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Treaty Series No. 21 (1929)

EXCHANGE OF NOTES

between His Majesty's Governments in the United Kingdom and the Commonwealth of Australia and the Government of India

and the

Italian Government

concerning the

RECIPROCAL RECOGNITION OF PASSENGER SHIPS' CERTIFICATES AND EMIGRANT SHIP REGULATIONS

Rome, January 25, 1929

Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty

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**Exchange of Notes between His Majesty's Governments
in the United Kingdom and the Commonwealth of
Australia and the Government of India and the
Italian Government concerning the Reciprocal
Recognition of Passenger Ships' Certificates and
Emigrant Ship Regulations.**

Rome, January 25, 1929.

No. 1.

Sir R. Graham to Signor Mussolini.

British Embassy,

Rome, January 25, 1929.

M. le Ministre,

IN accordance with instructions received from His Britannic Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that His Majesty's Governments in the United Kingdom and the Commonwealth of Australia and the Government of India agree to the following provisions as constituting an agreement on a reciprocal basis between them and the Royal Italian Government.

It being the desire of His Majesty's Governments in the United Kingdom and the Commonwealth of Australia and of the Government of India of the one part, and of the Royal Italian Government of the other, to make arrangements for facilitating the entry of British ships registered in Great Britain and Northern Ireland, Australia or India into the trades (including the emigrant trades) based on Italian ports, and the entry of Italian ships into the trades (including the emigrant trades) based on the ports of Great Britain and Northern Ireland, Australia and India :

1. Each of the contracting parties will recognise as equivalent to their regulations regarding the safety of passenger vessels, the regulations issued by the other, and will accept as valid the passenger certificates issued by the other.

Vessels having unexpired passenger certificates issued by one party will not be required by the other party to undergo any further inspection as regards hull, machinery and equipment, including life-saving appliances, except such as may be necessary in any case of doubt to confirm that the condition of the vessel, her machinery and life-saving equipment are as stated in the said certificate.

2. The contracting parties recognise that the laws and regulations on each side which provide for the health and comfort of the emigrants on board ship, including such matters as accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the carriage of dangerous and offensive cargoes, are substantially equivalent one to the other. They therefore agree, firstly, that where a ship belonging to either party clears from a port

of that party as an emigrant ship, such ship shall not be required to undergo any form of survey or inspection as an emigrant ship in any port of the other party except that the inspectors of the other party may, if they so desire, satisfy themselves that the accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the cargo on board the ship comply with the laws and regulations of the first party and that the stores of food and water are according to the appropriate scales for the emigrants carried, and, secondly, that where a ship belonging to either contracting party calls at a port of the other party to embark emigrants without first having cleared from a port of the first party as an emigrant ship, that ship shall be required to clear from a port of the other party as an emigrant ship, but the inspectors of the other party shall have regard to the regulations, &c., of the country to which the vessel belongs—the equivalence of which is recognised above.

Nevertheless the contracting parties agree that where a ship of one party, without first having cleared as an emigrant ship from a port of that party, calls at a port of the other party and there embarks not less than fifty emigrants, nationals of the second party, the second party may require the carriage of a doctor of the same nationality as those emigrants if this is provided for in its own law or regulations.

3. Ships holding passenger certificates issued by one party and ships which, under the laws and regulations of that party, may enter the emigrant trades based on the ports of that party, may engage freely in the passenger and emigrant trades respectively based on the ports of the other, and the companies owning the ships concerned may open agencies and offices in the territory of the other and conduct their business under the same conditions as national shipping companies engaging in those trades, subject to the payment of such fees and the deposit of such bonds as may be required under the law of that other party in the case of all foreign companies engaging in similar business.

In all matters relating to the recruiting and transport of emigrants, other than those referred to in paragraphs 1 and 2, and including all such matters as the boarding of emigrants prior to embarkation, the repatriation of rejected emigrants, the repatriation of indigent persons, the fares to be charged, the contract ticket, and the settlement of disputes arising out of the contract ticket, the law of the country in which the contract with the emigrant is made, shall apply. In all such matters there shall be no discrimination based on the flag of the vessel or the nationality of the company concerned.

4. Persons travelling, or proposing to travel, on the ships of one party to or from the ports of the other shall enjoy the same rights, favours, immunities, facilities and privileges in all respects, as are, or may be, enjoyed by persons travelling, or proposing to travel, on the ships of the other party. The provisions of this article extend, *inter alia*, to all matters relating to the issue of passports, passport visas, and the charges attaching thereto.

5. Companies owning vessels registered in Great Britain and Northern Ireland, Australia and India which desire to enter the emigrant trades based on Italian ports will apply to the Royal Italian Government for the necessary "patenti" and the Royal Italian Government agree:—

- (a.) That the provision in the Italian law under which the vessels, on entry into the Italian emigration trades, must not be more than three years of age or must have a speed of eighteen knots, shall be deemed to have been complied with if the vessels in question were not more than three years old or had a speed of eighteen knots when they first entered the British emigrant trades, provided always that "patenti" will not be granted to vessels of less than five thousand gross tons or of a speed of less than eleven and one-half knots, or vessels fitted with single screws.
- (b.) That with regard to the provision in the Italian law under which the maximum limit of twenty years for vessels engaged in the carriage of emigrants from Italian ports may be increased to twenty-five years on the favourable advice of the Italian Mercantile Marine Department, they will accept the authorisation to carry emigrants issued by His Majesty's Governments in the United Kingdom and the Commonwealth of Australia and the Government of India as equivalent to the favourable advice of the Italian Mercantile Marine Department, both from the nautical point of view and from the point of view of the maintenance of the accommodation.

6. Each of the contracting parties may terminate this agreement by six months' notice given to the other contracting party through the diplomatic channel.

7. The present note and your Excellency's reply of the same date in a similar sense shall be regarded as placing on record the understanding arrived at between the respective Governments.

I have, &c.

R. GRAHAM.

No. 2.

Signor Mussolini to Sir R. Graham.

Ministero degli Affari Esteri,

Roma, li 25 gennaio 1929-VII.

Signor Ambasciatore,

Ho l'onore d'informare Vostra Eccellenza che il Governo di Sua Maestà il Re conviene nelle disposizioni che seguono costituenti un accordo sulla base della reciprocità tra Esso, da una parte, ed i Governi di Sua Maestà Britannica nel Regno Unito e nella Confederazione dell'Australia ed il Governo dell'India, dall'altra.

Essendo intendimento del Governo Fascista da una parte, e dei Governi di Sua Maestà Britannica nel Regno Unito e nella Con-

federazione dell'Australia e del Governo dell'India, dall'altra, di venire ad accordi per facilitare l'ammissione delle navi italiane ai traffici (compresi i traffici degli emigranti) nei porti della Gran Bretagna e dell'Irlanda Settentrionale, dell'Australia e dell'India, e l'ammissione delle navi Britanniche appartenenti alla Marina Mercantile della Gran Bretagna, dell'Irlanda Settentrionale, dell'Australia o dell'India, ai traffici (compresi i traffici degli emigranti) nei porti italiani :

1. Ciascuna delle Parti contraenti riconoscerà come equivalenti alle proprie regole riguardanti la sicurezza delle navi da passeggeri, quelle promulgate dall'altra Parte ed accetterà come validi i certificati per il trasporto di passeggeri rilasciati dall'Altra Parte. Le navi in possesso di un certificato non scaduto rilasciato da una delle Parti contraenti, non saranno dall'altra Parte contraente sottoposte ad alcun'altra ispezione per quanto concerne lo scafo, le macchine e l'arredamento, compresi i mezzi di salvataggio, salvo le ispezioni che fossero necessarie, in caso di dubbio, per accertare che le condizioni della nave, o di una delle sue parti, delle macchine e dei mezzi di salvataggio, corrispondono alle attestazioni del certificato anzidetto.

2. Le Parti contraenti riconoscono che le rispettive disposizioni legislative e regolamentari concernenti l'igiene e la sistemazione degli emigranti a bordo delle navi, comprese in questa materia le norme per l'alloggio, lo spazio per i passeggeri, l'areazione, gli ospedali, la disinfezione, i bagni, i lavatoi ecc., la farmacia, il personale sanitario, il servizio d'interprete e l'imbarco di materie pericolose o nocive, sono sostanzialmente equivalenti tra loro.

Perciò convengono : (1°) che quando una nave appartenente ad una di esse Parti contraenti inizia il suo viaggio da un porto di questa Parte come nave in servizio di emigrazione, detta nave non debba essere sottoposta ad alcuna specie di visita o d'ispezione come nave in servizio di emigrazione in alcun porto dell'altra Parte contraente, salva negli Ispettori di questa Parte—se lo credono opportuno—la facoltà di accertare che gli alloggi, lo spazio per passeggeri, l'areazione, gli ospedali, la disinfezione, i bagni, i lavatoi ecc., la farmacia, il personale sanitario, il servizio d'interpreti, ed il carico a bordo della nave corrispondono alle disposizioni legislative e regolamentari dell'altra Parte e che la provvista di viveri e di acqua siano adeguate al numero degli emigranti imbarcati ; (2°) che quando una nave appartenente ad una delle Parti contraenti si rechi in un porto dell'altra Parte per imbarcarvi emigranti senza avere iniziato il viaggio in servizio di emigrazione da un porto della prima delle Parti contraenti, questa nave sarà sottoposta alle disposizioni relative alle navi da emigranti nel porto dell'altra Parte ; nella visita dovrà però tenersi conto delle norme ecc., vigenti nel paese a cui la nave appartiene e la cui equivalenza è più sopra riconosciuta.

Nondimeno le due Parti contraenti convengono che quando la nave di una delle Parti, senza essere partita in servizio di emigrazione da un porto di questa Parte, si reca in un porto dell'altra Parte e vi imbarca non meno di cinquanta emigranti nazionali di questa

Parte, quest'ultima può richiedere che sia imbarcato un medico della stessa nazionalità di detti emigranti, se ciò è previsto dalle proprie disposizioni legislative o regolamentari.

3. Le navi in possesso di certificati per il trasporto di passeggeri rilasciati da una delle Parti contraenti e le navi che secondo le leggi e regolamenti di questa parte possono nei porti di essa esercitare servizi di emigrazione—possono ugualmente esercitare servizi di passeggeri e di emigranti nei porti dell'altra Parte—e le Società a cui le dette navi appartengono possono tenere agenzie ed uffici nel territorio dell'altra Parte ed esplicare la loro attività mercantile alle medesime condizioni delle Società nazionali che esercitano siffatti servizi, e previo pagamento di tutte le tasse e la prestazione di tutte le garanzie richieste dalla legge di detta altra Parte contraente a tutte le *Compagnie estere che esercitano analoghi servizi*. Salvo quanto è stabilito nei paragrafi 1 e 2 per tutto quanto concerne il reclutamento ed il trasporto degli emigranti, ivi compresi fra l'altro il mantenimento degli emigranti a terra—il rimpatrio dei respinti, il rimpatrio degli indigenti—i noli—il biglietto di viaggio—la decisione delle controversie risultanti dall'esecuzione del contratto di trasporto, si applica la legge del Paese nel quale il contratto con l'emigrante è concluso. In questa materia non sarà fatta alcuna distinzione che tragga origine dalla bandiera della nave o della nazionalità delle *Società a cui essa appartiene*.

4. Le persone che viaggiano e intendono viaggiare sulle navi di una delle Parti contraenti da e verso un Porto dell'altra Parte contraente, godranno degli stessi diritti, favori, esenzioni, facilitazioni e privilegi in tutte quelle forme che sono o potranno essere concesse alle persone che viaggiano o intendono viaggiare sulle navi dell'altra Parte. Le disposizioni del presente articolo si applicano fra l'altro a tutto ciò che riguarda il rilascio dei passaporti, i visti dei medesimi e le rispettive tasse.

5. Le Società che possedendo navi appartenenti alla Marina Mercantile della Gran Bretagna e Nord Irlanda, dell'Australia e dell'India, desiderano esercitare servizi di emigrazione nei porti italiani, dovranno chiedere al Regio Governo Italiano la prescritta patente ed il Regio Governo Italiano consente :

- (a) che la norma della legge italiana secondo la quale per essere ammesse in Italia al servizio di emigrazione le navi non debbono avere oltrepassato i tre anni dal varo, o possedere una velocità non inferiore a 18 nodi, si consideri come osservata dalle navi sopra indicate che abbiano iniziato il servizio di emigrazione in Inghilterra prima di compiere i tre anni, o avendo una velocità di 18 nodi, nella intesa che nessuna patente sarà concessa a navi che abbiano meno di 5,000 tonnellate di stazza lorda, o una velocità inferiore a 11 nodi e mezzo, o una sola elica ;
- (b) che relativamente alla norma della legge italiana per cui il limite massimo di 20 anni per le navi che esercitano servizio di emigrazione nei porti italiani, può essere prorogato fino a 25, su parere favorevole della Direzione Generale della Marina Mercantile, l'autorizzazione al

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trasporto degli emigranti data dai Governi di Sua Maestà nel Regno Unito e nella Confederazione dell'Australia, e dal Governo dell'India, sia riconosciuta come equivalente al parere favorevole della Direzione Generale della Marina Mercantile Italiana sia dal punto di vista nautico sia da quello del mantenimento degli adattamenti necessari.

6. Ciascuna delle Parti Contraenti può denunziare il presente accordo con un preavviso di sei mesi notificato per via diplomatica all'altra Parte contraente.

7. La presente Nota e la risposta della Vostra Eccellenza dello stesso tenore saranno considerate come la prova dell'Accordo raggiunto tra i rispettivi Governi.

Gradisca, &c.
MUSSOLINI.

(Translation.)

Ministry for Foreign Affairs,

Rome, the 25th January, 1929-VII.

M. l'Ambassadeur,

I HAVE the honour to inform your Excellency that the Government of His Majesty the King, on the one part, agrees to the following provisions as constituting an agreement on a reciprocal basis between it and the Governments of His Britannic Majesty in the United Kingdom and the Commonwealth of Australia and the Government of India, on the other part.

It being the intention of the Fascist Government, on the one part, and of the Governments of His Britannic Majesty in the United Kingdom and in the Commonwealth of Australia and of the Government of India, on the other part, to come to an agreement for the purpose of facilitating the entry of Italian ships into the trades (including the emigrant trades) in the ports of Great Britain and Northern Ireland, Australia and India, and the entry of British ships belonging to the mercantile marine of Great Britain, of Northern Ireland, of Australia and of India, into the trades (including the emigrant trades) in Italian ports :

1. Each of the contracting parties will recognise as equivalent to their regulations regarding the safety of passenger vessels, those issued by the other party, and will accept as valid the passenger certificates issued by the other.

Vessels having unexpired passenger certificates issued by one contracting party will not be required by the other contracting party to undergo any further inspection as regards hull, machinery and equipment, including life-saving appliances, except the inspection that may be necessary, in case of doubt, to confirm that the condition of the vessel, her machinery and life-saving equipment conform to the said certificate.

2. The contracting parties recognise that the respective laws and regulations which provide for the health and comfort of the emigrants on board ship, including such matters as accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the carriage of dangerous and offensive cargoes, are substantially

equivalent one to the other. They therefore agree: firstly, that whenever a ship belonging to one of the said contracting parties clears from a port of that party as an emigrant ship, such ship shall not be required to undergo any form of survey or inspection as an emigrant ship in any port of the other contracting party, except that the inspectors of this party may, if they so desire, satisfy themselves that the accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the cargo on board the ship comply with the laws and regulations of the other party and that the stores of food and water are according to the appropriate scales for the emigrants carried; and secondly, that when a ship belonging to one of the contracting parties calls at a port of the other party to embark emigrants without first having cleared from a port of the first party as an emigrant ship, that ship shall be subject to the regulations respecting emigrant ships in the port of the other party, but the inspectors of the other party shall have regard to the regulations, &c., in force in the country to which the vessel belongs, the equivalence of which is recognised above.

Nevertheless, the two contracting parties agree that whenever a ship of one party, without first having cleared as an emigrant ship from a port of that party, calls at a port of the other party and there embarks not less than fifty emigrants, nationals of the second party, the latter may require the carriage of a doctor of the same nationality of the said emigrants if this is provided for in its own laws or regulations.

3. Ships holding passenger certificates issued by one of the contracting parties and ships which, under the laws and regulations of that party, may enter the emigrant trades based on the ports of that party, may engage freely in the passenger and emigrant trades respectively based on the ports of the other, and the companies owning the said ships may open agencies and offices in the territory of the other party and conduct their mercantile business under the same conditions as national shipping companies engaging in those trades, subject to the payment of such fees and the deposit of such bonds as may be required under the law of that contracting party in the case of all foreign companies engaging in similar business.

In all matters relating to the recruiting and transport of emigrants, other than those referred to in paragraphs 1 and 2, and including therein amongst other things all such matters as the boarding of emigrants prior to embarkation, the repatriation of rejected emigrants, the repatriation of indigent persons, the fares to be charged, the contract ticket, and the settlement of disputes on matters arising out of the contract ticket, the law of the country in which the contract with the emigrant was made shall apply. In all such matters there shall be no discrimination based on the flag of the vessel or the nationality of the company concerned.

4. Persons travelling, or proposing to travel, on the ships of one contracting party to or from the ports of the other contracting party shall enjoy the same rights, favours, immunities, facilities and privileges in all respects as are, or may be, accorded to persons

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travelling, or proposing to travel, on the ships of the other party. The provisions of this article extend, *inter alia*, to all matters relating to the issue of passports, the visas thereof, and the charges attaching thereto.

5. Companies owning vessels belonging to the mercantile marine of Great Britain and Northern Ireland, of Australia and of India which desire to engage in the emigrant trades in Italian ports will apply to the Royal Italian Government for the necessary "patente" and the Royal Italian Government agree :

- (a) that the provision in the Italian law under which vessels, on entry into the Italian emigration trades, must be not more than three years of age or must have a speed of not less than eighteen knots, shall be deemed to have been complied with if the vessels in question were not more than three years old or had a speed of eighteen knots when they first entered the British emigrant trades, provided, however, that no "patente" will be granted to vessels of less than 5,000 gross tons or of a speed of less than eleven and a half knots or fitted with only one screw;
- (b) that with regard to the provision in the Italian law under which the maximum limit of 20 years for vessels engaged in the carriage of emigrants from Italian ports may be increased up to 25 years on the favourable advice of the Italian Mercantile Marine Department, they will accept the authorisation to carry emigrants issued by His Majesty's Governments in Great Britain and in the Commonwealth of Australia and by the Government of India as equivalent to the favourable advice of the Italian Mercantile Marine Department both from the nautical point of view and from the point of view of the maintenance of the necessary accommodation.

6. Each of the contracting parties may denounce the present agreement by six months' notice given to the other contracting party through the Diplomatic channel.

7. The present note and your Excellency's reply in the same sense shall be considered as placing on record the agreement arrived at between the respective Governments.

Accept, &c.

MUSSOLINI.

No. 3.

Signor Mussolini to Sir R. Graham.

Ministero degli Affari Esteri,

Roma, li 25 gennaio 1929-VII.

Signor Ambasciatore,

NEL corso delle trattative che hanno condotto alla conclusione dell'Accordo intervenuto oggi fra il Regio Governo Italiano, da una parte, ed i Governi di Sua Maestà Britannica, nel Regno Unito e nella Confederazione dell'Australia ed il Governo dell'India,

dall'altra parte, circa il reciproco riconoscimento dei certificati relativi alle navi da passeggeri e delle leggi e dei regolamenti attinenti alla sistemazione ed all'igiene degli emigranti a bordo delle navi, la Delegazione Britannica ha sostenuto che le navi dell'una e dell'altra Parte le quali soddisfino pienamente ai requisiti richiesti nelle materie sumenzionate, e di tali requisiti diano prova mediante i certificati e documenti previsti dagli ordinamenti dello Stato a cui appartengono, dovrebbero, in base alla reciprocità di trattamento, essere autorizzate a partecipare liberamente e senza ulteriori difficoltà ai traffici nel Territorio dell'altra Parte, e che per conseguenza le navi britanniche in possesso degli anzidetti certificati dovrebbero ottenere di pieno diritto la patente che, secondo la legge italiana, è necessaria per intraprendere in Italia servizi di trasporto di emigranti.

La Delegazione italiana, da parte sua, ha obiettato che, secondo la legge italiana, la concessione delle patenti per le navi sia nazionali che straniere è lasciata al giudizio discrezionale delle Autorità competenti, e che questo potere discrezionale, per la sua stessa indole giuridica, non comporta alcun vincolo. Essa ha, quindi, opposto che lo stabilire un sistema di equivalenza e di reciprocità di ordinamenti aventi carattere tecnico non può in alcun modo costituire titolo per alterare la facoltà discrezionale che deve essere lasciata integra alle Autorità Italiane in materia di concessioni, ivi compresa quella delle patenti.

Il Governo Italiano deve da parte sua confermare le obiezioni mosse dalla Delegazione Italiana, corrispondendo esse pienamente alla legislazione vigente ed ai principi giuridici universalmente riconosciuti e osservati in materia di concessioni. Esso ha tuttavia considerato i vantaggi che derivano alla bandiera italiana dalla possibilità di aggiungere alla parità di trattamento colla bandiera inglese in tutti i porti dell'Impero Britannico, lo stabilimento di un regime di completa equivalenza e reciprocità in tutte le materie disciplinate nei riguardi del trasporto dei passeggeri e degli emigranti dall'accordo fra l'Italia da una parte, ed il Regno Unito, l'Australia e l'India dall'altra. Esso inoltre ha considerato le informazioni che gli sono state fornite e secondo le quali lo stesso regime sarà, presumibilmente in breve tempo, esteso a tutte le altre parti dell'Impero Britannico.

Esso ha pure tenuto presente che il Governo Australiano, subordinatamente alle trattative dirette che hanno luogo fra rappresentanti del Governo Italiano e del Governo Australiano nei riguardi dell'emigrazione, ha dichiarato che gli emigranti italiani all'arrivo in Australia sarebbero soggetti allo stesso esame della salute e delle condizioni fisiche e morali a cui sono sottoposti gli emigranti britannici.

Ha infine considerato che il Governo del Canada ha dichiarato di mantenere i vigenti accordi che consentono di avviare attraverso i porti degli Stati Uniti d'America, dall'Italia al Canada, le mogli ed i figli degli Italiani residenti in quel Dominio, e che sarebbe pronto a studiare ulteriori provvidenze nei riguardi dell'emigrazione italiana ove le attuali condizioni dovessero sostanzialmente variare.

Considerate tutte queste particolari circostanze che, senza alcun riferimento ad equivalenza o reciprocità, conferiscono speciali ed apprezzabili vantaggi agli interessi italiani, il Regio Governo Italiano non ha difficoltà a dichiarare che, ove l'armatore di una nave facente parte della Marina Mercantile della Gran Bretagna e Nord Irlanda, dell'Australia o dell'India chieda che la sua nave, se munita di certificati per il trasporto di passeggeri ed in regola colle prescrizioni della legge e dei regolamenti britannici per il trasporto degli emigranti e con quelle dell'Accordo odierno, venga iscritta in patente, il Governo stesso sarà lieto di poter essere in grado di concedere tale iscrizione.

Gradisca, &c.

MUSSOLINI.

(Translation.)

Ministry for Foreign Affairs,

M. l'Ambassadeur,

Rome, the 25th January, 1929-VII.

In the course of the negotiations which led to the conclusion of the agreement which has been arrived at to-day between the Royal Italian Government on the one part and the Governments of His Britannic Majesty in the United Kingdom and in the Commonwealth of Australia and the Government of India on the other part, concerning the reciprocal recognition of passenger ships' certificates and the laws and regulations relative to the comfort and health of emigrants on board ship, the British delegation have contended that vessels of either party which comply fully with the required standard in the matters referred to above and are proved to have so complied by the possession of the certificates and documents required by the regulations of the State to which they belong should on the basis of reciprocity be authorised to enter freely and without further impediments into the trades based on the territory of the other party and that consequently British ships in possession of the aforesaid certificates should be granted as a matter of right the "patente" which is necessary under Italian law before ships may engage in the Italian emigrant trades.

The Italian delegation on the other hand pointed out that under Italian law the granting of "patenti" in respect of either Italian or foreign ships is left to the discretion and judgment of the competent authorities, and this discretion from its legal nature cannot be fettered. The delegation considered, therefore, that the establishment of a system of equivalence and reciprocity of regulations of a technical character cannot in any way constitute a claim to the alteration of the discretionary powers in the matter of granting concessions, including the question of "patenti," which must be entirely left to the competent Italian authorities.

The Italian Government must on its own part confirm the objections advanced by the Italian delegation as they fully correspond to the legislation in force and to those principles of law universally recognised and observed with regard to the matter of concessions. Nevertheless the Italian Government have considered the advantages which accrue to the Italian flag from the possibility of adding

to the equality of treatment with the English flag in all ports of the British Empire, the establishment of a régime of complete equivalence and reciprocity in all matters relating to passenger ships and to emigrant regulations between Italy, on the one part, and the United Kingdom, Australia and India, on the other part. They have also considered the information they have received according to which this régime will, presumably in a short time, be extended to all other parts of the British Empire.

They have also borne in mind that His Majesty's Government in the Commonwealth of Australia, subject to direct negotiations which are proceeding between the representatives of the Italian Government and His Majesty's Government in the Commonwealth of Australia as regards immigration, have stated that Italian emigrants to Australia would be subjected to exactly the same inspection, including medical examination, on arrival as British emigrants.

They have also taken into consideration that the Government of Canada have stated that they would continue the present arrangements which allow the movement of the wives and children of Italians resident in the Dominion between Italy and Canada via the ports of the United States of America, and would also be prepared to consider the making of other arrangements with regard to the Italian emigration to Canada if the existent conditions should materially alter.

After having considered all these special circumstances which, apart from considerations of equivalence and reciprocity, confer special and appreciable advantages on Italian interests, the Italian Government have no difficulty in stating that when the owner of a vessel belonging to the mercantile marine of Great Britain and Northern Ireland, of Australia and of India, applies for a "patente" in respect of a vessel which holds a passenger certificate and complies with the British emigrant ship law and regulations and with those of the present agreement, they will be glad to be in a position to grant the "patente."

Accept, &c.

MUSSOLINI.