

ÉTATS-UNIS D'AMÉRIQUE
ET RÉPUBLIQUE DOMINICAINE

Convention modifiant la Convention du 27 décembre 1924 relative à la perception et à l'emploi des recettes douanières de la République Dominicaine, signée à Washington, le 24 septembre 1940, et échanges de notes y relatifs. Washington, les 24 septembre 1940, 10 et 31 mars 1941.

Textes officiels anglais et espagnol communiqués par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement a eu lieu le 6 novembre 1941.

UNITED STATES OF AMERICA
AND DOMINICAN REPUBLIC

Convention modifying the Convention of December 27th, 1924, regarding the Collection and Application of the Customs Revenues of the Dominican Republic, signed at Washington, September 24th, 1940, and Exchanges of Notes relating thereto. Washington, September 24th, 1940, and March 10th and 31st, 1941.

English and Spanish official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration took place November 6th, 1941.

TEXTE ESPAGNOL. — SPANISH TEXT.

No. 4801. — CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC MODIFYING THE CONVENTION² OF DECEMBER 27TH, 1924, REGARDING THE COLLECTION AND APPLICATION OF THE CUSTOMS REVENUES OF THE DOMINICAN REPUBLIC. SIGNED AT WASHINGTON, SEPTEMBER 24TH, 1940.

Nº 4801. — CONVENCION¹ ENTRE LOS ESTADOS UNIDOS DE AMÉRICA Y LA REPÚBLICA DOMINICANA PARA MODIFICAR LA CONVENCION² DEL 27 DE DICIEMBRE DE 1924 RELATIVA A LA RECAUDACION Y APLICACION DE LAS RENTAS ADUANERAS DE LA REPÚBLICA DOMINICANA. FIRMADA EN WASHINGTON, EL 24 DE SEPTIEMBRE DE 1940.

Whereas at the City of Washington, D. C. on the twenty-seventh day of December of 1924 a Convention was concluded and signed between the Plenipotentiaries of the United States of America and the Dominican Republic, providing for the assistance of the United States of America in the collection and application of the Customs revenues of the Dominican Republic; and

Whereas the Government of the United States of America and the Government of the Dominican Republic have performed their obligations under the said Convention of 1924 in a manner satisfactory to both parties; and

Whereas the Government of the United States of America and the Government of the Dominican Republic are both desirous of modifying the said Convention to the advantage of both parties and at the same time of safeguarding the rights of the holders of the bonds of the issues of 1922 and 1926;

THE PRESIDENT OF THE UNITED STATES OF AMERICA, represented by Cordell HULL, Secretary of State of the United States of America, and

THE PRESIDENT OF THE DOMINICAN REPUBLIC, represented by Generalissimo Rafael Leonidas TRUJILLO Molina, Benefactor of the

Por cuanto en la Ciudad de Washington, D. C., el día 27 de diciembre de 1924 se concertó y firmó una Convención entre los Plenipotenciarios de los Estados Unidos de América y de la República Dominicana, estipulando la ayuda de los Estados Unidos de América en la recaudación y aplicación de las rentas aduaneras de la República Dominicana; y

Por cuanto el Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana han cumplido sus obligaciones bajo dicha Convención de 1924 de una manera satisfactoria para ambas partes; y

Por cuanto tanto el Gobierno de los Estados Unidos de América como el Gobierno de la República Dominicana desean modificar dicha Convención a beneficio de ambas partes y al mismo tiempo proteger los derechos de los tenedores de bonos de los empréstitos de 1922 y 1926;

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA representado por Cordell HULL, Secretario de Estado de los Estados Unidos de América y

EL PRESIDENTE DE LA REPÚBLICA DOMINICANA representado por el Generalísimo Rafael Leonidas TRUJILLO Molina, Benefactor de la

¹ The exchange of ratifications took place at Washington, March 10th, 1941.

² Vol. LIV, page 145, of this Series.

¹ L'échange des ratifications a eu lieu à Washington, le 10 mars 1941.

² Vol. LIV, page 145, de ce recueil.

Country, Ambassador Extraordinary on Special Mission,

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

Article I.

The Government of the Dominican Republic shall collect through its appropriate national officials the Customs revenues of the Dominican Republic and all revenues pertaining to the Customs duties. The General Receivership of the Dominican Customs provided for in the Convention of December 27th, 1924, shall cease to operate on the day on which the Dominican Government undertakes the collection of Customs revenues.

All property and funds of the General Receivership shall be turned over on that day to the Government of the Dominican Republic.

No claim shall be advanced by either Government against the other on account of any act of the General Receivership.

Article II.

The Government of the United States of America and the Government of the Dominican Republic, in common accord, shall designate a Bank, with establishment in the Dominican Republic, as sole depository of all revenues and public funds of whatsoever nature of the Dominican Government. They likewise shall designate, by common accord, an official who shall act in the said Bank as representative of the holders of the bonds of the external debt of 1922 and 1926, in all matters that concern the service of the said external debt. If at any time the Bank so designated ceases for any reason to function in this capacity or if either Government shall deem a change advisable, a successor shall be designated under the procedure stipulated above. If the representative of the holders of the bonds of the external debt of 1922 and 1926 shall, for any reason, be unable to continue in that capacity, or if either Government shall deem a change advisable, his successor shall be designated in accordance with the same procedure established for the original designation. In the event that it should become necessary to designate a successor to either the Bank or the official representing the holders of the bonds of the external debt of 1922 and 1926, and in the

Patria, Embajador Extraordinario en Misión Especial,

Quienes, habiéndose comunicado mutuamente sus respectivos plenos poderes, los cuales fueron hallados en correcta y debida forma, han convenido en los siguientes artículos :

Artículo I.

El Gobierno de la República Dominicana recaudará, por mediación de sus correspondientes funcionarios nacionales, las rentas aduaneras de la República Dominicana y todas las rentas correspondientes a los derechos de Aduanas. La Receptoría General de las Aduanas Dominicanas, estipulada en la Convención del 27 de diciembre de 1924, dejará de funcionar en la fecha en que el Gobierno Dominicano se haga cargo de la recaudación de las rentas aduaneras.

Todas las propiedades y fondos de la Receptoría General serán entregadas en la misma fecha al Gobierno de la República Dominicana.

Ninguna reclamación será hecha por un Gobierno contra el otro en razón de cualquier acto de la Receptoría General.

Artículo II.

El Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana, de común acuerdo, designarán un banco con establecimiento en la República Dominicana, como único depositario de todas las rentas y fondos públicos de cualquier naturaleza del Gobierno Dominicano. Asimismo designarán, por común acuerdo, un funcionario para que actúe en dicho Banco como representante de los tenedores de bonos de la deuda externa de 1922 y 1926 en todo lo relativo al servicio de dicha deuda externa. Si en cualquier momento el Banco así designado deja de funcionar en esta capacidad por cualquier motivo, o si cualquiera de los Gobiernos estima aconsejable un cambio, se designará un sucesor de acuerdo con el procedimiento mencionado más arriba. Si el representante de los tenedores de bonos de la deuda externa de 1922 y 1926 no pudiere por cualquier motivo, continuar en tal capacidad, o si cualquiera de los Gobiernos estima aconsejable un cambio, su sucesor será designado de acuerdo con el mismo procedimiento establecido para la designación original. En el caso de que sea necesario nombrar un sucesor, bien del Banco o del funcionario que represente a los tenedores de bonos de la deuda externa de

further event that the two Governments should be unable to reach mutual accord on such designation within a period of three months, the Foreign Bondholders Protective Council, Incorporated, shall be requested to nominate said successor, and in the event of its failure to make such nomination the President or a Vice-President of the American Bankers Association, or his duly authorized representative, shall be requested to make the nomination; provided, however, that neither a Bank nor a person previously rejected by either Government may be so nominated. In the event that a Bank or person is nominated in accordance with this procedure, the two Governments shall designate such nominee.

The official representing the holders of the bonds of the external debt of 1922 and 1926 shall, with the approval of the two Governments, designate a deputy to serve in his stead in the event of his temporary absence or incapacity.

Article III.

During the first ten days of each calendar month the representative of the holders of the bonds of the external debt of 1922 and 1926 or his deputy shall receive, by endorsement and orders of payment which shall be issued to the Depository Bank by the Dominican Government through the intermediary of the Secretary of State for Treasury and Commerce, the sum necessary to cover monthly payments as follows :

- (1) The payment of one-twelfth of the annual interest charges of all of the outstanding bonds of the external debt of 1922 and 1926 ;
- (2) The payment of one-twelfth of the annual amounts designated for the amortization of the said bonds, including the interest of all the bonds which are or may be retained in the sinking fund. The said amortization shall be computed and effected in accordance with the loan contracts as modified by the agreement between the Dominican Republic and the Foreign Bondholders Protective Council, Incorporated, concluded on August 16th, 1934, and by the provisions of Article V of the present Convention ;

1922 y 1926 y en el caso eventual de que los dos Gobiernos no puedan llegar a un acuerdo sobre dicha designación en el término de tres meses, se solicitará del Consejo Protector de Tenedores de Bonos Extranjeros Inc. que proponga dicho sucesor, y en el caso de que dicho Consejo no hiciera esa proposición, se solicitará del Presidente o de uno de los Vicepresidentes de la Asociación Americana de Banqueros, o de su representante debidamente autorizado, que haga dicha proposición, a condición, sin embargo, de que ni un banco ni una persona anteriormente repudiada por cualquiera de los Gobiernos puedan ser propuestos. En el caso de que un banco o una persona sea propuesta de acuerdo con este procedimiento, los dos Gobiernos nombrarán al banco o persona en esa forma propuesta.

El funcionario que represente a los tenedores de bonos de la deuda externa de 1922 y 1926, nombrará, con la aprobación de los dos Gobiernos, el sustituto que ha de servir en su lugar en el caso de su ausencia o incapacidad temporales.

Artículo III.

En los diez primeros días de cada mes natural el representante de los tenedores de bonos de la deuda externa de 1922 y 1926, o su sustituto, recibirá por endoso y mediante órdenes de pago que le serán dadas al Banco depositario por el Gobierno Dominicano por la vía de la Secretaría de Estado del Tesoro y Comercio, la suma necesaria para cubrir los pagos mensuales de la manera siguiente :

Primero : Al pago de una duodécima parte de los intereses anuales de todos los bonos pendientes de la deuda externa de 1922 y 1926 ;

Segundo : Al pago de una duodécima parte de las cantidades anuales señaladas para la amortización de dichos bonos, incluyendo el interés de todos los bonos que estén o puedan ser retenidos en el fondo de amortización. Dicha amortización se calculará y efectuará de acuerdo con los Contratos de empréstitos modificados por el Convenio entre la República Dominicana y el Consejo Protector de Tenedores de Bonos Extranjeros Inc. celebrado en fecha 16 de agosto de 1934, y por las estipulaciones del artículo V del presente Acuerdo ;

(3) The payment of one-twelfth of the annual cost of the services rendered by the representative of the holders of the bonds of the external debt of 1922 and 1926, or his deputy, who shall receive salaries which are the subject of an exchange of notes attached hereto, which shall be given full force and effect as integral parts of this Convention, and a reasonable amount for expenses incurred in the performance of their duties, and the payment of one-twelfth of the annual amount agreed upon between the Dominican Government and the Depository Bank as the compensation for the services of the said Bank.

No disbursements of funds of the Dominican Government shall be made by the Depository Bank until the payments provided for in this Article shall have been made.

The sums received by the above-mentioned representative for the service of the bonds shall be immediately transmitted by him to the Fiscal Agent or Agents of the loans.

Article IV.

The Government of the Dominican Republic declares that the interest and amortization service of the bonds of the external debt of 1922 and 1926 as well as the payments stipulated in the third numbered paragraph of Article III of the present Convention, constitute an irrevocable first lien upon all of its revenues of whatsoever nature.

Article V.

In case the total collections from all the revenues of whatsoever nature of the Dominican Government should in any calendar year exceed twelve million five hundred thousand dollars (\$12,500,000) there shall be applied to the sinking fund for the redemption of bonds of the external debt of 1922 and 1926 which may be outstanding, ten percent (10 %) of the excess above twelve million five hundred thousand dollars (\$12,500,000) but less than thirteen million five hundred thousand dollars (\$13,500,000), and in addition five percent (5 %) of all sums exceeding thirteen million five hundred thousand dollars (\$13,500,000).

Article VI.

The representative of the holders of the bonds of the external debt of 1922 and 1926

Tercero :— Al pago de una duodécima parte del costo anual de los servicios prestados por el representante de los tenedores de bonos de la deuda externa de 1922 y 1926, o su sustituto, quienes recibirán sueldos que se establecen mediante un cambio de notas, que se anexan a este documento, y a las cuales se les dará entera fuerza y efecto como parte integrante de este Acuerdo, y una suma razonable para gastos que ocasione el desempeño de sus deberes ; y al pago de una duodécima parte de la suma anual convenida entre el Gobierno Dominicano y el Banco depositario como compensación de los servicios de dicho Banco.

Ningún desembolso de fondos de la República Dominicana será hecho por el Banco depositario hasta que los pagos previstos en este artículo hayan sido hechos.

Las sumas recibidas por el antedicho representante, para el servicio de los bonos, serán transmitidas inmediatamente por él al Agente o Agentes Fiscales de los empréstitos.

Artículo IV.

El Gobierno de la República Dominicana declara que el servicio de intereses y amortización de los bonos de la deuda externa de 1922 y 1926, así como los pagos estipulados en el tercer ordinal del artículo III del presente Acuerdo, constituyen una afectación irrevocable en primer rango de todas las rentas de cualquier naturaleza del Gobierno Dominicano.

Artículo V.

En el caso de que la recaudación total de todas las rentas de cualquier naturaleza del Gobierno Dominicano excediere en cualquier año de \$12,500,000 se aplicará al fondo de amortización para la redención de los bonos de la deuda externa de 1922 y 1926 que estén pendientes, un diez (10) por ciento del excedente sobre \$12,500,000 hasta la suma de \$13,500,000, y además, un cinco por ciento (5) de todas las sumas que excedan de \$13,500,000.

Artículo VI.

El representante de los tenedores de bonos de la deuda externa de 1922 y 1926 tendrá

shall have complete access to all records and books of the Depository Bank relating to the public revenues.

The Secretary of State for Treasury and Commerce of the Dominican Government shall supply monthly to the representative of the holders of the bonds of the loans of 1922 and 1926 complete and detailed reports, duly certified, of all the revenues and disbursements and other fiscal operations of the Dominican Government.

Article VII.

The system of deposit of all revenues of the Dominican Republic shall be carried out in accordance with the Dominican laws of accounting and of the Treasury now governing such matters, and these laws as well as the powers conferred by this Convention upon the representative of the holders of the bonds of the loans of 1922 and 1926, shall not be modified by the Dominican Government during the life of this Convention without the previous consent of both Governments.

Article VIII.

Any controversy which may arise between the Government of the United States of America and the Government of the Dominican Republic in relation to the execution of the provisions of the present Convention shall, if possible, be settled through diplomatic channels. Upon notification by either the Government of the United States of America or the Government of the Dominican Republic that, in its opinion, possibilities of settlement by this means have been exhausted, such controversies shall be settled in accordance with the procedure stipulated in the Inter-American Arbitration Convention signed at Washington, January 5th, 1929,¹ notwithstanding the provisions of Article 2 (a) thereof.

Article IX.

The Convention signed by the United States of America and the Dominican Republic on December 27th, 1924, shall cease to have effect, and the present Convention shall enter into force upon the exchange of ratifications which shall take place in the City of Washington within thirty days following ratification by the Government which ratifies the later in point of

acceso completo a todos los records y libros de Banco depositario que tengan relación con las rentas públicas.

El Secretario de Estado del Tesoro y Comercio del Gobierno Dominicano suministrará mensualmente al representante de los tenedores de bonos de los empréstitos de 1922 y 1926, completos y detallados informes, debidamente certificados, de todas las entradas y desembolsos, así como de las otras operaciones fiscales, del Gobierno Dominicano.

Artículo VII.

El sistema de depósitos de todas las rentas de la República Dominicana será efectuado de acuerdo con las leyes dominicanas de Contabilidad y de Hacienda que ahora rigen esa materia, y estas leyes así como las atribuciones conferidas por este Acuerdo al representante de los tenedores de bonos de los empréstitos de 1922 y 1926, no serán modificadas ni su fuerza disminuída por el Gobierno Dominicano durante la vigencia de esta Acuerdo, sin el consentimiento previo de ambos Gobiernos.

Artículo VIII.

Cualesquiera controversias que puedan surgir entre el Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana en relación con la ejecución de las disposiciones del presente Acuerdo serán, si es posible, arregladas por la vía diplomática. Si el Gobierno de los Estados Unidos de América o el Gobierno de la República Dominicana notificare que, en su opinión, las posibilidades de arreglo por esta vía han sido agotadas, estas controversias serán solucionadas de acuerdo con el procedimiento estipulado en la Convención Interamericana de Arbitraje firmada en Washington el 5 de enero de 1929¹, no obstante las disposiciones del artículo 2º. (a) de dicha Convención.

Artículo IX.

La Convención firmada por los Estados Unidos de América y la República Dominicana el 27 de diciembre de 1924, cesará en sus efectos y el presente Acuerdo entrará en vigor cuando se lleve a efecto el cambio de ratificaciones, que tendrá lugar en la ciudad de Washington dentro de los treinta días siguientes a la ratificación por el Gobierno que, en cuanto a tiempo, sea

¹ *British and Foreign State Papers*, Vol. 135, page 813.

¹ DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome XL, page 403.

time; provided, however, that Articles I, II and V of the said Convention of December 27th, 1924, shall continue in full force and effect until the two Governments agree that there have been adopted and put into operation all the measures necessary for the execution of the present Convention.

The present Convention shall continue in full force and effect during the existence of the outstanding external bonds of 1922 and 1926. After the redemption or cancelation of the said bonds, the provisions of this Convention shall automatically cease to have effect.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate in the English and Spanish languages, both texts being equally authoritative, and have hereunto affixed their seals.

Done in the City of Washington this twenty-fourth day of September, 1940.

(Seal) Cordell HULL.

(Seal) Rafael L. TRUJILLO.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACIÓN DE LA REPÚBLICA DOMINICANA.

SEÑOR SECRETARIO :

WASHINGTON, *Septiembre 24 de 1940.*

Tengo el honor, por instrucciones de mi Gobierno, de referirme al Acuerdo entre la República Dominicana y los Estados Unidos de América, firmado hoy, y confirmarle el entendido al cual han llegado nuestros dos Gobiernos en lo relativo a sueldos del Representante, en los términos siguientes :

El Gobierno Dominicano se compromete a pagar al representante de los tenedores de bonos de la deuda externa de 1922 y 1926, un sueldo que no ha de exceder de diez mil dólares (\$10.000) por año, pagadero mensualmente. Durante la ausencia, licencia o incapacidad temporales del representante, su sueldo continuará; a condición sin embargo de que su licencia no exceda de sesenta días (60) con sueldo en cada año calendario, más el número de días necesarios para el viaje de ida y vuelta a su hogar. Durante la ausencia o incapacidad temporales del representante, el Gobierno Dominicano pagará a su sustituto un sueldo en proporción que no exceda de cinco mil dólares (\$5000.00) por año, pagadero mensualmente. El Gobierno Dominicano pagará una suma que no exceda de cinco mil dólares (\$5000.00) anuales para cubrir los gastos necesarios del representante y su sustituto, para transportación, operación de la oficina, costo de fianza y otros gastos similares incurridos en el desempeño de sus deberes oficiales.

Me valgo de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta consideración.

Su Excelencia Cordell Hull,
Secretario de Estado,
Washington, D. C.

Rafael L. TRUJILLO,
Embajador Extraordinario en Misión Especial.

II.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *September 24th*, 1940.

I have the honor to acknowledge the receipt of your note of today's date relating to the agreement arrived at by our two Governments concerning the salaries for the representative of the holders of the bonds of the external debt of 1922 and 1926 and his deputy, in which you confirm your Government's understanding of the agreement in the following terms :

The Dominican Government undertakes to pay to the representative of the holders of the bonds of the external debt of 1922 and 1926, a salary not to exceed ten thousand dollars (\$10,000) per annum, payable monthly. In the temporary absence, leave, or incapacity of the representative his salary will continue ; provided, however, that his leave of absence may not exceed sixty (60) days with pay in each calendar year plus the number of days necessary to travel to and from his home. During the temporary absence or incapacity of the representative the Dominican Government will pay to his deputy a salary at a rate not to exceed five thousand dollars (\$5,000) per annum, payable monthly.

The Dominican Government will pay a sum not to exceed five thousand dollars (\$5,000) annually to defray the necessary expenditures of the representative and his deputy for transportation, the operation of an office, cost of bonding, and other similar expenditures incurred in performing their official duties.

Your statement of the agreement represents my understanding of the arrangement and is satisfactory to the Government of the United States of America.

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

Cordell HULL.

His Excellency Dr. Rafael L. Trujillo,
Ambassador Extraordinary of the Dominican Republic
on Special Mission.

I certify the foregoing to be a true copy of the original note.

Cordell HULL,
Secretary of State.

EXCHANGES OF NOTES. — CANJE DE NOTAS.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACIÓN DE LA REPÚBLICA DOMINICANA.

SEÑOR SECRETARIO :

WASHINGTON, *Septiembre 24 de* 1940.

Tengo el honor, por instrucciones de mi Gobierno, de referirme al Acuerdo entre la República Dominicana y los Estados Unidos de América, firmado hoy, y confirmarle el entendido al cual han llegado nuestros dos Gobiernos en lo relativo a ciertas reclamaciones, en los términos siguientes :

El Gobierno Dominicano desea aprovechar esta feliz oportunidad para arreglar otro asunto existente entre ambos Gobiernos y con lo cual se reforzarán las armoniosas relaciones ya existentes entre nuestros dos Países.

El Gobierno de la República Dominicana incluirá en su próxima Ley de Gastos Públicos y en las subsiguientes hasta tanto sea necesario, una apropiación anual de ciento veinte y cinco mil dólares (\$125,000) la cual será aplicada cada año exclusivamente al

pago de reclamaciones *bona fide* que nacionales de los Estados Unidos de América tengan contra el Gobierno de la República Dominicana.

Me valgo de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta consideración.

Rafael L. TRUJILLO,

Embajador Extraordinario en Misión Especial.

Su Excelencia Cordell Hull,
Secretario de Estado,
Washington, D. C.

¹ TRADUCTION. — TRANSLATION.

LEGATION OF THE DOMINICAN REPUBLIC.

MR. SECRETARY,

WASHINGTON, *September 24th*, 1940.

I have the honor, on instructions of my Government, to refer to the Convention between the Dominican Republic and the United States of America, signed today, and to confirm to you the understanding reached by our two Governments with respect to certain claims, in the following terms :

The Dominican Government desires to seize this propitious moment to settle a further matter outstanding between the two Governments, thus reinforcing the harmonious relations already existing between our two countries.

The Dominican Republic will include in its next annual budget and in ensuing budgets as long as may be necessary, an annual appropriation of one hundred and twenty-five thousand dollars (\$125,000) which shall be paid out each year exclusively to the liquidation of *bona fide* claims by nationals of the United States of America against the Government of the Dominican Republic.

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

Rafael L. TRUJILLO,

Ambassador Extraordinary on Special Mission.

His Excellency Cordell Hull,
Secretary of State,
Washington, D. C.

II.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *September 24th*, 1940.

I have the honor to acknowledge the receipt of your note of today's date relating to the agreement arrived at by our two Governments in relation to the policy of the Dominican Government concerning the liquidation of its unfunded indebtedness to nationals of the United States of America in which you confirm your Government's understanding of the agreement in the following terms :

(See translation of Note No. I above.)

Your statement of the agreement represents my understanding of the arrangement and is satisfactory to the Government of the United States of America.

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

His Excellency Dr. Rafael L. Trujillo,
Ambassador Extraordinary of the Dominican Republic
on Special Mission.

Cordell HULL.

¹ Les traductions anglaises des notes en langue espagnole sont des traductions du Gouvernement des États-Unis d'Amérique.

¹ The English translations of Notes in the Spanish language are translations of the Government of the United States of America.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACI N DE LA REP BLICA DOMINICANA.

SE NOR SECRETARIO :

WASHINGTON, *Septiembre 24 de 1940.*

Tengo el honor, por instrucciones de mi Gobierno, de referirme al Acuerdo entre la Rep blica Dominicana y los Estados Unidos de Am rica, firmado hoy, y confirmarle el entendido al cual han legado nuestros dos Gobiernos en lo relativo a pensiones, en los t rminos siguientes :

En reconocimiento de los largos y leales servicios prestados por los Se ores W. E. Pulliam y N. L. Orme en relaci n con sus deberes como funcionarios de la Receptor a General de Aduanas, y quienes desde su retiro han venido recibiendo pensiones de doscientos d lares (\$200.00) por mes, el Gobierno Dominicano conviene en pagar a los Se ores Pulliam y Orme pensiones por esas sumas durante el tiempo de sus vidas.

El Gobierno Dominicano iniciar  y asegurar  la promulgaci n de leyes con las estipulaciones necesarias para estos pagos en la fecha en que entre en vigor el Acuerdo firmado hoy.

En los diez primeros d as de cada mes calendario, despu s de eso, el Gobierno Dominicano se compromete a notificar al Banco depositario del Gobierno Dominicano el pago de las pensiones mencionadas m s arriba. Una copia de esta Nota, despu s de haber sido debidamente refrendada y una vez que haya sido recibida por el Banco depositario del Gobierno Dominicano constituir  la autoridad del Banco para detener cualquier desembolso del Gobierno, hasta haber recibido aviso de dicho pago de las pensiones mencionadas m s arriba.

El Gobierno Dominicano conviene formalmente que el compromiso expresado aqui tiene la misma fuerza y valid z que el Acuerdo firmado hoy.

Me valgo de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi m s alta consideraci n.

Rafael L. TRUJILLO,

Embajador Extraordinario en Misi n Especial.

Su Excelencia Cordell Hull,
Secretario de Estado,
Washington, D. C.

TRADUCTION. — TRANSLATION.

LEGATION OF THE DOMINICAN REPUBLIC.

MR. SECRETARY,

WASHINGTON, *September 24th, 1940.*

I have the honor, on instructions of my Government, to refer to the Convention between the Dominican Republic and the United States of America, signed today, and to confirm to you the understanding reached by our two Governments with regard to pensions, in the following terms :

In recognition of the long and faithful services of Messrs. W. E. Pulliam and N. L. Orme, performed in connection with their duties as officials of the General Receivership of Customs, and who have, since their retirement, been receiving pensions of two hundred dollars (\$200.00) per month, the Dominican Government agrees to pay to Messrs. Pulliam and Orme pensions of that amount during their lifetimes.

The Dominican Government will initiate and insure the passage of legislation making the necessary provisions for these payments on the date on which the Convention signed today becomes effective.

During the first ten days of each calendar month thereafter the Dominican Government undertakes to notify the Depository Bank of the Dominican Government

of the payment of the above-mentioned pensions. A copy of this note, after it has been duly authenticated and when it shall have been received by the Depository Bank of the Dominican Government, shall constitute the Bank's authority for withholding any disbursement of the Government until notice of the said payment of the above-mentioned pensions has been received.

The Dominican Government formally agrees that the undertaking herein expressed has the same force and validity as the Convention signed today.

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

Rafael L. TRUJILLO,
Ambassador Extraordinary on Special Mission.

His Excellency Cordell Hull,
Secretary of State,
Washington, D. C.

II.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *September 24th*, 1940.

I have the honor to acknowledge the receipt of your note of today's date, relating to the agreement arrived at by our two Governments concerning pensions to certain individuals, in which you confirm your Government's understanding of the agreement in the following terms :

(See translation of Note No. I above.)

Your statement of the agreement represents my understanding of the arrangement and is satisfactory to the Government of the United States of America.

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

Cordell HULL.

His Excellency Dr. Rafael L. Trujillo,
Ambassador Extraordinary of the Dominican Republic
on Special Mission.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACIÓN DE LA REPÚBLICA DOMINICANA.

SEÑOR SECRETARIO :

WASHINGTON, *Septiembre 24 de* 1940.

Tengo el honor, por instrucciones de mi Gobierno, de referirme al Acuerdo entre la República Dominicana y los Estados Unidos de América, firmado hoy, y confirmarle el entendido al cual han llegado nuestros dos Gobiernos en lo relativo a interpretaciones, en los términos siguientes :

La frase « todas las rentas y fondos públicos de cualquier naturaleza del Gobierno Dominicano » empleada en el Acuerdo firmado hoy por nosotros para la sustitución de la Convención del 27 de diciembre de 1924, comprende el depósito y garantía de cualquiera y todas las rentas del Gobierno Dominicano, de cualquier fuente que procedan, ya sean llamadas rentas, aduanas, derechos, consumos, retribuciones al Estado, multas, impuestos, cargas, tributo o cualquiera otra clase de rentas similares, recibos o fondos que pertenezcan al y estén bajo el control del Gobierno de la República Dominicana. Queda entendido que tal frase no incluye fondos bajo el control del Gobierno Dominicano que, de acuerdo con las leyes actuales, son cobrados para, pertenecen a, y son

prorratedos entre, los Ayuntamientos, los cuales son aut nomos de conformidad con la Constituci n del Estado.

Me valgo de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi m s alta consideraci n.

Su Excelencia Cordell Hull,
Secretario de Estado,
Washington, D. C.

Rafael L. TRUJILLO,
Embajador Extraordinario en Misi n Especial.

TRADUCTION. — TRANSLATION.

LEGATION OF THE DOMINICAN REPUBLIC.

MR. SECRETARY,

WASHINGTON, *September 24th*, 1940.

I have the honor, on instructions of my Government, to refer to the Convention between the Dominican Republic and the United States of America, signed today, and to confirm to you the understanding reached by our two Governments with regard to interpretations, in the following terms :

The term " all revenues and public funds of whatsoever nature of the Dominican Government " employed in the Convention signed by us today to replace the Convention of December 27th, 1924, embraces the deposit and pledge of any and all income and receipts of the Dominican Government, from whatsoever source derived, whether known as taxes, duties, excises, fees, contributions to the State, fines, imposts, charges, levies or any other kind of similar income, receipts, or funds which belong to and are under the control of the Government of the Dominican Republic. It is understood that the term does not include funds under the control of the Dominican Government which under existing law are collected for, belong to, and are distributed among the municipalities, which are autonomous under the constitution of the State.

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

His Excellency Cordell Hull,
Secretary of State,
Washington, D. C.

Rafael L. TRUJILLO,
Ambassador Extraordinary on Special Mission.

II.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *September 24th*, 1940.

I have the honor to acknowledge the receipt of your note of today's date relating to the agreement arrived at by our two Governments concerning the term " all revenues and public funds of whatsoever nature of the Dominican Republic " employed in Article II of the Convention signed by us today, in which you confirm your Government's understanding of the agreement in the following terms :

(See translation of Note No. I above.)

Your statement of the agreement represents my understanding of the arrangement and is satisfactory to the Government of the United States of America.

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

His Excellency Dr. Rafael L. Trujillo,
Ambassador Extraordinary of the
Dominican Republic on Special Mission.

Cordell HULL.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACIÓN DE LA REPÚBLICA DOMINICANA.

SEÑOR SECRETARIO :

WASHINGTON, *Marzo 10 de 1941.*

En cumplimiento de las instrucciones recibidas de mi Gobierno, tengo el honor de referirme al Acuerdo suscrito entre la República Dominicana y los Estados Unidos de América, cuyas ratificaciones cambiamos hoy, y particularmente al siguiente párrafo del artículo II del mismo que establece :

« Asimismo (el Gobierno de la República Dominicana y el Gobierno de los Estados Unidos de América) designarán, por común acuerdo, un funcionario para que actúe en dicho Banco como representante de los tenedores de bonos de la deuda externa de 1922 y 1926 en todo lo relativo al servicio de dicha deuda externa ».

En consecuencia, el Gobierno de la República Dominicana propone que, por mutuo acuerdo entre nuestros dos Gobiernos y para los fines estipulados en el Acuerdo, el señor Oliver P. Newman sea designado como representante de los tenedores de bonos de la deuda externa de 1922 y 1926.

Me valgo de esta oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta consideración.

Rafael L. TRUJILLO,
*Embajador Extraordinario y Plenipotenciario
en Misión Especial.*

Su Excelencia el Señor Cordell Hull,
Secretario de Estado,
Washington, D. C.

TRADUCTION. — TRANSLATION.

LEGATION OF THE DOMINICAN REPUBLIC.

MR. SECRETARY,

WASHINGTON, *March 10th, 1941.*

I have the honor, on instructions from my Government, to refer to the Convention between the Dominican Republic and the United States of America, the ratifications of which we exchanged today, and particularly to the following sentence of Article II which provides that :

“ They (the Government of the Dominican Republic and the Government of the United States of America) likewise shall designate, by common accord, an official who shall act in the said Bank as representative of the holders of the bonds of the external debt of 1922 and 1926, in all matters that concern the service of the said external debt.”

The Government of the Dominican Republic proposes accordingly that, by mutual accord between our two Governments and for the purposes stipulated in the Convention, Mr. Oliver P. Newman be designated as the representative of the holders of the bonds of the external debt of 1922 and 1926.

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

Rafael L. TRUJILLO,
*Ambassador Extraordinary and Plenipotentiary
on Special Mission.*

His Excellency Cordell Hull,
Secretary of State,
Washington, D. C.

II.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *March 10th, 1941.*

I have the honor to acknowledge the receipt of your note of today's date, reading as follows :

(See translation of Note No. I above.)

In reply, I have the honor to state that the proposal of the Dominican Government is agreeable to the Government of the United States, namely, that Mr. Oliver P. Newman be designated as the representative of the holders of the bonds of the external debt of 1922 and 1926.

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

Cordell HULL.

His Excellency Dr. Rafael L. Trujillo,
Ambassador Extraordinary of the Dominican Republic
on Special Mission.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACIÓN DE LA REPÚBLICA DOMINICANA.

SEÑOR SECRETARIO :

WASHINGTON, *Marzo 10 de 1941.*

En cumplimiento de las instrucciones recibidas de mi Gobierno, tengo el honor de referirme a las notas que cambiamos en esta Capital el 24 de septiembre de 1940, relativas al sueldo del funcionario que actuará en el Banco Depositario del Gobierno Dominicano como representante de los tenedores de bonos de la deuda externa de 1922 y 1926.

A este respecto tengo el honor de informar a Vuestra Excelencia que el Gobierno de la República Dominicana se propone pagar a dicho representante un sueldo de diez mil dólares (\$10.000.00) por año, pagaderos mensualmente.

Me valgo de esta oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta consideración.

Su Excelencia el Señor Cordell Hull,
Secretario de Estado,
Washington, D. C.

Rafael L. TRUJILLO,
*Embajador Extraordinario y Plenipotenciario
en Misión Especial.*

TRADUCTION. — TRANSLATION.

LEGATION OF THE DOMINICAN REPUBLIC.

MR. SECRETARY,

WASHINGTON, *March 10th, 1941.*

I have the honor, on instructions of my Government, to refer to the notes which we exchanged in this Capital on September 24th, 1940, with regard to the salary of the official who is to act in the Depository Bank of the Dominican Government as representative of the holders of the bonds of the external debt of 1922 and 1926.

In this connection, I have the honor to inform Your Excellency that the Government of the Dominican Republic proposes to pay to that representative a salary of ten thousand dollars (\$10,000) per annum, payable monthly.

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

His Excellency Cordell Hull,
Secretary of State,
Washington, D. C.

Rafael L. TRUJILLO,
*Ambassador Extraordinary and Plenipotentiary
on Special Mission.*

II.

DEPARTMENT OF STATE.
EXCELLENCY,

WASHINGTON, *March 10th, 1941.*

I have the honor to acknowledge the receipt of your note of today's date, reading as follows :

(See translation of Note No. I above.)

In reply, I have the honor to state that the proposal of the Dominican Government is agreeable to the Government of the United States, namely, that the Dominican Government will pay the official who is to act as the representative of the holders of the bonds of the external debt of 1922 and 1926 a salary of ten thousand dollars (\$10,000) per annum, payable monthly.

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

Cordell HULL.

His Excellency Dr. Rafael L. TRUJILLO,
Ambassador Extraordinary of the Dominican Republic
on Special Mission.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

LEGACIÓN DE LA REPÚBLICA DOMINICANA.

SEÑOR SECRETARIO :

WASHINGTON, *Marzo 10 de 1941.*

En cumplimiento de las instrucciones recibidas de mi Gobierno, tengo el honor de referirme al Acuerdo suscrito entre la República Dominicana y los Estados Unidos de América, cuyas ratificaciones cambiamos hoy, y particularmente al siguiente párrafo del artículo II del mismo que establece :

« El Gobierno de la República Dominicana y el Gobierno de los Estados Unidos de América, de común acuerdo, designarán un banco con establecimiento en la República Dominicana, como único depositario de todas las rentas y fondos públicos de cualquier naturaleza del Gobierno Dominicano. »

En consecuencia, el Gobierno de la República Dominicana propone que, por mutuo acuerdo entre nuestros dos Gobiernos y para los fines estipulados en el Acuerdo, la sucursal del National City Bank of New York establecida en Ciudad Trujillo, República Dominicana, sea designada como banco depositario.

Me valgo de esta oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta consideración.

Rafael L. TRUJILLO,
*Embajador Extraordinario y Plenipotenciario
en Misión Especial.*

Su Excelencia el Señor Cordell Hull,
Secretario de Estado,
Washington, D. C.

TRADUCTION. — TRANSLATION.

LEGATION OF THE DOMINICAN REPUBLIC.

MR. SECRETARY,

WASHINGTON, *March 10th, 1941.*

I have the honor, on instructions of my Government, to refer to the Convention between the Dominican Republic and the United States of America, the ratifications of which we exchanged today, and particularly to the following sentence of Article II which provides that :

“ The Government of the Dominican Republic and the Government of the United States of America, in common accord, shall designate a Bank, with establishment in the Dominican Republic, as sole depository of all revenues and public funds of whatsoever nature of the Dominican Government.”

The Government of the Dominican Republic proposes accordingly that, by mutual accord between our two Governments and for the purposes stipulated in the Convention, the branch of the National City Bank of New York established in Ciudad Trujillo, Dominican Republic, be designated as the Depository Bank.

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

His Excellency Cordell Hull,
Secretary of State,
Washington, D. C.

Rafael L. TRUJILLO,
*Ambassador Extraordinary and Plenipotentiary
on Special Mission.*

II.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *March 10th, 1941.*

I have the honor to acknowledge the receipt of your note of today's date, reading as follows
(*See translation of Note No. I above.*)

In reply, I have the honor to state that the proposal of the Dominican Government is agreeable to the Government of the United States, namely, that the branch of the National City Bank of New York established in Ciudad Trujillo, Dominican Republic, be designated as the Depository Bank for the purposes stipulated in the Convention, the ratifications of which were exchanged today.

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

Cordell HULL.

His Excellency Dr. Rafael L. Trujillo,
Ambassador Extraordinary of the Dominican Republic
on Special Mission.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

REPÚBLICA DOMINICANA.

SECRETARIA DE ESTADO DE RELACIONES EXTERIORES.

445.

CIUDAD TRUJILLO, DISTRITO DE SANTO DOMINGO, 31 *de marzo de 1941.*

SEÑOR MINISTRO :

Tengo el honor de llevar al conocimiento de Vuestra Excelencia, que en relación con las disposiciones establecidas en el párrafo primero del artículo nueve del Acuerdo suscrito en la

Ciudad de Wáshington, D. C., entre el Gobierno de la República Dominicana y el de los Estados Unidos de América, en fecha 24 de setiembre de 1940, y en vista de todos los trabajos realizados de común acuerdo con ambos gobiernos con posterioridad al canje de las ratificaciones de dicho Acuerdo, el Gobierno Dominicano por medio de esta nota hace constar, que, por su parte, reconoce que han sido adoptadas y puestas en operación todas las medidas necesarias para la ejecución del citado Acuerdo del 24 de setiembre de 1940.

Que, en consecuencia, a partir de esta fecha, puede iniciarse la normal y satisfactoria ejecución del aludido Acuerdo.

Al rogar a Vuestra Excelencia se sirva expresarme la opinión de su Gobierno sobre este particular, aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta consideración.

A. DESPRADEL.

A Su Excelencia Robert McGregor Scotten,
E. E. y Ministro Plenipotenciario de los Estados Unidos de América,
Su Legacion.

TRADUCTION. — TRANSLATION.

DOMINICAN REPUBLIC.
DEPARTMENT OF STATE FOR FOREIGN AFFAIRS.

445.

CIUDAD TRUJILLO, DISTRICT OF SANTO DOMINGO, *March 31st, 1941.*

MR. MINISTER,

I have the honor to inform Your Excellency that, with reference to the provisions of the first paragraph of Article IX of the Convention between the Government of the Dominican Republic and the Government of the United States of America signed in the City of Washington, D. C., on September 24th, 1940, and in view of all of the measures adopted through mutual agreement between both Governments subsequent to the exchange of ratifications of the said Convention, the Dominican Government, by means of the present note, states that, for its part, it recognizes that all of the measures necessary for the execution of the above-mentioned Convention of September 24th, 1940, have been adopted and put into operation.

And that, consequently, beginning with this date, the normal and satisfactory execution of the said Convention can be initiated.

In requesting Your Excellency to advise me of the opinion of your Government on this matter, I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

A. DESPRADEL.

His Excellency Robert McGregor Scotten,
E. E. and Minister Plenipotentiary
of the United States of America.

II.

No. 43.

EXCELLENCY,

CIUDAD TRUJILLO, D. R., *March 31st, 1941.*

I have the honor to acknowledge the receipt of your communication No. 445 of March 31st, 1941, in which Your Excellency states that, with reference to the provisions of the first paragraph of Article IX of the Convention signed in the City of Washington, D. C., between the Government of the United States of America and the Government of the Dominican Republic, on September 24th, 1940, and in view of the measures adopted through mutual agreement between both Governments subsequent to the exchange of ratifications of the said Convention, the

Dominican Government agrees that all of the necessary measures for the execution of the above-mentioned Convention of September 24th, 1940, have been adopted and put into operation.

In reply to this communication, I have the honor to inform Your Excellency that, in view of all of the measures adopted through mutual agreement between both Governments subsequent to the exchange of ratifications of the aforesaid Convention, the American Government, for its part, agrees that all of the measures necessary for the execution of the above-mentioned Convention of September 24th, 1940, have been adopted and put into operation.

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

Robert M. SCOTTEN.

His Excellency Arturo Despradel,
Secretary of State for Foreign Affairs,
Ciudad Trujillo, D. R.

Certified to be true and complete textual copies of the original convention and of notes exchanged in connection therewith in all the languages in which they were signed.

For the Secretary of State
of the United States of America :

Edward Yardley,
Director of Personnel.
