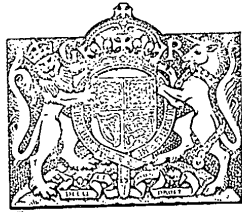


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# BRITISH AND FOREIGN STATE PAPERS

WITH WHICH IS INCORPORATED  
HERTSLET'S COMMERCIAL  
TREATIES

## 1930 Part I VOL. CXXXII

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de s'adresser au Secrétariat de la Société des Nations afin de savoir si la Turquie pourrait adhérer à la convention en réservant la question des certificats d'origine, sur laquelle elle ne voit pas la possibilité d'accepter les dispositions de la convention. Si la réponse était favorable, rien ne s'opposerait à ce que la Turquie adhère à la convention. Finalement, en ce qui concerne le protocole mentionné sous le numéro 4, le Ministère des Affaires étrangères est en train de demander l'avis du Ministère de la Justice sur cette question.

Sir George Clerk remercie Zekai Bey de ces précisions. Le traité est ensuite signé.

GEORGE R. CLERK.  
ZEKAI.

THE provisions of the foregoing treaty have been extended to—

Southern Rhodesia	October 25, 1930
Barbados, Bermuda, British Guiana, Ceylon, Cyprus, Falkland Islands, Gambia, Gold Coast (including Ashanti, Northern Territories and Togoland), Grenada, Hong Kong, Jamaica, Malta, Mauritius, Nigeria (including Cameroons), North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, St. Vincent, Seychelles, Straits Settlements, Trinidad and Tobago	September 3, 1930.

*CONVENTION between the United Kingdom and the United States of America regarding the Boundary between the Philippine Archipelago and North Borneo, with Exchange of Notes.—Washington, January 2, 1930. (1)*

[Ratifications exchanged at Washington, December 13, 1932.]

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, and the President of the United States of America,  
Being desirous of delimiting definitely the boundary between the Philippine archipelago (the territory acquired

(1) *Treaty Series No. 2 (1933) (Cmd. 4241).*

by the United States of America by virtue of the treaties of the 10th December, 1898,<sup>(\*)</sup> and the 7th November, 1900,<sup>(\*)</sup> with Her Majesty the Queen Regent of Spain) and the State of North Borneo, which is under British protection.

Have resolved to conclude a convention for that purpose and have appointed as their plenipotentiaries:

[Here follow the names.]

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

Art. 1. It is hereby agreed and declared that the line separating the islands belonging to the Philippine archipelago on the one hand and the islands belonging to the State of North Borneo, which is under British protection, on the other hand shall be and is hereby established as follows:—

From the point of intersection of the parallel of 4° 45' north latitude and the meridian of longitude 120° 0' east of Greenwich (being a point on the boundary defined by the treaty between the United States of America and Spain, signed at Paris, the 10th December, 1898), a line due south along the meridian of longitude 120° 0' east of Greenwich to its point of intersection with the parallel of 4° 23' north latitude;

Thence due west along the parallel of 4° 23' north latitude to its intersection with the meridian of longitude 119° 0' east of Greenwich;

Thence due north along the meridian of longitude 119° 0' east of Greenwich to its intersection with the parallel of 4° 42' north latitude;

Thence in a straight line approximately 45° 54' true (N 45° 54' E) to the intersection of the parallel of 5° 16' north latitude and the meridian of longitude 119° 35' east of Greenwich;

Thence in a straight line approximately 314° 19' true (N 45° 41' W) to the intersection of the parallel of 6° 0' north latitude and the meridian of longitude 118° 50' east of Greenwich;

Thence due west along the parallel of 6° 0' north latitude to its intersection with the meridian of longitude 118° 20' east of Greenwich;

Thence in a straight line approximately 307° 40' true (N 52° 20' W) passing between Little Bakkungaan Island and Great Bakkungaan Island to the intersection of the parallel of 6° 17' north latitude and the meridian of longitude 117° 58' east of Greenwich;

(\*) Vol. XC, page 382.

(\*) Vol. XCII, page 814.

Thence due north along the meridian of longitude 117° 58' east of Greenwich to its intersection with the parallel of 6° 52' north latitude;

Thence in a straight line approximately 315° 16' true (N 44° 44' W) to the intersection of the parallel of 7° 24' 45" north latitude with the meridian of longitude 117° 25' 30" east of Greenwich;

Thence in a straight line approximately 300° 56' true (N 59° 4' W) through the Mangsee Channel between Mangsee Great Reef and Mangsee Islands to the intersection of the parallel of 7° 40' north latitude and the meridian of longitude 117° 0' east of Greenwich, the latter point being on the boundary defined by the treaty between the United States of America and Spain, signed at Paris, the 10th December, 1898.

2. The line described above has been indicated on charts Nos. 4707 and 4720, published by the United States Coast and Geodetic Survey, corrected to the 24th July, 1929, portions of both charts so marked being attached to this treaty<sup>(\*)</sup> and made a part thereof. It is agreed that if more accurate surveying and mapping of North Borneo, the Philippine Islands and intervening islands shall in the future show that the line described above does not pass between Little Bakkungaan and Great Bakkungaan Islands, substantially as indicated on chart No. 4720, the boundary line shall be understood to be defined in that area as a line passing between Little Bakkungaan and Great Bakkungaan Islands as indicated on the chart, said portion of the line being a straight line approximately 307° 40' true drawn from a point on the parallel of 6° 0' north latitude to a point on the meridian of longitude of 117° 58' east of Greenwich.

It is likewise agreed that if more accurate surveying and mapping shall show that the line described above does not pass between the Mangsee Islands and the Mangsee Great Reef as indicated on chart No. 4720, the boundary shall be understood to be defined in that area as a straight line drawn from the intersection of the parallel of 7° 24' 45" north latitude and the meridian of longitude of 117° 25' 30" east of Greenwich, passing through Mangsee Channel as indicated on attached chart No. 4720 to a point on the parallel of 7° 40' north latitude.

3. All islands to the north and east of the said line and all islands and rocks traversed by the said line, should there be any such, shall belong to the Philippine archipelago and all islands to the south and west of the said line shall belong to the State of North Borneo.

(\*) Charts not reproduced.

4. The provisions of article 19 of the treaty between the United States of America, the British Empire, France, Italy and Japan limiting naval armament, signed at Washington on the 6th February, 1922,<sup>(\*)</sup> shall, so long as that treaty remains in force, apply in respect of all islands in the Turtle and Mangsee Groups which are or may be deemed to be comprised within the territories of the Philippine archipelago on the one hand and of the State of North Borneo on the other hand in consequence of the establishment of the line fixed by the preceding articles of the present convention. In the event of either high contracting party ceding, selling, leasing or transferring any of the islands in question to a third party provision shall be made for the continued application to such island of the aforementioned article 19 of the treaty between the United States of America, the British Empire, France, Italy and Japan limiting naval armament, signed at Washington on the 6th February, 1922, provided that treaty is still in force at the time of such cession, sale, lease or transfer.

5. 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, and shall come into force on the exchange of the acts of ratification, which shall take place at Washington as soon as possible.

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

Done in duplicate at Washington the 2nd day of January in the year of our Lord 1930.

(L.S.) ESME HOWARD.  
(L.S.) HENRY L. STIMSON.

*Exchange of Notes.*

(No. 1.)—*The British Ambassador at Washington to the United States Secretary of State.*

Sir,  
*Washington, January 2, 1930.*  
By the convention concluded between the President of the United States of America and His Britannic Majesty for the purpose of delimiting the boundary between the Philippine archipelago on the one hand and the State of North Borneo, which is under British protection, on the other hand, the sovereignty over certain islands which have

<sup>(\*)</sup> Vol. CXVII, page 453

for many years past been administered by the British North Borneo Company has been definitely recognised as pertaining to the United States of America. These islands, which formed the subject of the arrangement effected by an exchange of notes between His Majesty's Government and the United States Government on the 3rd and 10th July, 1907<sup>(\*)</sup> are:—

1. Sibaung, Boaan, Lihiman, Langaan, Great Bakkungaan, Taganak, and Babuan in the group of islands known as "the Turtle Islands."

2. The Mangsee Islands.

His Majesty's Government in the United Kingdom understand that the Government of the United States of America are prepared to conclude an arrangement in regard to these islands, supplementary to the above-mentioned convention, in the following terms:—

*Firstly.*—That the said company be left undisturbed in the administration of the islands in question unless or until the United States Government give notice to His Majesty's Government of their desire that the administration of the islands should be transferred to them. The transfer of administration shall be effected within 1 year after such notice is given on a day and in a manner to be mutually arranged.

*Secondly.*—That when the administration of any island is transferred in accordance with the foregoing, the said company will deliver to the United States Government all records relating to administration prior to the date of transfer.

*Thirdly.*—The United States of America shall not be responsible for the value of any buildings which have been or may be erected or other permanent improvements which have been or may be made in any island the administration of which is subject to transfer, but any buildings or improvements erected or made by the administrative authorities prior to the transfer of administration may be removed, provided the interests of the United States of America are not thereby injured. In the event, however, of the island of Taganak being so transferred, the United States Government will give favourable consideration to the question of the compensation to be paid to the said company in respect of the capital expenditure incurred by the company in connexion with the lighthouse situated on the island, and the United States Government will provide for the future maintenance of the lighthouse.

*Fourthly.*—That such privilege of administration shall not carry with it territorial rights, such as those of making

<sup>(\*)</sup> Vol. CII, page 636.

grant or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession or licence made by the company shall cease upon the termination of the company's occupation. The United States Government, however, take note of the desire of His Majesty's Government that the following titles to land in certain of the islands, which were in good faith granted by the Government of North Borneo prior to the arrangement of 1907, be allowed to stand on the terms on which they were issued by that Government:—

## Particulars.

Titles.	Date of Alienation.	Period.	Approximate Total Acreage.
<i>Boaan Island</i> — 26 native titles	June 1, 1907	In perpetuity...	Acres. 146
<i>Lihiman(C) Island</i> — 7 native titles 1 provisional lease, 2416	June 1, 1907	In perpetuity... 999 years	37 13
<i>Langaan Island</i> — 4 native titles	June 1, 1907	In perpetuity...	Total 50 12
<i>Great Bakungaan</i> — 3 provisional leases	Sept. 26, 1903	999 years	118

*Fifthly*.—It is agreed that the United States Government shall be exempt from responsibility in respect of acts done in or from any of the islands in question the administration of which has not been transferred to the United States.

*Sixthly*.—The stipulations of the extradition treaties between the United States Government and His Majesty's Government shall be applicable within the limits provided for in the exchange of notes which took place in Washington on the 1st to 23rd September, 1913,<sup>(\*)</sup> to the islands in question, and the United States Government take note of the importance which, in view of the proximity of the

(\*) By an exchange of notes dated Washington, July 6, 1932 (text in *Treaty Series* No. 2 (1933) (Cmd. 4241)), provisional lease No. 2417, alienated on June 1, 1907, for 999 years (13 acres and 24 perches), was regarded as included in the above arrangement.

(\*) Vol. CVI, page 821.

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islands to North Borneo, the said company attach to the establishment and maintenance of an adequate police post thereon, in the event of the administration being transferred to the United States Government.

*Seventhly*.—In the event of the cession, sale, lease or transfer of the islands in question to any third party, the United States Government undertake to use their good offices in commending to the favourable consideration of such third party the desires expressed by His Majesty's Government in the United Kingdom and the British North Borneo Company, as set out in the preceding articles of the present arrangement.

I have the honour, under instruction from His Majesty's Principal Secretary of State for Foreign Affairs, to request you to be so good as to inform me whether the United States adhere to the terms of the arrangement above described, and I shall be glad to receive an assurance from you at the time that this note will be considered by the United States Government as sufficient acceptance of the above arrangement on the part of His Majesty's Government in the United Kingdom.

I have, &amp;c.

ESME HOWARD.

(No. 2.)—The United States Secretary of State to the British Ambassador at Washington.

Washington, January 2, 1930.

In your Excellency's note of to-day's date you stated that His Majesty's Government in the United Kingdom understands that the Government of the United States of America is prepared to conclude an arrangement in the following terms regarding certain islands off the coast of Borneo which have been administered by the British North Borneo Company in accordance with the arrangement effected by an exchange of notes between His Majesty's Government and the Government of the United States of America on the 8th and 10th July, 1907:—

[Here follow seven paragraphs as in No. 1, except that "Government" and "company" are treated as singular nouns.]

In reply to the enquiry made on behalf of your Excellency's Government in the last paragraph of your note of to-day's date, I take pleasure in informing you that the Government of the United States of America adheres to the terms of the arrangement above described,

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and in assuring you that your note under acknowledgment is considered by the Government of the United States of America as sufficient acceptance of the arrangement on the part of His Majesty's Government in the United Kingdom.

Accept, &c.  
HENRY L. STIMSON.

*EXCHANGE OF NOTES between the United Kingdom and the United States of America regarding the Interpretation of Article 19 of the International Treaty of April 22, 1930, for the Limitation and Reduction of Naval Armament.—London, June 5, 1930.<sup>(1)</sup>*

(No. 1.)—*The United States Ambassador in London to His Majesty's Principal Secretary of State for Foreign Affairs.*

Sir,  
*London, June 5, 1930.*  
It is the understanding of the Government of the United States that the word "category" in article 19 of the London Naval Treaty of 1930<sup>(2)</sup> means "category or sub-category." The Government of the United States declares that it interprets the treaty to mean that vessels becoming over age of either sub-category A or sub-category B of the cruiser categories (article 16) shall be replaceable only in that sub-category.

I have the honour to state that my Government would be most happy to have a note of confirmation as to whether this interpretation is shared by His Majesty's Government.

I have, &c.  
(For the Ambassador),  
RAY ATHERTON.

(No. 2.)—*His Majesty's Principal Secretary of State for Foreign Affairs to the United States Ambassador in London.*

Your Excellency,  
*Foreign Office, June 5, 1930.*  
In the note which your Excellency was so good as to address to me on the 5th June you stated that it was the understanding of the Government of the United States that the word "category" in article 19 of the London Naval

<sup>(1)</sup> Treaty Series No. 1 (1931) (Cmd. 3758).  
<sup>(2)</sup> Page 603.

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Treaty, 1930, meant "category or sub-category." Your Excellency added that the Government of the United States declared that it interpreted the treaty to mean that vessels becoming over age of either sub-category A or sub-category B of the cruiser categories (article 16) shall be replaceable only in that sub-category.

2. His Majesty's Government in the United Kingdom note the above understanding and interpretation of the London Naval Treaty of 1930 and concur therein. His Majesty's Government in the United Kingdom do so without prejudice to article 20 (a) of that treaty under which they understand that the tonnage to be scrapped and replaced in the case of the British Commonwealth of Nations by the 91,000 tons of 6-inch cruiser tonnage which may be completed before the 31st December, 1936, comprises partly 6-inch-gun cruiser tonnage and partly cruiser tonnage of the 7.5-inch gun *Effingham* class.

I have, &c.  
(For the Secretary of State),  
R. VANSITTART.

*CONVENTION between the United Kingdom and Iraq and the United States of America regarding the Rights of the United States and its Nationals in Iraq, with Protocol and Exchange of Notes.—London, January 9, 1930.<sup>(1)</sup>*

[Ratifications exchanged at London, February 24, 1931.]

(i) WHEREAS in virtue of the treaty of peace concluded with the Allied Powers and signed at Lausanne on the 24th day of July, 1923,<sup>(2)</sup> and in virtue of the treaty concluded with His Britannic Majesty and His Majesty the King of Iraq, signed at Angora on the 5th day of June, 1926,<sup>(3)</sup> Turkey has renounced all rights and titles over the territory of Iraq; and

(ii) Whereas by their decision of the 27th day of September, 1924, which is set forth in the first schedule hereto, the Council of the League of Nations agreed that, in so far as concerns Iraq, effect had been given to the provisions of article 22 of the covenant<sup>(4)</sup> of the League of

<sup>(1)</sup> Treaty Series No. 19 (1931) (Cmd. 3833). Signed also in the Arabic language.

<sup>(2)</sup> Vol. CXVII, page 543.  
<sup>(3)</sup> Vol. CXXIII, page 599.

<sup>(4)</sup> Vol. CXX, page 780.