and these will come into force if they receive the majority of the votes recorded.

The International Bureau will provide for the secretarial work of the Committee thus set up, and its Director will take part in the deliberations.

In faith whereof the undermentioned plenipotentiaries have drawn up the present Protocol, which shall have the same force and validity as if the provisions which it contains were inserted in the text itself of the Convention to which it relates, and they have signed it in a single copy which shall remain in the Archives of the Government of Sweden and of which a copy shall be delivered to each party.

Done at Stockholm, the 28th of August, 1924.

[*Here follow the same signatures as are appended to the Convention.*]

III

DETAILED REGULATIONS FOR THE EXECUTION OF THE UNIVERSAL POSTAL CONVENTION

Concluded between the UNION OF SOUTH AFRICA, ALBANIA, GERMANY, UNITED STATES OF AMERICA, the whole of the ISLAND POSSESSIONS of the UNITED STATES OF AMERICA other than the PHILIPPINE ISLANDS, the PHILIPPINE ISLANDS, ARGENTINE REPUBLIC, the COMMONWEALTH OF AUSTRALIA, AUSTRIA, BELGIUM, the COLONY OF THE BELGIAN CONGO, BOLIVIA, BRAZIL, BULGARIA, CANADA, CHILE, CHINA, REPUBLIC OF COLOMBIA, REPUBLIC OF COSTA RICA, REPUBLIC OF CUBA, DENMARK, the FREE CITY OF DANZIG, DOMINICAN REPUBLIC, EGYPT, ECUADOR, SPAIN, the SPANISH COLONIES, ESTONIA, ABYSSINIA, FINLAND, FRANCE, ALGERIA, the FRENCH COLONIES AND PROTECTORATES OF INDO-CHINA, the whole of the other FRENCH COLONIES, GREAT BRITAIN and various BRITISH COLONIES AND PROTECTORATES, GREECE, GUATEMALA, REPUBLIC OF HAITI, REPUBLIC OF HONDURAS, HUNGARY, BRITISH INDIA, the IRISH FREE STATE, ICELAND, ITALY, the whole of the ITALIAN COLONIES, JAPAN, CHOSEN (KOREA), the whole of the other JAPANESE DEPENDENCIES, LETTONIA, REPUBLIC OF LIBERIA, LITHUNIA, LUXEMBURG, MOROCCO (except the Spanish Zone), MOROCCO (SPANISH ZONE), MEXICO, NICARAGUA, NORWAY, NEW ZEALAND, REPUBLIC OF PANAMA, PARAGUAY, NETHERLANDS, DUTCH EAST INDIES, DUTCH COLONIES in AMERICA, PERU, PERSIA, POLAND, PORTUGAL, PORTUGUESE COLONIES IN AFRICA, PORTUGUESE COLONIES IN ASIA and OCEANIA, ROUMANIA, REPUBLIC OF SAN MARINO, SALVADOR, TERRITORY of the SARRE, KINGDOM of the SERBS, CROATS and SLOVENES, KINGDOM OF SIAM, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA, TUNIS, TURKEY, the UNION OF SOVIET SOCIALIST REPUBLICS, URUGUAY, and UNITED STATES OF VENEZUELA.

The undersigned, having regard to Article 4 of the Universal Postal Convention concluded at Stockholm on the 28th of August, 1924, have, in the name of their respective Administrations, settled by mutual consent the following measures for ensuring the execution of the said Convention.

PART I

General Provisions

CHAPTER I

Article 1

Transit in Closed Mails and à découvert

Administrations may send reciprocally through the medium of one or more of them, both closed mails and correspondence *à découvert,* according to the needs of the traffic and the requirements of the service.

Article 2

Exchange in Closed Mails

1. The exchange of correspondence in closed mails is regulated by mutual consent between the Administrations concerned.

The making up of closed mails is obligatory whenever a request to that effect is made by one of the intermediate Administrations on the ground that the amount of correspondence sent *à découvert* is such as to hinder its work.

2. The Administrations through the medium of which closed mails are to be forwarded must be given suitable notice.

3. In case of alteration in an exchange of closed mails established between two Administrations through the medium of one or more other countries, the Administration which has originated the alteration notifies it to the Administrations of these countries.

Article 3

Routing of Mails

1. Each Administration is bound to forward, by the most rapid routes that it uses for its own mails, closed mails and correspondence *à découvert* which are delivered to it by another Administration.

When a mail is composed of several bags, these bags must as far as possible be kept together and be forwarded by the same despatch.

Mis-sent correspondence of all kinds is re-forwarded without delay, by the quickest route, to destination.

2. The Administration of the country of origin is entitled to prescribe the route to be followed by the closed mails which it sends, provided that the use of that route does not entail special expense on an intermediate Administration.

3. Administrations which avail themselves of the power to levy supplementary charges, as representing the extraordinary expenses pertaining to certain routes, are free not to forward insufficiently paid correspondence by those routes.

Article 4

Fixing of Equivalents

1. Administrations fix the equivalents of the postage rates and fees laid down by the Convention and Agreements in agreement with the Swiss Postal Administration whose duty it is to notify the equivalents through the International Bureau.

Each Administration notifies directly to the International Bureau the amount of the compensation prescribed by Article 50 of the Convention.

The equivalents can only enter into force on the first day of a month and at the soonest 15 days after their notification by the International Bureau.

The International Bureau draws up a table indicating, for each country, the equivalents of the postage rates and fees mentioned in the first paragraph above.

2. When an alteration of equivalents is considered necessary the Administration of the country concerned must follow the procedure indicated in the foregoing paragraph.

The new equivalents can only enter into force on the first day of a month and at the soonest 15 days after their notification by the International Bureau.

3. Monetary fractions resulting either from the surcharge on insufficiently paid correspondence, or from the fixing of the rates on correspondence exchanged with countries outside the Union, or from the combination of the Union charges with the surtaxes contemplated by Article 38 of the Convention, may be rounded up by the Administrations which collect the charges. But the sum to be added on this account may in no case exceed the value of one-twentieth of a franc (five centimes).

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Article 5

Postage Stamps and "Postage Paid" Impressions

1. The postage stamps representing the basic rates of the Union or their equivalent in the currency of each country are printed in the following colours:

in dark blue, the stamp representing the postage on a single-rate letter;

in red, the stamp representing the postage on a post-card;

in green, the stamp representing the postage for a single unit of weight of other articles.

Impressions produced by postal franking machines must be bright red in colour, whatever the value represented by them.

2. Postage stamps and impressions of postal franking machines must, as far as possible, include in Roman characters an indication of the country of origin and mention their postage value according to the table of equivalents adopted.

The number of monetary units or fractions of the unit used to express this value is indicated in Arabic figures.

3. Commemorative stamps or charity stamps, for which a supplementary charge is to be paid independently of their postage value, must be produced in such a way as to leave no doubt about the latter.

4. Postage stamps may be specially perforated by means of a punch, subject to the conditions prescribed by the Administration issuing them.

PART II

Conditions of Acceptance of Correspondence

CHAPTER I

Address. Regulations Applicable to all Classes of Articles

Article 6

Address. Position of postage stamps, etc.

Administrations must recommend the public:

1. to address postal packets, in Roman characters, in the lower portion of the front and parallel to the length of the article;
2. to indicate the address in a manner sufficiently precise to enable delivery to the addressee to be effected without enquiry;
3. to affix postage stamps in the top right-hand corner of the address side; the impressions of postal franking machines must also be applied in that place;
4. to indicate the address of the sender.

Stamps other than postage stamps, stamps in aid of charitable objects, and others which might be mistaken for postage stamps must not be affixed to the address side. The same rule applies to impressions of stamps which might be mistaken for impressions of postal franking machines.

Article 7

Poste Restante

The address of articles addressed "*poste restante*" must give the names of the addressee. The use of initials, figures, christian names without surnames, fictitious names or conventional marks of any kind is not admitted for these articles.

Article 8

Panel Envelopes

1. Articles in envelopes with a transparent panel are admitted under the following conditions:

(*a*) the transparent panel must be parallel to the length of the envelope, so that the address of the addressee appears in the same direction and the application of the date-stamp is not interfered with.

(*b*) the panel must be sufficiently transparent for the address to be perfectly legible, even in artificial light, and must take writing.

Panel envelopes of which the transparent portion reflects artificial light are excluded from transmission.

2. Articles in envelopes entirely transparent or in envelopes with an open panel are not admitted.

CHAPTER II

Special Regulations applicable to each class of article

Article 9

Letters

No conditions as to form or make-up are prescribed for letters, except that the regulations specified in Article 8 above must be observed.

Letters containing articles liable to Customs charges must, however, bear on the address side a green label identical with Form D^ter^ annexed.

These letters may also bear a green label identical with Form D^quater^, provided that they are accompanied by a separate Customs Declaration attached to the letter by a string tied cross-wise, or placed inside it.

Administrations assume no responsibility in respect of Customs Declarations.

Article 10

Single Postcards

1. Post-cards must be made of cardboard or of paper stout enough to be easily handled. They must bear on the address side the heading "*Carte postale*" in French, or the equivalent of this heading in another language. This heading is not obligatory for post-cards of private manufacture.

2. Post-cards must be sent unenclosed, that is to say, without wrapper or envelope.

3. The right-hand half at least of the address side is reserved for the address, for indications relating to the postal service and for official labels. The sender may make use of the back and of the left-hand half of the address side, subject to the provisions of paragraph 4 below.

Post-cards of which the whole or a part of the address side has been marked off into several divisions intended to receive successive addresses are prohibited.

4. The public is forbidden to join or attach to post-cards samples of merchandise or similar articles. Nevertheless, illustrations, photographs, stamps of any kind, address labels or slips to fold back for address purposes, labels and cuttings of any kind may be affixed to them, provided that these articles are not of such nature as to alter the character of the post-cards, that they consist of paper or other very thin substance and that they adhere completely to the card. These articles may only be affixed to the back or to the left-hand half of the address side of post-cards, with the exception of address labels or slips, which may occupy the whole of the address side. Stamps of all kinds liable to be mistaken for postage stamps may be affixed only to the back.

5. Post-cards which do not comply with the conditions laid down for this class of correspondence are treated as letters.

Article 11

Reply-Paid Post-cards

1. Reply-paid post-cards must bear on the face in French, as heading on the first half, the words "*Carte postale avec réponse payée,*" on the second half "*Carte postale-réponse.*" Each of the two halves must, moreover, comply with the other conditions laid down for single post-cards; one half is doubled over the other and they may not be closed in any way.

2. The address of the reply half must be on the inside.

The sender of a reply-paid post-card may indicate his name and address on the face of the "Reply" half, either in writing, or by affixing a label.

3. The prepayment of the "Reply" half by means of the postage stamp of the country which has issued the card is valid only if the two halves of the reply-paid post-card were attached to each other when received from the country of origin, and if the "Reply" half is despatched from the country where it has been received by post to the said country of origin.

If these conditions are not complied with, it is treated as an unpaid post-card.

Article 12

Commercial Papers

1. The following are considered as Commercial Papers: all papers and all documents, whether writings or drawings, produced wholly or partly by hand, not having the character of an actual and personal correspondence, such as open letters and out-of-date post-cards which have already fulfilled their original purpose, papers of legal procedure, documents, of all kinds drawn up by public functionaries, way bills or bills of lading, invoices, certain

documents of insurance companies, copies of or extracts from deeds under private seal, written on stamped or unstamped paper, musical scores or sheets of music in manuscript, the manuscripts of works or of newspapers forwarded separately, pupils' exercises in original or with corrections, but without any note which does not relate directly to the execution of the work.

These documents may be accompanied by reference slips or statements showing the following or similar particulars: list of the papers included in the packet, references to correspondence exchanged between the sender and the addressee, such as:

"Annex to our letter of .....
to Mr. .....
Our reference .....
Your reference..... ....."

2. Commercial Papers are subject, so far as regards form and make-up, to the regulations laid down for Printed Papers (Article 20 below).

Article 13

Samples

Samples of merchandise must be placed in removable bags, boxes, or covers.

Packing is not obligatory for articles consisting of one piece, such as pieces of wood, metal, &c., which it is not the custom of the trade to pack, provided that, in that case, the address and the postage stamps appear on a label. The address, however, must always be repeated on the article itself, otherwise packing may be insisted upon.

Article 14

Articles specially admitted at Sample rate

Transmission at the sample rate is accorded to printers' blocks, keys sent singly, fresh-cut flowers. articles of natural history (dried or preserved animals and plants, geological specimens, &c.), tubes of serum and pathological objects rendered harmless by their mode of preparation and packing. These articles, except tubes of serum sent in the general interest by laboratories or institutions officially recognised, may not be sent for a commercial purpose. Their packing must be in accordance with the general regulations concerning samples of merchandise.

Article 15

Samples. Authorized Annotations

It is permissible to indicate by hand or by a mechanical process, outside or inside packets containing samples, the name, position, profession, firm and address of the sender and of the addressee, as well as the date of despatch, the signature, telephone number, telegraphic address and code, postal cheque or banking account of the sender, a manufacturer's or trade mark, numbers, prices and particulars relating to weight, measurement and size, or to the quantity to be disposed of, and such as are necessary to determine the origin and the character of the goods.

Article 16

Samples. Special Packing

Articles of glass, packets containing liquids, oils, fatty substances, dry powders, whether dyes or not, as well as packets of live bees, and of silk-worm eggs are transmissible as samples of merchandise, provided that they are packed in the following manner:

(*a*) articles of glass must be securely packed (boxes of metal, wood, or strong corrugated cardboard) so as to prevent all danger to postal officers and to correspondence;

(*b*) liquids, oils, and substances which easily liquefy must be enclosed in glass bottles hermetically sealed. Each bottle must be placed in a special box of metal, wood or strong corrugated cardboard containing sawdust, cotton, or spongy material in sufficient quantity to absorb the liquid in the event of the bottle becoming broken. The box itself, if it is of thin wood, must be enclosed in a second case of metal, of wood with a lid screwed down, of strong corrugated cardboard, or of stout thick leather.

When, however, a perforated wooden block is used having a thickness of at least 2½ millimetres in the thinnest part and fitted with a lid, it is not necessary to enclose this block in a second case;

(*c*) fatty substances which do not easily liquefy, such as ointments, soft-soap, resin, etc., as well as silk-worm eggs, the transmission of which presents fewer difficulties, must be enclosed in an inner cover (box, bag of linen or parchment, etc.) which must itself be placed in a second box of wood, metal, or stout thick leather;

(*d*) dyes, such as aniline, etc., are not admitted unless enclosed in stout tin boxes, placed inside wooden boxes with sawdust between the two covers; dry non-colouring powders must be placed in boxes of metal, wood, or cardboard. These boxes must be themselves enclosed in a bag of linen or parchment;

(*e*) samples of liquids and fatty substances, and those enclosed in linen or paper envelopes of little strength, must have a label attached, preferably of parchment, with the address of the addressee, the postage stamps and the impression of the date-stamps. The address must be repeated on the article itself;

(*f*) live bees must be enclosed in boxes so constructed as to avoid all danger;

(*g*) articles, such as tinned foods, which would be spoilt if packed in the prescribed manner may exceptionally be admitted in a cover hermetically sealed. In that case, the Administrations concerned may require the sender or the addressee to assist in the check of the contents, either by opening certain packets indicated by them or in some other satisfactory manner.

Article 17

Printed Papers

1. The following are considered as Printed Papers:—Newspapers and periodicals, books, sewn or bound, pamphlets, sheets of music (excluding perforated sheets intended to be used with automatic musical instruments), visiting cards, address cards, proofs of printing with or without the relative manuscript, engravings, photographs and albums containing photographs, pictures, drawings, plans, maps, catalogues, prospectuses, advertisements, and notices of various kinds, printed, engraved, lithographed or mimeographed, and, in general, all impressions or copies obtained upon paper, parchment, or cardboard by means of printing, engraving, lithography, mimeography, or any other mechanical process easy to recognise except the copying-press, a type-set hand-stamp, and the typewriter.

Cards bearing the heading "*Carte Postale*" or the equivalent of this heading in any language are admitted at the rate for Printed Papers, provided that they conform to the general conditions applicable to Printed Papers. Those which do not fulfil these conditions are treated as post-cards or letters, as the case may be, under the provisions of Article 10, § 5, of the Detailed Regulations.

2. Printed Papers which bear any marks whatever capable of constituting a conventional language or, save the exceptions specifically authorised by Article 19, those of which the text has been modified after printing, may not be sent at the reduced rate.

3. Stamps or forms of prepayment, obliterated or not, as well as all printed papers representing a monetary value are excluded from transmission at the reduced rate.

The same rule applies to articles of stationery, properly so-called, when it is clearly evident that the printed portion is not the essential part of the article.

Article 18

Articles specially admitted at Printed Paper Rate

Reproductions of a manuscript or typewritten original are treated as Printed Papers, when they are obtained by a mechanical manifolding process such as hectography, etc.; but, in order to pass at the reduced postage, these reproductions must be handed over the counter of a post office to the number of at least 20 packets containing precisely identical copies. The manuscript additions authorised for Printed Papers may also be made to these reproductions.

Article 19

Printed Papers. Authorised Annotations

1. It is allowed, outside or inside a packet of Printed Papers:

(*a*) to indicate by hand or by a mechanical process, the name, position, the profession, firm, and the address of the sender and of the addressee, as well as the date of despatch, the signature, telephone number, telegraphic address and code, and postal cheque or banking account of the sender;

(*b*) to correct errors in printing;

(*c*) to strike out, to underline, or to enclose by marks, certain words or certain parts of a printed text, unless this is done with the object of constituting personal correspondence.

2. It is also allowed to indicate or to add by hand or by a mechanical process:—

(*a*) in advices of the departures and arrivals of ships:

the date and times of departures and arrivals, as well as the names of the ships and the ports of departure, call and arrival;

(*b*) in travellers' advices:

the name of the traveller, the date, time and place of his intended visit, and the address at which he is staying;

(*c*) in forms of order or subscription for publications, books, newspapers, engravings, pieces of music:

the works required or offered, as well as the price of these works;

(*d*) on pictorial cards and printed visiting cards and also on Christmas and New Year cards:

good wishes, congratulations, thanks, condolences, or other formulas of courtesy, expressed in five words or by means of five conventional initials at most;

(*e*) in proofs of printing:

alterations and additions concerned with corrections, form and printing, and also notes such as "Passed for press," "Read—Passed for press" or any similar note concerned with the execution of the work. In case of want of space these additions may be made on separate sheets;

(*f*) in fashion plates, maps, etc.:

colours;

(*g*) in price-lists, tenders for advertisements, stock and share lists, market quotations, trade circulars and prospectuses:

figures, and any other notes representing essential elements of the price;

(*h*) on books, pamphlets, newspapers, photographs, engravings, sheets of music, and in general on all literary or artistic productions, printed, engraved, lithographed or mimeographed.

a dedication consisting simply of an expression of regard;

(*i*) to cuttings from newspapers and periodicals:

the title, date, number, and address of the publication from which the article is extracted.

3. It is, moreover, allowed to enclose:

(*a*) with proofs of printing, whether corrected or not:

the "copy";

(*b*) with articles of the categories mentioned under § 2, (*h*):

the relative invoice.

Article 20

Printed Papers. Make-up

1. Printed Papers must be either placed in wrappers, upon rollers, between boards, in cases open at both sides or at both ends, or in unclosed envelopes, or secured with a string easy to untie, or simply folded, but in such a manner that other articles cannot slip into their folds.

2. Address cards and all printed papers of the form and substance of a card, either unfolded, or folded as indicated in § 1, may be forwarded without wrapper, envelope or fastening.

Article 21

Articles grouped together

It is permissible to enclose in one and the same packet Commercial Papers, Samples of merchandise and Printed Papers, but not printed papers intended for the blind, subject to the following conditions:

(*a*) that each article taken singly does not exceed the limits which are applicable to it as regards weight and size;

(*b*) that the total weight does not exceed 2 kilogrammes per packet;

(*c*) that the charge is at least the minimum charge for Commercial Papers if the packet contains Commercial Papers, and the minimum charge for Samples if it consists of printed matter and Samples.

PART III

Registered Articles

Advice of Delivery

CHAPTER I

Article 22

Registered Articles

1. Registered articles must be conspicuously marked "*Recommandé*" at the head of the address side, or bear a similar indication in the language of the country of origin. Letters to be registered may not show any trace of opening and reclosing before posting. Otherwise, no special condition as to form, make-up or address is prescribed for these articles apart from the exceptions below.

2. Correspondence addressed to initials, or in pencil, except copying-ink pencil, is not admitted to registration.

3. Articles forwarded in envelopes with a transparent panel are admitted only if the panel forms an integral part of the envelope.

4. Unpaid or insufficiently paid registered articles exceptionally admitted to the post are treated like unregistered articles so far as the deficiency is concerned.

5. Registered articles must bear in the upper left-hand corner of the address side a label identical with, or similar to, Form B annexed, showing in Roman characters the letter R, the name of the office of origin and the serial number under which the article is entered in the records of that office.

Nevertheless, Administrations whose inland regulations do not at present permit of the use of labels may postpone the introduction of this arrangement, and distinguish registered articles by using stamps "*Recommandé*" or "R," by the side of which must appear the name of the office of origin and the serial number. These stamps also must be impressed in the upper left-hand corner of the address side.

No serial number, transit number, etc., may be placed on the address side of a registered article by an intermediate Office, so that post offices may not be misled by the entry of the article in official documents under a number other than the number of origin.

Article 23

Advice of Delivery

1. Articles for which the sender requires an advice of delivery must be marked conspicuously with the words "*Avis de réception,*" or be stamped with the letters A.R.

2. They are accompanied by a form of the thickness of a post-card identical with or similar to Form C annexed; this form is made out by the office of origin or by any other office which the despatching Office may appoint, and is securely attached to the outside of the article to which it relates. If it does not reach the office of destination, the latter makes out a new advice of delivery.

3. The office of destination, after having duly filled up form C, returns it in the ordinary mail unenclosed and free of postage to the address of the sender of the article.

4. When the sender enquires for an advice of delivery which has not been returned to him after a proper interval, enquiry is instituted in accordance with the rules laid down in the following Article. In this case a second fee is not charged and the office of origin enters at the top of the form C the note "*Duplicata de l'avis de réception,* etc."

Article 24

Advice of Delivery applied for after posting

1. When the sender applies for an advice of delivery of a registered article after the article has been posted, the office of origin enters in a form C the appropriate particulars.

This form is attached to an enquiry form I to which is affixed a postage stamp representing the fee due, and treated as provided in Article 44 hereafter, with the single exception that, in case of the due delivery of the article to which the advice of delivery relates, the office of destination withdraws the form I and returns to origin form C, of which the back has been duly completed, in the manner prescribed by § 3 of the preceding Article.

2. The special arrangements adopted by Administrations in virtue of Article 44 hereafter for the transmission of enquiries respecting registered articles are applicable to requests for advices of delivery made after the articles have been posted.

PART IV

Cash on Delivery Packets

CHAPTER I

Article 25

Particulars to be shown on the packet

1. Registered articles marked with trade charges must bear on the address side the heading "*Remboursement,*" written or printed conspicuously, followed by the amount of the trade charge expressed in words in Roman characters, and in Arabic figures, without erasure or correction, even if certified.

2. The sender must, in addition, give on the front or on the back of the packet, his name and address in Roman characters.

Article 26

Label

Articles marked with trade charges must bear on the address side an orange-coloured label corresponding exactly to Form D annexed.

ARTICLE 27

Trade Charge Money Order

Every packet marked with a trade charge is accompanied by a trade charge money order form, light green in colour, identical with or similar to Form D^{bis} annexed. This form must bear a statement of the amount of the trade charged in the currency of the country of origin, and show as a general rule the sender of the packet as payee of the money order. Each Administration is, however, free to have the money orders relating to the packets originating in its service addressed to the offices of origin of the packets or to other of its offices. The counterfoil of the trade charge money order must show the name and address of the addressee of the packet as well as the place and date of posting.

The form is securely attached to the article to which it relates.

ARTICLE 28

Conversion of the Amount of Trade Charges

Unless a different arrangement is made, the amounts of trade charges are converted into the currency of the country of destination by the Administration of that country, which uses the same rate of conversion as it uses for the conversion of money orders drawn on the country of origin of the packets.

ARTICLE 29

Period for Payment

The amount of the trade charge must be paid within a period of 7 days, reckoning from the day after that of the arrival of the packet at the office of destination. This period may be extended to 28 days at most by Administrations whose legislation so requires. On the expiration of the period of retention, the article is sent back to the office of origin. The sender may, however, request, by a note, the immediate return of the article if the addressee refuses to pay the amount of the trade charge when the article is first tendered to him.

ARTICLE 30

Reduction or Cancellation of Trade Charges

Requests for cancellation or reduction of trade charges are subject to the rules and formalities prescribed by Article 41 below.

Every request for reduction of the amount of a trade charge must be accompanied by a new trade charge money order form indicating the amended amount.

ARTICLE 31

Redirection

Registered packets marked with trade charges may be redirected if the new country of destination maintains, with that of origin, an exchange of packets of this category. In that case, the packets are accompanied by trade charge money order forms made out by the service of origin. The new Office of destination acts in the settlement of the trade charges as if the packets had been forwarded to it directly.

ARTICLE 32

Issue of the Trade Charge Money Order

Immediately after collecting the amount of the trade charge, the office of destination or any other office appointed by the Administration of the country of destination, fills in the portion of the trade charge money order headed *"Indications de service"* and, after impressing it with the date-stamp of the office, returns it free of postage to the address shown.

Trade charge money orders are paid to the senders of the packets under the conditions fixed by each Administration.

ARTICLE 33

Trade Charge Money Order Forms cancelled or replaced

1. Trade charge money order forms cancelled or replaced are destroyed by the Office of the country of destination of the packets marked with trade charges.

2. The forms relating to packets marked with trade charges which, for any reason whatsoever, are returned to origin, must be cancelled by the Office which returns the packets.

3. When the forms relating to packets marked with trade charges are mislaid, lost, or destroyed before the collection of the trade charge, the office of destination prepares duplicates on forms D^{bis} showing thereon the particulars which would have been entered by the despatching office.

Article 34

Trade Charge Money Orders undelivered or not cashed

1. Trade charge money orders which it has not been possible to deliver to the payees are, after having been subjected if necessary to the formalities prescribed for extending the period of validity, receipted by the Office of origin of the relative packets and claimed from the Office which has issued them.

The same rule applies to trade charge money orders which have been delivered to the payees and not cashed. These orders must, however, be previously replaced by authorities to pay prepared by the Office which has issued the money orders.

2. Authority to extend the period of validity of trade charge money orders and authorities to pay (*autorisations de payement*) are accorded under the conditions laid down in the Agreement concerning the Money Order service.

Article 35

Accounting on Trade Charge Money Orders

1. In the absence of agreement to the contrary, the accounting relative to trade charge money orders paid by each Administration on behalf of another Administration is effected by means of supplements (Form Q^{bis} annexed) to the monthly Money Order accounts.

2. In these supplements, which are accompanied by the paid and receipted trade charge money orders, the orders are entered in alphabetical order of the offices of issue and in numerical sequence of their entry in the records of these offices. The Office which has drawn up the account deducts from the total of its credit a quarter per cent, plus the share of the fixed charge accruing to the corresponding Office in conformity with Article 68 of the Convention.

3. The balance of the account Q^{bis} is added, as far as possible, to that of the monthly Money Order account for the same period. The check and the settlement of these accounts are effected in accordance with the rules fixed by the Detailed Regulations of the Money Order Agreement.

PART V

Despatch and Receipt of Correspondence

CHAPTER I

Article 36

Date-stamp Impressions

1. Correspondence originating in countries of the Union is impressed on the front with a stamp indicating, as far as possible in Roman characters, the place of origin and the date of posting.

In localities with several post offices, the obliterating stamps must indicate the office of posting.

2. All valid postage stamps must be obliterated.

Postage stamps not cancelled through error or oversight on the part of the office of origin must be cancelled by the office which detects the irregularity.

3. Mis-sent correspondence must be date-stamped by the office which it has reached by mistake. This obligation is imposed not only on stationary offices, but also on travelling post offices as far as possible.

4. The stamping of correspondence posted on board Mail Packets in movable boxes or handed to postal officials on board or to the commanders must be done, in the cases contemplated by paragraph 3 of Article 42 of the Convention, by the postal official on board, or, if there is none, by the post office to which the correspondence is handed over. In the latter case this office impresses the correspondence with its ordinary date-stamp, and adds the word *"Paquebot,"* either in manuscript or by means of a stamp.

5. Correspondence originating in countries outside the Union is impressed on the front, by the Office which first receives it, with a stamp indicating the place and date of entry into the service of that Office.

Article 37

Express Articles

1. Articles to be delivered by express are provided with a printed label, dark red in colour, bearing in large letters the word "Express." Administrations are, however, authorised to replace the label by the impression of a stamp, or by a postage-stamp bearing the word "Express."

Correspondence which has been marked "Express" and which has been treated in accordance with the provisions of Article 48 by the office of origin is delivered by special messenger, even when prepayment has been omitted or is insufficient. These articles are treated like ordinary correspondence so far as the deficiency is concerned.

Article 38

Articles Unpaid or insufficiently Prepaid

1. Correspondence on which any charge whatever has to be collected after posting, either from the addressee, or in the case of undelivered correspondence, from the sender, is impressed with the stamp T (tax to be paid).

The amount to be collected is also indicated on these articles in francs and centimes, by a stamp or other means, in legible figures placed in the upper right-hand corner of the address side.

2. The stamp T should be applied and the amount to be collected should be indicated by the Office of origin, or, in the case of redirection or non-delivery, by the re-transmitting Office.

In the case, however, of correspondence originating in countries which apply reduced rates of postage in relations with the re-transmitting country, the amount to be collected is indicated by the Office of delivery.

3. So far as concerns correspondence to be surcharged originating in countries outside the Union, the formalities prescribed above are undertaken by the Office of entry into the Union.

4. The T stamp is applied to redirected express packets upon which an additional charge has to be paid in virtue of Article 40 of the Convention. The amount of this charge is also indicated on the packets.

5. The delivering Office marks the article with the amount to be collected.

6. Every article which does not bear the stamp T is considered as fully paid and treated accordingly, unless there is an obvious error.

7. Postage stamps not available for prepayment are ignored. In this case, the figure nought (0) is placed by the side of these postage stamps.

Article 39

Redirected Articles

1. Correspondence addressed to persons who have changed their residence is considered as if addressed directly from the place of origin to the place of the new destination.

2. Articles unpaid or insufficiently paid for their first transmission are charged with the rate applicable to articles of the same nature addressed directly from the place of origin to that of the new destination.

3. Articles properly prepaid for their first transmission, but on which the complementary postage appropriate to the further transmission has not been paid before their redirection, are charged with a rate equal to the difference between the amount of postage already prepaid and that which would have been charged if the articles had been despatched in the first instance to the new destination.

5. Articles which have originally circulated free of postage in the inland service of a country are charged with the rate applicable to prepaid articles of the same nature addressed directly from the place of origin to that of the new destination.

6. Upon redirection, the office of destination in all cases impresses its date-stamp on the address side of letters and post-cards.

7. Correspondence, ordinary or registered, which, being wrongly or insufficiently addressed, is returned to the senders in order that they may correct or complete the address, is, when posted with the address completed or corrected, considered not as redirected correspondence, but as freshly posted correspondence; and it is consequently liable to fresh postage.

Article 40

Undelivered Correspondence

1. Before returning to the Office of origin correspondence which for any reason has not been delivered, the office of destination must indicate in a clear and concise manner in the French language, on the address side of each article, the cause of the non-delivery in the following form:—"*inconnu*," "*refusé*," "*en voyage*," "*parti*," "*non réclamé*," "*décédé*" ("not known," "refused," "travelling," "gone away," "not claimed," "deceased"), or a similar expression. This indication is made by the impression of a stamp or by affixing a label. Each Office has the option of adding a translation, in its own language, of the cause of non-delivery, and any other useful particulars.

The office of destination must then strike out the name of the place of first destination and add the word "*Retour*" at the side of the date-stamp impression of the office of origin. It must also impress its date-stamp on the back of letters and on the address side of post-cards.

2. Correspondence which is not delivered is returned, either singly, or in a special bundle labelled "*Rebuts*."

Undelivered registered correspondence is returned to the office of exchange of the country of origin as if it were registered correspondence addressed to that country.

As an exception, two corresponding Offices may, by mutual consent, adopt a different method of returning undelivered correspondence.

3. If correspondence posted in one country to an address within that country is sent by persons resident in another country, and has, in consequence of non-delivery, to be sent abroad for return to the sender, it enters into the international system, and is treated in accordance with the regulations concerning redirection.

4. Correspondence for seamen and others addressed to the care of a Consul, and returned by him to the local post office as unclaimed, must be treated in the manner prescribed for undelivered correspondence in general. The amount of the charges paid by the Consul on this correspondence must at the same time be repaid to him by the local post office.

Article 41

Withdrawal of Correspondence and Alteration of Address

1. For requests to have correspondence withdrawn from the post, or to have addresses altered, the sender must use a form identical with Form J annexed. In handing this application to the post office, the sender must prove his identity and produce the certificate of posting, if any. After proof of identity, for which the Administration of the country of origin assumes responsibility, the procedure is as follows:

(*a*) if the request is meant to be sent by post, the form, together with an exact facsimile of the envelope or address of the packet, is despatched in a registered cover directly to the office of destination;

(*b*) if the request is to be made by telegraph, the form is handed over to the telegraph service, which transmits the message to the office of destination. The telegram is written in French.

2. In cases of correction of address, the telegraphic request must be confirmed by first post by a postal request accompanied by the facsimile mentioned above.

3. On receipt of Form J or of the telegram taking its place, the office of destination searches for the correspondence in question and takes such steps as may be necessary.

If, however, the case is one of an alteration of address requested by telegraph, the office of destination simply retains the letter and awaits the arrival of the necessary facsimile before complying with the request.

If the search is fruitless, or if the packet has already been delivered to the addressee, or if the request by telegraph is not sufficiently explicit to admit of identification of the article with certainty, the fact is at once communicated to the office of origin, which informs the applicant accordingly.

4. Any Administration may require, by notification addressed to the International Bureau, that, so far as it is concerned, requests shall be exchanged through the medium of its central Administration or of an office specially designated.

In cases where requests are exchanged through the medium of the central Administrations, requests sent directly by offices of origin to the offices of destination must be complied with to the extent that the correspondence concerned is withheld from delivery until the arrival of the request from the central Administration.

Administrations which avail themselves of the option accorded by the first paragraph of the present clause bear the charges involved by the transmission, in their inland service, by post or by telegraph, of the communications to be exchanged with the delivering office.

The use of the telegraph service is obligatory when the sender has himself used it and the office of destination cannot be advised in time by post.

Article 42

Simple Correction of Address

A request for simple correction of address (without modification of the name or description of the addressee) may also be addressed directly to the delivering office by the sender, that is to say, without fulfilling the formalities required for an alteration of address properly so called.

Article 43

Applications for Ordinary Correspondence

1. Every application respecting ordinary correspondence is subject to the following procedure:

(*a*) the applicant must fill up that part which concerns him, of a form identical with Form H annexed;

(*b*) the office at which the application originates forwards the form directly to the corresponding office. It is forwarded officially without any written communication;

(*c*) the corresponding office hands the form to the addressee or sender, as the case may be, in order to obtain the necessary information;

(*d*) the form, duly completed, is sent back officially to the office which prepared it;

(*e*) if the application proves to be well founded, it is transmitted to the central Administration in order to serve as a basis for further enquiry.

2. Any Administration may demand, by notification addressed to the International Bureau, that applications which concern its service shall be transmitted to its central Administration or to an office specially designated.

Article 44

Applications for Registered Articles

1. Every application relating to a registered article is prepared on a form identical with or similar to Form I annexed, and forwarded as a general rule by the office of origin directly to the office of destination.

2. Nevertheless, the Offices of origin and destination may, by mutual agreement, have the form forwarded from office to office, following the same circulation as the article under enquiry.

3. In the case provided for in § 1 above, if the office of destination is in a position to furnish definite information as to the disposal of the article under enquiry, it completes the form and returns it to the office of origin.

When the disposal of the article cannot be established immediately by the office of destination, this office records the fact on the form and returns it to the office of origin, adding to it a declaration by the addressee stating that he has not received the article. In this case, the Office of origin completes the form by entering thereon particulars of the despatch of the article to the first intermediate Office. It then transmits the form to that Office, which enters its observations and forwards it to the following Office, if any. The application passes thus from Office to Office until the fate of the article enquired for is ascertained. The Office which has effected delivery to the addressee, or which is unable to furnish proof either of delivery or of regular despatch to another Administration, records the fact on the form and returns it to the Office of origin.

4. In the case provided for in § 2 above, the enquiries, are pursued from the Office of origin to the Office of destination. Each Office enters on the form the particulars of despatch to the next Office, and sends it forward to that Office. The Office which has effected delivery to the addressee, or which is unable to furnish proof either of delivery or of regular transmission to another Administration, likewise records the fact on the form and returns it to the Office of origin.

5. The Form I must give the full address of the addressee, and be accompanied, as far as possible, by a facsimile of the envelope or of the address of the article. It is forwarded officially without covering letters in a closed envelope.

6. Each Office may request, by notification addressed to the International Bureau, that applications concerning its service shall be forwarded to its central Administration, or to an office specially designated or, if it is only concerned as an intermediary, to the office of exchange to which the article was sent.

The Form I and the documents annexed thereto must, in every case, be returned to the Office of origin of the article enquired for within a period which may not exceed six months from the date of the application. This period is extended to nine months in relations with over-sea countries.

7. The foregoing provisions do not apply to cases of violation of mails, loss of mails, or other similar cases which require a more detailed correspondence between Administrations.

Article 45

Use of postage stamps presumed to be fraudulent, or of counterfeit impressions of franking machines

Subject to the rules laid down by the laws of each country, even in cases where the provisions of the present Article do not expressly specify this reservation, the following procedure is carried out for reporting the use of fraudulent postage stamp or of counterfeit impressions of franking machines for the prepayment of postage:

(*a*) when the presence of a fraudulent postage stamp (counterfeit or already used) or of a counterfeit impression of a franking machine, on any article whatever, is detected at the time of despatch by the Post Office of a country whose law does not require the immediate seizure of the article, the stamp is not defaced in any way, and the article, enclosed in an envelope addressed to the delivering office, is forwarded officially registered;

(*b*) this proceeding is notified without delay to the Administrations of the countries of origin and destination, by means of an advice identical with Form K annexed. A copy of that advice is, moreover, transmitted to the delivering office in the envelope which encloses the article;

(*c*) the addressee is called upon to give evidence concerning the offence.

The article is only delivered to him if he pays the charge due and agrees to disclose the name and address of the sender, and to place at the disposal of the Post Office, after having acquainted himself with the contents, the entire article, if it is inseparable from the offending part, or else the portion of the article (envelope, wrapper, portion of letter, &c.), which contains the address and the impression or stamp stated to be fraudulent.

(*d*) the result of the representations to the addressee is set forth in a formal report in the form prescribed in Form L annexed, in which report the details of the case are recorded, such as failure to appear, refusal to receive the article or to open it, or to make known the sender, &c. This document is signed by the postal official and by the addressee of the article; if the latter refuses to sign, the refusal is recorded instead of and in the place provided for the signature.

The formal report is transmitted, with the relative documents, officially registered to the Postal Administration of the country of origin, which, with the aid of these documents, takes proceedings, if necessary, to punish the offence according to its laws.

PART VI

Exchange of Mails

CHAPTER 1

Article 46

Letter Bills

1. The letter bills which accompany mails exchanged between two offices are identical with Form E annexed. They are placed in blue envelopes bearing in large type the words "*Feuille d'avis*" ("Letter Bill").

2. At the head of the letter bill must be entered:

the country of origin and the country of destination,
the name of the office of exchange of destination,
the date of despatch of the mail.

An impression of the date-stamp must be made in the space appointed.

3. The presence of articles intended for express delivery is indicated by the impression of the stamp "*Exprès*" (Express) in Table No. I.

4. Table No. II is used for the indication of the serial number of the mail, the name of the Packet, the route, and the number of bags composing the mail.

In the absence of other arrangements, the despatching offices number the letter bills in an annual series for each office of destination. Each mail bears a separate number, even if it is a supplementary despatch forwarded by the same route or vessel as the ordinary mail.

In the case of the first despatch of each year, the bill must bear the number of the last despatch of the preceding year, in addition to the serial number of the mail.

The name of the vessel which carries the mail is shown when the despatching office is in a position to know it.

The bags containing returned empty bags must be included in the number of bags composing the mail.

5. Table No. III must indicate:

(*a*) the grand total of registered articles entered in Table No. V, and on special lists, if any.

One or more special lists identical with Form E^{bis} annexed may be used, either to take the place of Table No. V of the letter bill, or to serve as a supplementary letter bill.

When two or more lists are used, they must be numbered. The number of registered articles which may be entered on one and the same list is limited to 60.

(*b*) The total of the insured articles entered on the despatch-lists.

(*c*) The numbers, shown separately, of the bags and packets containing registered articles, and the bags and packets containing insured articles.

6. In Table No. IV are entered separately the number of returned bags belonging to the Office of destination, as well as the number used for making up the mail and belonging to the despatching Office, including registered letter bags. The number of empty bags belonging to an Administration other than that to which the mail is addressed must be shown separately and the name of that Administration indicated.

Open letters on official business and the various communications or notes sent by the despatching office in connection with the service are also entered in this Table.

7. Table No. V is intended for the entry of registered articles when special lists are not used exclusively.

Registered articles are entered individually with an indication of the name of the office of origin, and the registration number given at that office.

When the mail does not contain any registered articles the word "*Néant*" is entered in the appropriate space of the letter bill.

8. In Table No. VI are entered, with such details as the Table requires, the closed mails contained in the direct despatch to which the letter bill relates.

9. Administrations may arrange for other tables or headings in the letter bill when it is considered necessary. They may, in particular, modify Tables V and VI to meet their needs.

10. When an office of exchange has nothing to forward to a corresponding office, it must, nevertheless, send in the usual form a mail consisting simply of a blank letter bill.

11. When closed mails are sent by one Administration to another, to be conveyed by means of private ships, the number or weight of the letters and other articles must be shown on the letter bill and on the address of the mails if the Office of embarkation requires it.

ARTICLE 47

Transmission of Registered Articles

1. Registered articles, and, if necessary, the special lists mentioned in § 5 of the preceding Article, are made up in one or more separate packets or bags, which must be suitably wrapped up or closed and sealed with wax or lead so as to preserve the contents. The registered articles are arranged in each packet in the order of their entry in the list. When several separate lists are used, each of them is tied up with the registered articles to which it relates.

In no case may the registered articles be mixed with ordinary correspondence.

2. The special envelope containing the letter bill is attached to the outside of the packet of registered articles by string tied cross-wise; when the registered articles are enclosed in a bag the envelope is attached to the neck of the bag, but in this case, the articles which in conformity with the present Detailed Regulations must be inserted in the envelope containing the letter bill are placed inside the bag.

If there is more than one packet or bag of registered articles, each of the additional packets or bags bears a label indicating the nature of the contents.

3. The method of packing and forwarding registered articles, laid down above, applies only to ordinary exchanges. For important exchanges, it is for the Administrations concerned to make special regulations by mutual agreement. In either case, exceptional measures must be taken by the offices of exchange, when they have to despatch registered articles which, from their number, nature, form, or size, could not be enclosed in the mail containing the ordinary articles.

ARTICLE 48.

Transmission of Express Articles

1. Ordinary correspondence for express delivery is made up in a special bundle and placed, by the offices of exchange, in the envelope containing the letter bill which accompanies the mail.

Where necessary, a label placed in this bundle indicates the presence in the mail of express packets which, by reason of their number, form or size, cannot be placed with the letter bill. This correspondence is made up in one or more separate bundles, bearing a label with the word "*Exprès*" (Express) in large type and placed in the bag containing the letter bill.

2. Registered correspondence for express delivery is arranged in order among the other registered correspondence, and the note "*Exprès*" (Express) is made in the column of the letter bills headed "*Observations*", against the relative entry.

ARTICLE 49

Make-up of Mails

1. As a general rule, articles must be sorted and tied up in bundles according to the nature of the correspondence, letters and post-cards being included in the same bundle, and newspapers and periodicals being made up in bundles separate from oridinary printed papers. Letters, post-cards, and printed papers of small size must be arranged with the addresses facing the same way. Prepaid articles are separated from the unpaid and insufficiently paid; and the labels of bundles of unpaid and insufficiently prepaid articles are, so far as possible, to be impressed with the T stamp.

Letters bearing traces of opening, deterioration or damage must have the fact noted on them and be marked with the date-stamp of the office which discovers it.

Money orders sent *à découvert* are made up in a separate packet.

2. Mails are enclosed in bags properly closed, sealed with wax or lead, and labelled. The labels for these mails must be of linen or strong cardboard or parchment, or of paper gummed to a wooden block. They must clearly indicate the office of origin and that of

destination, and, in relations with over-sea countries, the date of despatch and the number of the mail, and, when the Administrations concerned so require, the port of disembarkation. In the case of relations between contiguous offices, strong paper labels may be used.

The bags must indicate legibly the name of the office or country of origin and, as far as possible, be numbered.

3. In the absence of an arrangement to the contrary, mails of small size or "Nil" mails are simply wrapped in strong paper so as to prevent damage to the contents, then tied with string and sealed with wax or lead. The mails bear a printed address showing, in small type, the name of the despatching office, and, in larger type, the name of the office of destination: "*De . . . pour . . .*" (From . . . for . . .).

4. When the number or bulk of the mails necessitates the use of more than one bag, separate bags must, as far as possible, be employed:

(*a*) for letters and post-cards;
(*b*) for other articles.

Without regard to the number or volume of the mails, separate bags must also be used, as far as possible, when the Administration of one of the intermediate countries or of the country of destination so requests.

When separate bags are used, each of them must bear an indication of its contents.

The packet or bag of registered articles is placed in one of the bags of letters or in a bag bearing a label similar to that for letters.

The bag containing the letter bill is distinguished by the letter F marked plainly on the label.

5. No bag may exceed 30 kilogrammes in weight.

Article 50

Transmission of Mails

1. The mails are transmitted between two corresponding offices in accordance with the conditions fixed by the Offices concerned.

2. The mails must be delivered in good condition. Nevertheless, a mail may not be refused because of damage.

3. When a mail is received in bad condition by an intermediate office, it must be repacked, the original packing being preserved. The office which has repacked the mail must date-stamp the label, adding in front of the impression: "*Remballé à . . .*" (Repacked at . . .).

Article 51

Check of Mails

1. When an intermediate office is obliged to repack a mail, it verifies the contents, if there is reason to think that they are not intact.

It prepares a verification note. Form G annexed, in conformity with the provisions of § 3 below. This note is sent to the office of exchange whence the mail has been received; a copy is forwarded to the office of origin and another is inserted in the repacked mail.

2. The office of destination ascertains whether the mail is complete and whether the entries on the letter bill and on the special lists of registered articles, if any, are in order. In case of loss of a mail, of bags, of the letter bill, of a special list of registered articles, or in case of any other irregularity, the fact is verified immediately by two officers. These officers make the necessary corrections on the bill or list, taking care to cross out the incorrect entries by a stroke of the pen in such a way as to leave the original entries legible. Except in the case of an obvious error, the corrections are accepted in preference to the original statement.

3. The facts verified are notified by first post to the office of origin of the mail, and if necessary to the last intermediate office, by means of a verification note. This verification note must specify as exactly as possible which bag, packet or article is in question.

A duplicate of the verification note is sent in the same conditions as the original to the Administration to which the office of origin of the mail is subordinate, when that Administration so requires. The bag or envelope and the wax or lead seal of the packet or bag of registered articles and, if this packet or bag has not been found, the letter bag with the string, label and wax or lead seal of this bag are attached to the verification note. In relations with Offices which require the sending of a duplicate, the exhibits mentioned above are sent attached to the duplicate.

The verification notes and the duplicates are sent under registered cover.

In the cases referred to in §§ 1 and 2 of the present Article, the office of origin and, if necessary, the last intermediate office of exchange may, in addition, be advised by telegram at the expense of the Office which sends the telegram.

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4. When the absence of a mail is the result of a failure of connection or when it is duly explained on the way-bill, the preparation of the verification notes prescribed by §§ 1 and 2 is not necessary if the mail reaches the office of destination by the next opportunity.

The sending of the duplicate prescribed by § 3 may be deferred if it may be presumed that the absence of the mail arises from delay or wrong circulation.

As soon as a mail which had been reported as missing to the office of origin and to the last intermediate office, if any, comes to hand, a second verification note must be addressed to these offices announcing the receipt of this mail.

5. The offices to which the verification notes prescribed by the present Article are addressed return them as promptly as possible, after having examined them and made thereon any observations to which they may give rise.

6. When a receiving office by which a mail should be checked has not sent to the office of origin, and to the last intermediate office of exchange, if any, by the first post after the checking of the mail, a verification note reporting irregularities of any kind, it is considered as having received the mail and its contents, until proof of the contrary. The same assumption is made in respect of irregularities to which no reference has been made or which have been incompletely reported in the verification note.

Article 52

Return of Empty Bags

1. Bags must be returned empty to the country of origin by the next mail, in the absence of contrary arrangements between the corresponding Offices, and the number of bags returned in each mail must be entered under the heading "*Indications de service*" on the letter bill.

The return of empty bags is effected between offices of exchange appointed for this purpose.

The empty bags must be rolled up and tied together in suitable bundles, the label blocks, if any, being placed inside the bags. The bundles must bear a label showing the name of the office of exchange whence the bags have been received whenever they are returned through another office of exchange.

If the bags to be returned are not too numerous, they may be placed in the bags containing correspondence. Otherwise, they must be placed separately in sealed bags, labelled with the names of the respective offices of exchange. The labels must be marked "*Sacs vides*" (Empty bags).

2. With the aid of the particulars entered under the heading "*Indications de service*" on the letter bill, each Administration is able to exercise in its service a check upon the return of bags belonging to it. When this check shows that 10 per cent of the total number of the bags used in one year for the making up of mails have not been returned before the end of that year, the Office which is unable to prove the return of the empty bags is required to reimburse to the Office of despatch the value of the missing bags. Payment must also be made if the number of missing bags does not amount to 10 per cent but exceeds 50.

Each Administration fixes periodically, and uniformly for all kinds of bags used by its offices of exchange, an average value in francs and notifies it to the Administrations concerned through the medium of the International Bureau.

PART VII

Provisions Concerning Transit and Warehousing Charges

CHAPTER I

Statistical Operations

Article 53. (*See* Protocol I and II.)

Transit Statistics

1. The transit charges payable in execution of Articles 70 *et seq.* of the Convention are based on statistics prepared once in every five years during the first 28 days of the month of May or during the 28 days which follow the 14th of October, alternately.

The statistics of October-November, 1924, will apply to the years 1924 to 1928 inclusive, it being understood that up to the 1st of October, 1925, the date of the entry into force of the present Convention, the payments prescribed by Article 4 of the Convention of Madrid will remain in force.

The statistics of May, 1929, will apply to the years 1929 to 1933, inclusive, and so on.

2. In the event of the adhesion to the Union of a country with important postal relations, countries of the Union who might, by reason of that circumstance, find their position modified as regards the payment of transit charges, have the option of demanding special statistics relating exclusively to the country which has newly entered.

3. When an important modification takes place in the flow of correspondence, and provided that such modification affects a period or periods amounting to a total of 12 months at least, the Offices concerned arrange with one another for a revision of their transit accounts. In that case the sums to be paid by the despatching Offices are increased, reduced or shared according to the use actually made of the intermediate services; but the total weights which are the basis for the new accounts must normally be the same as those of the mails despatched during the statistical period mentioned in § 1. If necessary, special statistics may be taken to determine the distribution of these weights among the various services used. No modification in the flow of correspondence is considered important unless it affects by more than 5,000 francs per annum the accounts between two Offices, each transit country being taken separately.

Exceptionally, special statistics may also be demanded for the determination of fresh total weights to serve as basis for the new accounts, when there is an increase of total weight of 100 per cent or a reduction of at least 50 per cent in the services in question, and when fresh accounts would show, in consequence, a modification of more than 5,000 francs a year.

Article 54

Make-up of Closed Mails during a Statistical Period

1. During each statistical period, separate bags or packets for "letters and post-cards" and for "other articles" are used for the exchange of correspondence in closed mails between two Offices of the Union, or between an Office of the Union and one outside the Union, across the territory or by means of the services of one or more other Offices. These bags or packets must be provided with a label "L.C." or "A.O." as the case may be. When the volume of the mails allows, the separate bags or packets may be enclosed in a single combined bag which must be labelled "S.C."

2. By way of exception to the provisions of Articles 47 and 48 above, each Administration has the option, during the statistical period, of enclosing registered or express articles other than letters and post-cards in one of the bags or packets intended for "other articles." mentioning this fact on the letter bill; but if, in conformity with Articles 47 and 48, these articles are enclosed in a bag or packet of letters, they are treated, so far as the statistics of weight are concerned, as forming part of the letter despatch.

3. During the statistical period, labels of mails to be forwarded by sea must be conspicuously marked "*Statistique.*"

Article 55

Weight of Closed Mails

1. As regards mails from one Union country for another Union country, the despatching office of exchange enters, on the letter bill for the office of exchange of destination, the gross weight of the letters and post-cards and that of the other articles, regardless of the origin or destination of the correspondence.

The gross weight includes the weight of the packing, but not that:

(*a*) of empty bags enclosed in separate bags;
(*b*) of bags containing only correspondence exempt from all transit charges (Article 72 of the Convention);
(*c*) of mails consisting solely of a blank letter bill (Article 46, sec. 10, above):
(*d*) of the combined bags mentioned in the preceding article.

2. Fractions of weight up to 500 grammes inclusive are ignored, while fractions of weight above 500 grammes are rounded up to a kilogramme.

3. When the gross weight of the letters and post-cards or of the other articles does not exceed 500 grammes, the note "*Poids brut ne dépasse pas 500 grammes*" (Gross weight does not exceed 500 grammes) is entered at the head of the letter bill.

4. These entries are checked by the office of exchange of destination. If that office finds that the actual weight of the correspondence differs by more than 600 grammes from the weight entered on the letter bill, it corrects the bill and notifies the error immediately to the despatching office of exchange by means of a verification note. If the differences in weight ascertained are within the above-mentioned limits, the entries of the office of despatch are accepted.

Article 56

Preparation of Statements M for Closed Mails

1. As soon as possible after the conclusion of the statistical operations, the offices of destination prepare as many copies of statements, identical with Form M annexed, as there are Offices concerned, including the Office of origin, and forward these statements to the offices of exchange of the Office of origin for acceptance. These offices, after having accepted the statements, forward them, in their turn, to their central Administration for distribution among the Offices concerned.

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2. If the statements M have not reached the offices of exchange of the Office of origin, or have not been received in sufficient number, within the period of four months (six months in exchanges with over-sea countries), from the date of despatch of the last mail to be included in the statistics, these offices themselves prepare the statements in sufficient number, in accordance with their own records, adding to each of them the note, *"Les relevés M du bureau destinataire ne sont pas parvenus dans le délai réglementaire"* (The statements M of the office of destination have not been received within the prescribed period). They then forward them to their central Administration for distribution among the Offices concerned.

Article 57

Closed Mails exchanged with Countries outside the Union

As regards closed mails exchanged between a Union country and a country outside the Union, through the medium of one or more Union Offices, the offices of exchange of the first of these countries prepare, in respect of the mails sent or received, a statement M which they forward to the Office of exit or entry, and that Office prepares, at the end of the statistical period, a general statement in as many copies as there are Offices of the Union concerned, including itself and the debtor Office. A copy of this statement is forwarded to that Office, as well as to each of the Offices which have taken part in the conveyance of the mails.

Article 58

List of Closed Transit Mails

1. As soon as possible and, in any case, within a period of six months after each statistical period, the Administrations which have despatched mails in transit send the list of these mails to the different Administrations whose services they have used.

2. If this list shows mails in transit, which under the provisions of Article 55 above do not require the preparation of a statement M, an explanatory note is added to it, *e.g.*, *"Sacs vides"* (Empty bags), *"Dépêches se composant uniquement d'une feuille d'avis négative"* (Mails consisting solely of a blank letter bill), *"Rebuts"* (Undelivered correspondence) or *"Poids ne dépasse pas 500 grammes"* (Weight does not exceed 500 grammes).

3. Closed mails originatingg in another country which are re-forwarded enclosed in mails in transit and entered in Table VI of the letter bill, are indicated in a special section of the list.

Article 59

Closed Mails exchanged with Ships of War

It is the duty of the Administration of countries to which ships of war belong to prepare statements M relative to the mails sent or received by these ships. The mails sent to ships of war during the statistical period must bear on the labels the date of despatch.

In the event of these mails being re-forwarded, the redirecting Office notifies the fact to the Office of the country to which the ship belongs.

Article 60

Bulletin de Transit (Statement "T").

When the route to be followed and the transport services to be used for the mails despatched during the statistical period are unknown or uncertain, the Office of origin must, at the request of the Administration of destination, prepare for each mail a return in the form of statement T annexed. This statement is transmitted in turn, without delay, to the various services taking part in the conveyance of the mails which in turn enter thereon the particulars concerning the transit. The last office of transit must transmit the statement to the office of destination. This statement is returned by the Office of destination to the Office of origin in support of the statement M.

Article 61

Statistics of Correspondence sent à découvert

1. Ordinary and registered correspondence, as well as insured letters and boxes, originating in the country itself or in other countries, forwarded *à découvert* during a statistical period, are entered on the letter bill by the despatching office of exchange as follows:

Correspondence *à découvert.*	Number.
Letters..	
Post-cards..	
Other articles	

Correspondence exempt from all transit charges in accordance with the terms of Article 72 of the Convention is not included in these figures.

In order to facilitate checking, the despatching office of exchange must make up the ordinary correspondence entered on the letter bill in special bundles labelled "*Correspondances à découvert.*" If necessary, the letters, post-cards and other articles must be placed in separate bundles.

2. When no correspondence is sent *à découvert,* the despatching office enters at the head of the letter bill the note:

"*Pas de correspondances à découvert.*" (No correspondence *à découvert.*)

3. The entries on the letter bills are checked by the office of exchange of destination. If that office finds, in any one class of correspondence, differences of more than five articles, it corrects the entries, and notifies the error immediately to the despatching office, by means of a verification note. If the difference ascertained falls within the limit beforementioned, the entries of the despatching office are accepted as valid.

4. After the termination of the statistical operations, the office of exchange of destination prepares, in a single copy, statements (Form O annexed) which are forwarded without delay to the central Administration to which it is subordinate.

Article 62

Statistics of Mails warehoused

In respect of mails for the warehousing of which in a port a payment is due under Article 71 of the Convention to the Office which warehouses the mails, that Office prepares, for each country of origin, a daily return in accordance with statement P bis annexed, on which are shown the particulars of the mails received by the warehousing Office from the country in question, during the 28 days of the statistical period, without regard to the dates of despatch and of onward transmission of the mails in question.

The particulars shown on the daily statements are summarized, for each country of origin, in a return in accordance with statement P ter annexed, which is forwarded to the central Administration of that country, together with the relative statements P bis.

The summary statement P ter, after acceptance by the Administration of the country of origin, is forwarded with the statements P bis to the central Administration of the Office which provides the warehousing.

Article 63

Extraordinary Services

Apart from Air Mail services, the only service considered as an extraordinary service giving rise to special transit charges is that maintained for the accelerated conveyance by land of the Indian Mail.

CHAPTER II

Accounting, Settlement of Accounts

Article 64

Accounting for Transit Charges

1. The weight of the closed mails, the number of articles forwarded *à découvert* and, if necessary, the number of bags warehoused in a port are multiplied by 13, and the products thus obtained serve as the basis of special accounts determining in francs and centimes the yearly transit payments due to each Office.

The duty of preparing the accounts develops on the creditor Office, which forwards them to the debtor Office.

In cases where the multiplier 13 does not correspond to the frequency of the service, or when it is a question of extraordinary despatches made during the statistical period, the Administrations concerned come to an agreement for the adoption of another multiplier, which holds good during the years to which the statistics apply.

2. In order to take into account the weight of the bags and packing and of the classes of correspondence exempt from all transit charges in accordance with the terms of Article 72 of the Convention, the total amount of the account for closed mails is reduced by 10 per cent.

3. The detailed accounts are prepared in duplicate, on the basis of the statements M, O and P bis on Forms N, P and P ter. They are forwarded to the Office of origin as soon as possible, and, at the latest, within a period of 12 months following the close of the statistical period.

4. If the Office which has sent the detailed account has received no notice of amendments within an interval of 6 months, reckoning from the date of despatch, the account is regarded as fully accepted.

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Article 65

General Annual Liquidation Account. Functions of the International Bureau

1. In the absence of any understanding to the contrary between the Administrations concerned, the general liquidation account, consisting of transit and warehousing charges, is prepared annually by the International Bureau.

2. As soon as the detailed accounts between two Administrations are approved or regarded as fully accepted (§ 4 of the preceding Article), each of these Administrations forwards without delay to the International Bureau a statement (Form Q annexed) indicating the total amounts of these accounts. On receipt of a statement from an Administration, the International Bureau gives notice of its receipts to the other Administration concerned.

In case of difference between the corresponding items furnished by two Administrations, the International Bureau invites them to come to an agreement, and to communicate to it the sums definitely agreed upon.

When one only of the Administrations has furnished the statement Q, the amounts indicated by this Administration hold good, unless the corresponding statement of the Administration which was in arrear reaches the International Bureau in time for the preparation of the next general annual liquidation account.

In the case provided for in § 4 of the preceding Article, the statements must bear the indication "*Aucune observation de l'Office débiteur n'est parvenue dans le délai réglementaire.*" (No comment has been received from the debtor Office within the prescribed period.)

If two Administrations agree between themselves to effect a special settlement, their statements Q bear the note "*Compte réglé à part—à titre d'information.*" (Account settled separately—for purposes of information), and are not included in the general annual liquidation account.

This note is omitted in the case provided for in § 3 of Article 75 of the Convention.

In this latter event, the International Bureau arranges the necessary exemptions and notifies the same to the Offices concerned.

3. At the end of each year the International Bureau prepares, on the basis of the statements which it has received up to that time and which are regarded as fully accepted, a general annual liquidation account of transit charges. This account shows:

(*a*) the Debit and Credit of each Office;

(*b*) the debit balance or the credit balance of each Office, representing the difference between the Debit and the Credit;

(*c*) the sums to be paid by the debtor Offices;

(*d*) the sums to be received by the creditor Offices.

The International Bureau arranges to limit as far as practicable the number of payments made by the debtor Offices.

4. The general annual liquidation accounts must be forwared by the International Bureau to the Administrations of the Union as early as possible, and, at the latest, before the end of the first quarter of the year following the year of their preparation.

Article 66. (*See* Protocol III.)

Settlement of Transit Charges

1. Unless otherwise arranged, the balance resulting from the general annual liquidation account of the International Bureau or from the special settlements is paid by the debtor Office to the creditor Office in gold, or by means of drafts payable at sight on the capital or on a commercial centre of the creditor country.

If payment is made by means of drafts, the drafts are drawn in the currency of the creditor country for an amount equivalent, on the day of purchase, to the value of the balance expressed in francs. The costs of the payment are borne by the debtor Office.

These drafts may also be drawn on another country on condition that they represent the same equivalent and that the discount charges are paid by the debtor Office.

2. The payment of the above-mentioned balance must be made with as little delay as possible, and, at the latest, in the case of countries in Europe, before the end of a period of 4 months, and in the case of other countries, of a period of 5 months from the date of despatch of the liquidation account by the International Bureau, or of the request for payment, addressed by the creditor Office to the debtor Office, in the case of an account settled separately.

If these periods are exceeded, the sums due are chargeable with interest, at the rate of 7 per cent per annum, from the date of the expiration of the periods of grace mentioned.

PART VIII

Miscellaneous Provisions

CHAPTER I

Article 67

Reply Coupons

1. Reply coupons are in the form shown in Form A annexed, and are printed under the supervision of the International Bureau on paper bearing in watermark the words:

40 c. Union postale universelle. 40 c.

2. Each Administration has the option:

(*a*) of marking the coupons with a special perforation which does not prevent the reading of the text and is not of such a character as to hinder the checking of the coupons;

(*b*) of modifying, by hand or by a printing process, the selling price indicated on the coupons.

3. The International Bureau supplies the coupons at cost price.

4. In the absence of other arrangements between the Administrations concerned, the coupons exchanged are sent yearly to the Administrations which issued them, with a statement of their total number and value.

5. As soon as two Administrations have agreed on the number of coupons exchanged between them, a statement (Form U annexed) indicating the debit or credit balance is drawn up by each of the two Administrations and forwarded by them to the International Bureau. If two Administrations cannot reach an agreement within a period of six months, the creditor Office prepares its account and sends it to the International Bureau. For the preparation of this statement the value of the coupon is reckoned at 40 centimes. The International Bureau includes the balance in a yearly account.

In the event of one only of the Administrations having furnished the statement (Form U) the entries of that Administration hold good.

6. When, in the relations between two Offices, the yearly balance does not exceed 25 francs, the debtor Office is exempt from all payments on this head, and the statement is not prepared.

7. If two Administrations have agreed to effect a special settlement, they do not forward a statement to the International Bureau.

8. The payment of the balances is effected under the conditions laid down in Article 66.

Article 68

Identity Cards

1. Administrations appoint the post offices or postal services which issue Identity Cards.

2. These cards are made out on forms reproducing Form F attached. These forms are furnished at cost price by the International Bureau.

3. The applicant must, at the time of application, hand in his photograph and establish his identity. Administrations take the necessary measures to ensure that cards shall not be issued until the identity of the applicant has been carefully examined.

The official enters the application in a register, fills up in ink and in Roman characters all the particulars required by the Identity Card, affixes to it the photograph in the space indicated, affixes the postage stamp representing the charge, half on this photograph and half on the card, and cancels it by a clear impression of the date-stamp.

He then makes a fresh impression of this stamp or of his official seal in such a way that it appears partly on the upper portion of the photograph and partly on the card, then reproduces this impression on the front of the card, signs the card and delivers it to the applicant after having obtained his signature.

4. When the appearance of the holder is so altered that the photograph or the description are no longer accurate, the card must be renewed.

5. Each country retains the right to issue Identity Cards relative to the International Service in accordance with the rules applied to the cards in use in its inland service.

Article 69

Mails exchanged with Ships of War

1. The establishment of an exchange of closed mails between a Post Office of the Union and naval divisions or ships of war of the same nationality, or between one naval division or ship of war and another of the same nationality, must be notified, as far as possible in advance, to the intermediate Offices.

2. Such mails are addressed in the following form:

From the post office of .....

For { the (nationality) naval division of (name of the division) at.....
the (nationality) ship (name of the ship) at.....
....(Country)

or

From the (nationality) naval division of (name of the division) at.....
From the (nationality) ship (name of the ship) at.....
For the post office of ....
....(Country)

or

From the (nationality) naval division of (name of the division) at.....
From the (nationality) ship (name of the ship) at.....

For { the (nationality) naval division (name of the division) at.....
the (nationality) ship (name of the ship) at.....
....(Country)

3. Mails addressed to or sent from naval divisions or ships of war are forwarded, unless specially addressed as to route, by the most rapid routes, and in the same conditions as mails exchanged between post offices.

The captain of a mail-packet conveying mails for a naval division or a ship of war holds them at the disposal of the commanding officer of the naval division or ship addressed, in case the latter should require delivery *en route*.

4. If the ships are not at the place of destination when mails addressed to them arrive there, the mails are kept at the post office until fetched away by the addressee or redirected to another place. Redirection may be demanded, either by the Post Office of origin, by the commanding officer of the naval division or the ship addressed, or by a Consul of the same nationality.

5. Such of the mails in question as are addressed "*Aux soins du Consul de.....*" (Care of the Consul of.....) are delivered at the Consulate of the country of origin. At the request of the Consul they may afterwards be received back into the postal service and redirected to the place of origin or to another address.

6. Mails addressed to a ship of war are regarded as being in transit up to the time of their delivery to the commanding officer of that ship, even when they have been originally addressed to the care of a post office or to a Consul entrusted with the duty of acting as forwarding agent; they are not, therefore, regarded as having arrived at their address so long as they have not been delivered to the ship of war addressed.

Article 70

Forms for the use of the Public

For the purpose of applying the provisions of Article 31, § 2, of the Convention, the following are considered as forms for the use of the public:—

Forms C (Advice of Delivery), D^{bis} (International Trade Charge Money Order), D^{ter} and D^{quater} (Customs Labels), F (Identity Card), H (Particulars to be furnished in case of enquiry for an ordinary article), I (Enquiry for a registered article), and J (Request for withdrawal from the post or for modification of address).

Article 71

Period of retention of Documents

Documents relating to the International service must be preserved for a minimum period of two years.

PART IX

International Bureau

CHAPTER I

Article 72

Congresses and Conferences

The International Bureau prepares the business to be submitted to Congresses or Conferences. It undertakes the printing and distribution of the necessary documents.

The Director of the International Bureau attends the sittings of Congresses or Conferences, and takes part in the discussions, but without the right of vote.

Article 73

Information. Requests for modification of the Acts

The International Bureau must hold itself always at the disposal of members of the Union for the purpose of furnishing them with any information they may require upon questions relating to the service.

It prepares a statement of the case whenever a request is made for modification or interpretation of the regulations which govern the Union, and notifies the results of consultations.

Article 74.

Publications

1. The International Bureau publishes with the assistance of the documents which are put at its disposal, a special journal in the German, English, Spanish, and French languages.

2. It publishes, in accordance with information furnished under the provisions of Article 82 below, an official summary of all information of general interest concerning the carrying out of the Convention and the Regulations in each country of the Union. Subsequent modifications form the subject of half-yearly supplements. In urgent cases, however, when an Administration expressly so requests, the notification is made by a special circular.

Similar summaries concerning the execution of the Agreements of the Union are published at the request of the Administrations participating in those Agreements.

3. The documents published by the International Bureau are distributed to the Administrations of the Union, in proportion to the number of units of contribution assigned to each by Article 24 of the Convention.

Any additional copies and documents which may be applied for by Administrations are paid for separately at cost price.

4. The International Bureau undertakes the publication of an alphabetical dictionary of all the post offices in the world, with special indication of such of those offices as undertake services which have not yet become general. This dictionary is kept up to date by means of supplements or in any other manner which the International Bureau considers suitable.

The dictionary is distributed to the Administrations of the Union in the proportion of 10 copies to each unit of contribution assigned to each by Article 24 of the Convention. Any additional copies required by Administrations are paid for separately at cost price.

Article 75

Annual Report

The International Bureau makes an annual Report on its administration which is communicated to all the Administrations of the Union.

Article 76

Official Language of the International Bureau

The official language of the International Bureau is French.

Article 77

Reply Coupons. Identity Cards. Table of Equivalents

The International Bureau undertakes:

(*a*) the manufacture and supply of reply coupons, as well as the settlement of the accounts connected with this service;

(*b*) the preparation and distribution of identity cards, and the preparation and distribution of the table of equivalents referred to in Article 4 above.

Article 78

Balancing and Settlement of Accounts

1. The International Bureau undertakes the balancing and settlement of accounts of every description relative to the international postal service between the Administrations which express their desire to avail themselves of its services. They arrange accordingly with each other and with the Bureau.

2. At the request of the Administrations concerned, telegraph accounts may also be notified to the International Bureau to be included in arriving at the balances due.

3. Each Administration retains the right to prepare at its discretion special accounts for different branches of the service, and to settle them as it thinks fit with the corresponding Administrations, without employing the medium of the International Bureau, to which it simply indicates for what branches of the service and in respect to what countries it desires the services of the Bureau.

4. Administrations which avail themselves of the services of the International Bureau for the balancing and liquidation of accounts may cease to use those services three months after giving notice to that effect.

Article 79

Preparation of Accounts

1. When the individual accounts have been checked and agreed upon, the debtor Offices forward to the creditor Offices, for each class of operations, an acknowledgment, made out in francs and centimes, of the amount of the balance of the two individual accounts, indicating the subject of the credit and the period to which it relates.

In the absence of any understanding to the contrary, an Office which desires, for its own accounting purposes, to have general accounts, must prepare them itself and submit them to the corresponding Office for acceptance.

Offices may agree to apply another system in their relations with one another.

2. Each Office forwards to the International Bureau, monthly or quarterly, if special circumstances render it desirable, a statement showing the total Credit due to it on the individual accounts, as well as the total of the sums which are due to it from each of the contracting Offices; each credit appearing in this table must be supported by an acknowledgment from the debtor Office.

This statement must reach the International Bureau not later than the 19th of each month or of the first month of each quarter. Failing this, it is included in the settlement of the month or the quarter following.

3. The International Bureau checks the correctness of the statements by comparing the acknowledgments. Any correction that may be necessary is notified to the Offices concerned.

The Debit of each Office to another is carried forward into a summary; and in order to arrive at the total amount due from each Office, it is only necessary to add up the different columns of this summary.

Article 80

General Balance Sheet

1. The International Bureau combines the tables and the summaries in one general balance sheet showing:

(*a*) The total of the Debit and of the Credit of each Office;

(*b*) The debit or credit balance of each Office, representing the difference between the Debit and the Credit;

(*c*) Th sums to be paid by certain members of the Union to an Office, or, reciprocally, the sums to be paid by the latter.

As far as possible, it takes care that each Office, in order to settle its debts, shall have to make only one or two distinct payments.

Nevertheless, an Office which habitually finds a sum exceeding 50,000 francs owing to it from another has the right to claim remittances on account.

These remittances on account are entered, both by the creditor Office and by the debtor Office, at the foot of the statements to be forwarded to the International Bureau.

2. The acknowledgments forwarded to the International Bureau with the tables are classified by Offices.

They serve as the basis for settling the accounts of each of the Offices concerned. In this settlement there must appear:

(*a*) The sums relating to the special accounts concerning the different services;

(*b*) The total of the sums resulting from all the special accounts relating to each of the Offices concerned;

(*c*) The totals of the sums due to all the creditor Offices on account of each branch of the service, as well as their general total.

This total must be equal to the total of the Debit which appears in the summary.

At the foot of the settlement account, a balance is struck between the Debit and the Credit resulting from the statements forwarded by the Offices to the International Bureau. The net amount of the Debit or of the Credit must be equal to the debit balance or to the credit balance carried into the general balance sheet. Moreover, the settlement account indicates the Offices to which payment must be made by the debtor Office.

The settlement accounts must be forwarded by the International Bureau to the Offices concerned not later than the 22nd of each month.

Article 81

Payment

Payment of the sums due, under a settlement account, from one Office to another, must be made as soon as possible and at the latest a fortnight after receipt of the settlement account by the debtor Office. As regards other conditions of payment the provisions of § 1 of Article 66 are applicable. The provisions of § 2 of that Article are applicable to cases of non-payment of the balance within the fixed period.

Debit or credit balances not exceeding 500 francs may be carried forward to the settlement of the following month, provided, however, that the Offices concerned are in monthly communication with the International Bureau. The amount brought forward is entered in the summaries and in the settlement accounts for the creditor and debtor Offices. In such a case, the debtor Office forwards to the creditor Office an acknowledgment of the sum due, to be carried into the next statement.

Article 82

Communications to be addressed to the International Bureau

1. Administrations must in particular communicate to each other through the medium of the International Bureau:

(*a*) particulars of the surtaxes which, by virtue of Articles 38 and 73 of the Convention, they collect to cover the cost of extraordinary services, as well as a list of the countries in respect of which these surtaxes are collected, and, if necessary, particulars of the services in which surtaxes are due;

(*b*) three complete sets of their postage stamps and of impressions of their franking machines, with an indication of the date on which postage stamps of previous issues cease to be valid;

(*c*) their decision whether they avail themselves of the option to apply or not certain general provisions of the Convention and of the Regulations;

(*d*) the reduced rates which they have adopted by virtue of Article 5 of the Convention, and a statement of the services to which these rates are applicable;

(*e*) a list of the post offices which they maintain in countries outside the Union;

(*f*) a list of articles prohibited from importation or from transit and of those of which the transmission is admitted conditionally in their respective services;

(*g*) a list of all the lines of Packets leaving their ports which are used for the conveyance of mails, indicating the routes, the distance and the duration of the voyage between the ports of call, the frequency of the service, and the countries to which the rates for sea transit must be paid if the Packets are used;

(*h*) their telegraphic addresses;

(*i*) notice whether they admit articles liable to Customs duty in packets prepaid at the letter rate.

2. Every modification subsequently introduced, in regard to one or other of the points above-mentioned, must be notified without delay.

3. Administrations must furnish the International Bureau with two copies of all the documents which they publish, whether relating to the inland service or to the international service.

Article 83

List of Countries outside the Union

Offices of the Union which have relations with countries outside the Union furnish to the other Offices a list of those countries. This list includes the following particulars:

(*a*) rates for sea or land transit applicable to conveyance outside the limits of the Union;
(*b*) the kind of correspondence admitted;
(*c*) whether prepayment is compulsory or optional;
(*d*) the point, for each class of correspondence, to which the postage prepaid is valid (to destination, to port or disembarkation, etc.);
(*e*) extent of pecuniary responsibility as regards registered articles;
(*f*) whether advices of delivery are obtainable or not; and
(*g*) the rates of postage from the country outside the Union to the countries of the Union.

Article 84

General Statistics

1. The International Bureau compiles general statistics for each year.

To this end, Administrations send to it a series as complete as possible of statistical returns in tabular form to be compiled in accordance with the annexed forms R and S. Table R is forwarded at the end of the month of July in each year; but the particulars

included in Parts I, II and IV of this table are furnished once only every three years; Table S is also forwarded every three years, on the same date. The particulars furnished relate in every case to the preceding year.

2. Transactions which are recorded in detail are embodied in periodical statements based upon the actual records.

3. With regard to all other transactions, correspondence of all kinds is counted annually without distinction between letters, post-cards, printed papers, commercial papers and samples; and every three years, at least, the different classes of correspondence are counted.

4. The statistics are taken during one week for daily exchanges, and during four weeks for other exchanges. Each Administration has the right to take these statistics during periods which correspond best with the average of its postal traffic.

5. In the interval which elapses between the special statistics, the numbers of the different classes are estimated in accordance with the proportions given by the last special statistics.

6. The International Bureau prints and distributes the statistical forms to be filled up by each Administration. It furnishes to Administrations on application all necessary information as to the rules to be followed, in order to ensure uniformity of practice in taking the statistics.

Article 85

Expenses of the International Bureau

1. The ordinary expenses of the International Bureau must not exceed the sum of 300,000 Swiss francs annually.

2. The Swiss Postal Administration supervises the expenditure of the International Bureau, makes the necessary advances, and prepares the annual account, which is communicated to other Administrations.

3. The sums advanced by the Swiss Postal Administration, in accordance with § 2 of this Article, must be repaid by the debtor Offices with as little delay as psosible, and at latest before the 31st of December of the year of despatch of the account. If this period is exceeded, the sums due are chargeable with interest in favour of that Administration at the rate of seven per cent per annum from the date of the expiration of the period mentioned.

4. The countries of the Union are classified as follows, for the division of expenses:—

1st class: Union of South Africa, Germany, United States of America, Argentine Republic, Commonwealth of Australia, Canada, China, France, Great Britain, British India, Irish Free State, Italy, Japan, New Zealand, Turkey, Union of Soviet Socialist Republics;

2nd class: Spain, Mexico;

3rd class: Belgium, Brazil, Egypt, Greece, Hungary, Netherlands, Poland, Roumania, Kindom of the Serbs, Croats and Slovenes, Sweden, Switzerland, Czechoslovakia, Algeria, French Colonies and Protectorates in Indo-China, the whole of the other French Colonies, the whole of the island possessions of the United States of America other than the Philippine Islands, Dutch East Indies;

4th class: Chosen (Korea), Denmark, Finland, Norway, Portugal, Portuguese Colonies in Africa, Portuguese Colonies in Asia and Oceania;

5th class: Bulgaria, Chile, Colombia, Estonia, Lettonia, Morocco (except Spanish Zone), Morocco (Spanish Zone), Peru, Tunis;

6th class: Albania, Bolivia, Costa Rica, Cuba, Danzig (Free City), Dominican Republic, Ecuador, Abyssinia, Guatemala, Haiti, Republic of Honduras, Lithuania, Luxemburg, Republic of Nicaragua, Republic of Panama, Paraguay, Persia, Republic of Salvador, Territory of the Sarre, Kingdom of Siam, Uruguay, Venezuela, Dutch Colonies in America;

7th class: Austria, Colony of the Belgian Congo, Spanish Establishments in the Gulf of Guinea, Iceland, the whole of the Italian Colonies, the whole of the Japanese Dependencies other than Chosen, Liberia, Philippine Islands, Republic of San Marino.

Final Provisions

Article 86

Entry into Force and Duration of the Regulations

The present Regulations shall come into force on the day on which the Universal Postal Convention comes into operation. They shall have the same duration as that Convention, unless they are renewed by common consent between the parties concerned.

Done at Stockholm, the 28th of August, 1924.

[*Here follow the same signatures as are appended to the Convention.*]

IV

FINAL PROTOCOL OF THE DETAILED REGULATIONS

At the moment of proceeding to sign the Detailed Regulations of the Principal Convention drawn up by the Universal Postal Congress of Stockholm, the undersigned plenipotentiaries have agreed as follows:

I

Special Transit Statistics for the Turkish Republic

The Turkish Office has the right to have special statistics prepared during the months of October-November of the year 1925 in respect of mails from and for Persia and the countries situated to the south of Turkey in Asia. These statistics will serve as basis for the Transit Accounts during the whole period covered by the Convention and its Regulations.

II

Special Transit Statistics for the Union of Soviet Socialist Republics

The Union of Soviet Socialist Republics is permitted to have special statistics prepared in the months of October-November of the year 1925 of correspondence sent in transit by the Trans-Siberian route. These statistics will serve as basis for the Transit Accounts during the period 1924-1928.

III

Payment of Balances of Transit Charges

1. In case of payment by means of drafts of the balance referred to in Article 66, these drafts are drawn in the currency of a country where bank-notes are exchangeable at sight against gold and where the importation and exportation of gold are free. If the currencies of several countries fulfil these conditions, the creditor country indicates the currency which is convenient to it. The conversion is effected at the gold par rate.

2. Drafts may also be drawn in the currency of the creditor country if the two countries have come to an agreement on this subject. In that case, the balance is converted at the gold par rate into the currency of a country where bank-notes are exchangeable at sight against gold and where the importation and exportation are free. The result arrived at is then converted into the currency of the debtor country and from this into the currency of the creditor country at the rate of exchange in the capital or at a commercial centre of the debtor country on the day of delivery of the order of purchase of the draft.

In faith whereof the under-mentioned plenipotentiaries have drawn up the present Final Protocol, which shall have the same force and validity as if its provisions were inserted in the actual text of the Regulations to which it relates, and they have signed it in one copy which shall remain in the Archives of the Government of Sweden, and of which one copy shall be delivered to each party.

Done at Stockholm, the 28th of August, 1924.

[*Here follow the same signatures as are appended to the Convention.*]

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