



Treaty Series No. 19 (1937)

[Reprint of "Canadian Treaty Series No. 5 (1935)"]

## Exchange of Notes

constituting a

# Commercial "Modus Vivendi"

between Canada and Hayti

Port-au-Prince, April 12/13, 1935

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

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;

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1937

Price 1d. net

Cmd. 5445

EXCHANGE OF NOTES CONSTITUTING A COMMERCIAL  
"MODUS VIVENDI" BETWEEN CANADA AND HAYTI.

*Port-au-Prince, April 12/13, 1935.*

No. 1.

*From the British Minister at Port-au-Prince to the Secretary of State  
for Foreign Affairs at Hayti.*

*British Legation,*

M. le Ministre,

*Port-au-Prince, April 12, 1935.*

It being the desire of His Majesty's Government in Canada and the Government of the Republic of Hayti to establish close commercial relations between Canada and Hayti, I have the honour to place on record the mutual understanding between the two Governments which has been arrived at and is to the effect that in respect of import and export duties and other duties and charges affecting commerce, as well as in respect of transit, warehousing and other facilities, and the treatment of commercial travellers' samples, Canada will accord to Hayti, and Hayti will accord to Canada, unconditional most-favoured-nation treatment, and that in matters of licensing or prohibitions of import and export, each country, so far as it at any time maintains such a system, will accord to the commerce of the other treatment as favourable with respect to commodities, valuations and quantities as that which may be accorded to the commerce of any other foreign country.

In particular it is understood that—

No higher or other duties shall be imposed on the importation into or disposal in Canada of any articles the produce or manufacture of Hayti than are or shall be payable on like articles, the produce or manufacture of any other foreign country;

No higher or other duties shall be imposed on the importation into or disposal in Hayti of any articles the produce or manufacture of Canada than are or shall be payable on like articles the produce or manufacture of any other foreign country;

Similarly, no higher or other duties shall be imposed in Canada or in Hayti on the exportation of any articles to the other than are payable on the exportation of the like articles to any other foreign country;

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or which may hereafter be accorded by Canada or by Hayti by law, proclamation, order, decree or commercial treaty or agreement to any foreign country, will become immediately applicable, without request and without compensation to the commerce of Hayti and of Canada,

The present arrangement does not, however, relate to—

- (1) Prohibitions of sanitary character or designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws;
- (2) The treatment which Hayti accords or may hereafter accord to the commerce of the Dominican Republic.

The present arrangement shall become operative on the 15th April, 1935, and unless sooner terminated by mutual agreement shall continue in force for three months and thereafter until three months after notice of its termination shall have been given by either party.<sup>(1)</sup>

I avail, &c.

F. M. SHEPHERD.

<sup>(1)</sup> The *modus vivendi* has been extended by exchanges of notes of June 7/10, 1935, and April 6/13, 1936, until the entry into force of a definitive agreement.

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No. 2.

*From the Secretary of State for Foreign Affairs of Hayti to the  
British Minister at Port-au-Prince.*

(Translation.)

*Republic of Hayti,*

M. le Ministre.

*Port-au-Prince, April 13, 1935.*

I HAVE the honour to acknowledge receipt of your letter of the 12th April last by which you were good enough to record the mutual understanding arrived at between our Governments respecting duties or charges affecting commerce and transit, warehousing and other facilities and the treatment of commercial travellers' samples. It is understood that in view of such understanding and what constitutes its object, Hayti will accord to Canada and Canada will accord to Hayti unconditional most-favoured-nation treatment, and that in matters of licensing or prohibitions of import or export, each country, as far as it at any time maintains such a system, will accord to the commerce of the other treatment as favourable with respect to commodities, valuations and quotas, as that which may be accorded to the commerce of any other foreign country.

It is particularly understood that no higher duties or other charges shall be imposed on the importation into or sale in Canada of any articles the produce or manufacture of Hayti, than are or shall be payable on like articles the produce or manufacture of any other country.

No higher duties or other charges shall be imposed on the importation into or sale in Hayti of any articles the produce or manufacture of Canada, than are or shall be payable on like articles the produce or manufacture of any other country. Similarly, no higher or other duties shall be imposed in Canada or in Hayti on the

exportation of any articles from one country to the other than are payable on the exportation of like articles to any other foreign country.

Every concession with respect to any duty, charge or regulation affecting commerce now accorded, or which may hereafter be accorded by law, proclamation, order, decree or commercial treaty or agreement of Hayti or of Canada, shall become immediately applicable, without request and without compensation to the commerce of Hayti and of Canada.

The present arrangement does not, however, apply to—

- (1) Prohibitions of a sanitary character or designed to protect human, animal or plant life, or regulations for the enforcement of police or customs laws;
- (2) The treatment which Hayti accords or may hereafter accord to the commerce of the Dominican Republic.

The present provisional arrangement shall become operative on the 15th April, 1935, and, unless terminated by mutual agreement, shall continue in force for three months during which the parties to the present *Modus Vivendi* shall come to an understanding looking to the conclusion of a definitive convention.

I avail, &c.

YRECH CHATELAIN.