

UNITED STATES
OF AMERICA



Treaty Series No. 64 (1960)

Agreement

between the Government
of the United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America

concerning the Establishment in the
Bahama Islands of a Long Range Aid to
Navigation Station

Washington, June 24, 1960

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
October 1960*

LONDON

HER MAJESTY'S STATIONERY OFFICE

ONE SHILLING NET

Cmnd. 1179

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE ESTABLISHMENT IN THE BAHAMA ISLANDS OF A LONG RANGE AID TO NAVIGATION STATION

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America,

Considering that the Government of the United States of America wishes to establish a Long Range Aid to Navigation (LORAN) Station in the Bahama Islands as part of a long-range navigational aid system available to all shipping and aircraft in the area;

Desiring that the provisions set forth below for that purpose should be fulfilled in a spirit of good neighborliness between the Governments concerned and that details of their practical application should be arranged by friendly cooperation,

Have agreed as follows:

ARTICLE I

Definitions

For the purposes of this Agreement:

- (1) "LORAN Station" means the Station established for the purpose stated in the Preamble.
- (2) "United States authorities" means the authority or authorities from time to time authorized or designated, by the Government of the United States of America, for the purpose of exercising the powers in relation to which the expression is used.
- (3) "United States Forces" means the Armed Forces of the United States of America, and "member of the United States Forces" means a member of those forces who is entitled to wear the uniform thereof.
- (4) "National of the United States" means a citizen of the United States or a person who, though not a citizen of the United States, owes allegiance to the United States.
- (5) "British national" means any British subject or Commonwealth citizen or any British protected person, but shall not include a person who is both a British national and a member of the United States Forces.
- (6) "Local alien" means a person, not being a British national, a member of the United States Forces or a national of the United States, who is ordinarily resident in the Bahama Islands.
- (7) "Site" means the Site provided under Article IV of this Agreement so long as it is so provided.

ARTICLE II

General Description of Rights

(1) Subject to the provisions of this Article, the Government of the United States of America shall have the right in the Site to establish, maintain and operate:

(a) a LORAN Station;

(b) an instrumentation and a communications system including radar, radio and land lines for operational purposes in connection with the LORAN Station.

(2) No wireless station, land line or other installation shall be established in the Bahama Islands by the United States authorities except at such place or places as may be agreed between the Contracting Governments, provided that such agreement shall not be required in respect of any wireless station, land line or other installation within the Site. Any wireless station, land line or other installation shall be sited and operated in such a way that it will not cause interference with established civil communications.

(3) No wireless station, land line or other installation shall be established or used by the United States authorities otherwise than for operational purposes connected with the LORAN Station.

(4) The use of radio frequencies, powers and band widths, for radio services (including radar), under any of the provisions of this Agreement, shall be subject to the prior concurrence of the British representative designated for the purpose.

(5) The Contracting Governments shall, in consultation with the Government of the Bahama Islands, take all reasonable precautions against possible danger and damage resulting from operations under this Agreement.

(6) The United States authorities shall have the right to use military engineering construction units, in whole or in part, for the construction of any installations under the terms of this Agreement and for the subsequent maintenance and repairs of such United States installations.

(7) The rights granted to the Government of the United States of America or to the United States authorities by this Agreement shall not be exercised unreasonably or so as to interfere with or to prejudice the safety of navigation, aviation or communication, and the rights so granted shall be exercised in the spirit of the last paragraph of the Preamble.

ARTICLE III

Rights of Way

The Government of the United Kingdom of Great Britain and Northern Ireland shall, after consultation with the Government of the Bahama Islands, grant to the Government of the United States of America such rights of way as may be agreed to be necessary for the operation of the LORAN Station.

525

ARTICLE IV

Provision of Site

(1) The Government of the United Kingdom shall, after consultation with the Government of the Bahama Islands, provide so long as this Agreement remains in force such Site for the purpose of the establishment and operation of the LORAN Station as may be agreed between the Contracting Governments to be necessary for that purpose. When it is agreed between the Contracting Governments that the Site provided under this Article is no longer necessary for the purpose of the operation of the LORAN Station, the Government of the United Kingdom shall be entitled to cease to provide the Site for that purpose.

(2) Access to or presence in the Site shall not be permitted to persons not officially connected with the establishment, maintenance or operation of the LORAN Station except with the consent of the appropriate British and United States representatives designated for that purpose.

ARTICLE V

Jurisdiction

(1) The Government of the United States of America shall have the right to exercise the following jurisdiction over offenses committed in the Bahama Islands:

- (a) Where the accused is a member of the United States Forces,
 - (i) if a state of war exists, exclusive jurisdiction over all offenses wherever committed;
 - (ii) if a state of war does not exist, exclusive jurisdiction over security offenses wherever committed and United States interest offenses committed inside the Site; concurrent jurisdiction over all other offenses wherever committed.
- (b) Where the accused is a British national or a local alien and a civil court of the United States is sitting in the Bahama Islands
 - (i) if a state of war exists, exclusive jurisdiction, and
 - (ii) if a state of war does not exist, concurrent jurisdiction, over security offenses committed inside the Site.
- (c) Where the accused is not a member of the United States Forces, a British national or a local alien, but is a person subject to the United States Uniform Code of Military Justice,
 - (i) if a state of war exists, exclusive jurisdiction over security offenses committed inside the Site and United States interest offenses committed inside the Site; concurrent jurisdiction over all other offenses wherever committed;
 - (ii) if a state of war does not exist and there is no civil court of the United States sitting in the Bahama Islands, exclusive jurisdiction over security offenses which are not punishable under the law of the Bahama Islands; concurrent jurisdiction over all other offenses committed inside the Site;

- (iii) if a state of war does not exist and a civil court of the United States is sitting in the Bahama Islands, exclusive jurisdiction over security offenses committed inside the Site; concurrent jurisdiction over all other offenses wherever committed.
- (d) Where the accused is not a member of the United States Forces, a British national or a local alien, and is not a person subject to the United States Uniform Code of Military Justice, and a civil court of the United States is sitting in the Bahama Islands, exclusive jurisdiction over security offenses committed inside the Site; concurrent jurisdiction over all other offenses committed inside the Site and, if a state of war exists, over security offenses committed outside the Site.
- o (2) Wherever, under paragraph (1) of this Article, the Government of the United States of America has the right to exercise exclusive jurisdiction over security offenses committed inside the Site, such right shall extend to security offenses committed outside the Site which are not punishable under the law of the Bahama Islands.
- (3) In every case in which under this Article the Government of the United States of America has the right to exercise jurisdiction and the accused is a British national, a local alien or, being neither a British national nor a local alien, is not a person subject to the United States Uniform Code of Military Justice, such jurisdiction shall be exercisable only by a civil court of the United States sitting in the Bahama Islands.
- (4) In every case in which under this Article the Government of the United States of America has the right to exercise exclusive jurisdiction, the following provisions shall have effect:
 - (a) The United States authorities shall inform the Government of the Bahama Islands as soon as is practicable whether or not they elect to exercise such jurisdiction over any alleged offenses which may be brought to their attention by the competent authorities of the Bahama Islands or in any other case in which the United States authorities are requested by the competent authorities of the Bahama Islands to furnish such information.
 - (b) If the United States authorities elect to exercise such jurisdiction, the accused shall be brought to trial accordingly, and the courts of the Bahama Islands shall not exercise jurisdiction except in aid of a court or authority of the United States, as required or permitted by the law of the Bahama Islands.
 - (c) If the United States authorities elect not to exercise such jurisdiction, and if it shall be agreed between the Government of the Bahama Islands and the United States authorities that the alleged offender shall be brought to trial, nothing in this Article shall affect the exercise of jurisdiction by the courts of the Bahama Islands in the case.
- (5) In every case in which under this Article the Government of the United States of America has the right to exercise concurrent jurisdiction, the following provisions shall have effect:
 - (a) The case shall be tried by such court as may be arranged between the Government of the Bahama Islands and the United States authorities.

(b) Where the offense is within the jurisdiction of a civil court of the Bahama Islands and of a civil court of the United States, trial by one shall exclude trial by the other.

(6) Notwithstanding anything contained elsewhere in this Article, when a state of war exists in which the Government of the United Kingdom is, and the Government of the United States of America is not, engaged, then in any case in which the Government of the United States of America would, but for this paragraph, have exclusive jurisdiction, that jurisdiction shall be concurrent in respect of any of the following offenses against any part of Her Majesty's dominions committed outside the Site or, if not punishable by the Government of the United States of America in the Bahama Islands, inside the Site :

- (a) treason;
- (b) any offense of the nature of sabotage or espionage or against any law relating to official secrets;
- (c) any other offense relating to operations in the Bahama Islands of the Government of any part of Her Majesty's dominions, or to the safety of Her Majesty's naval, military or air bases or establishments or any part thereof or of any equipment or other property of any such Government in the Bahama Islands.

(7) Nothing in this Article shall give the Government of the United States of America the right to exercise jurisdiction over a member of a United Kingdom, Colonial or British Commonwealth armed force, except that, if a civil court of the United States is sitting in the Bahama Islands and a state of war does not exist or a state of war exists in which the Government of the United States of America is, and the Government of the United Kingdom is not, engaged, the Government of the United States of America shall have the right, where the accused is a member of any such force, to exercise concurrent jurisdiction over security offenses committed inside the Site.

(8) Nothing in this Article shall affect the jurisdiction of a civil court of the Bahama Islands except as expressly provided in this Article.

(9) In this Article the following expressions shall have the meanings hereby assigned to them :

- (a) " Security offense " means any of the following offenses against the Government of the United States of America and punishable under the law of the United States of America :
 - (i) treason;
 - (ii) any offense of the nature of sabotage or espionage or against any law relating to official secrets;
 - (iii) any other offense relating to operations in the Bahama Islands of the Government of the United States of America under this Agreement, or to the safety of any equipment or other property of the Government of the United States of America in the Bahama Islands under this Agreement.
- (b) " State of War " means a state of actual hostilities in which either the Government of the United Kingdom or the Government of the United States of America is engaged and which has not been formally terminated, as by surrender.

- (c) "United States interest offense" means an offense which (excluding the general interest of the Government of the Bahama Islands in the maintenance of law and order in the Bahama Islands) is solely against the interests of the Government of the United States of America or against any person (not being a British national or local alien) or property (not being property of a British national or local alien) present in the Bahama Islands by reason only of service or employment in connection with the construction, maintenance, operation or defense of the LORAN Station.

ARTICLE VI

Security Legislation

The Government of the Bahama Islands will take such steps as may from time to time be agreed to be necessary with a view to the enactment of legislation to ensure the adequate security and protection of the Site and United States equipment and other property and the operations of the United States under this Agreement, and the punishment of persons who may contravene any laws or regulations made for that purpose. The Government of the Bahama Islands will also from time to time consult with the United States authorities in order that the laws and regulations of the United States of America and of the Bahama Islands in relation to such matters may, so far as circumstances permit, be similar in character.

ARTICLE VII

Arrest and Service of Process

(1) No arrest of a person who is a member of the United States Forces or who is a national of the United States subject to the United States Uniform Code of Military Justice shall be made and no process, civil or criminal, shall be served on any such person within the Site except with the permission of the Commanding Officer in charge of the United States Forces in such Site; but should the Commanding Officer refuse to grant such permission he shall (except where, under Article V, jurisdiction is to be exercised by the United States or is not exercisable by the courts of the Bahama Islands) forthwith take the necessary steps to arrest the person charged and surrender him to the appropriate authority of the Bahama Islands or to serve such process, as the case may be, and to provide for the attendance of the server of such process before the appropriate court of the Bahama Islands or procure such server to make the necessary affidavit or declaration to prove such service.

(2) In cases where the courts of the United States have jurisdiction under Article V, the Government of the Bahama Islands will on request give reciprocal facilities as regards the service of process and the arrest and surrender of persons charged.

(3) In this Article the expression "process" includes any process by way of summons, subpoena, warrant, writ or other judicial document for securing the attendance of a witness or a party, or for the production of any documents or exhibits, required in any proceedings, civil or criminal.

ARTICLE VIII

Right of Audience

(1) In cases in which a member of the United States Forces is a party to civil or criminal proceedings in any court of the Bahama Islands by reason of some alleged act or omission arising out of or in the course of his official duty, United States counsel (authorized to practice before the courts of the United States) shall have the right of audience, provided that such counsel is in the service of the Government of the United States of America and appointed for that purpose either generally or specially by the appropriate authority.

(2) In cases in which a British national or a local alien is a party to criminal proceedings in a court of the United States sitting in the Bahama Islands, counsel authorized to practice before the courts of the Bahama Islands shall have the right of audience.

ARTICLE IX

Surrender of Persons Charged

Where a person charged with an offense which falls to be dealt with by the courts of the Bahama Islands is in the Site, or a person charged with an offense which falls under Article V to be dealt with by courts of the United States is in the Bahama Islands but outside the Site, such person shall be surrendered to the Government of the Bahama Islands or to the United States authorities, as the case may be, in accordance with special arrangements made between that Government and those authorities.

ARTICLE X

Public Services

The Government of the United States of America shall have the right to employ and use all utilities, services and facilities, harbors, roads, highways, bridges, viaducts, canals and similar channels of transportation in the Bahama Islands belonging to or controlled or regulated by or on behalf of the Government of the Bahama Islands or the Government of the United Kingdom on such conditions as shall be agreed between the Contracting Governments.

ARTICLE XI

Shipping and Aviation

(1) The Government of the United States of America may place or establish in the Site and the territorial waters adjacent thereto or in the vicinity thereof, lights and other aids to navigation of vessels and aircraft necessary for the operation of the LORAN Station. Such lights and other aids shall conform to the system in use in the Bahama Islands. The position, characteristics and any alterations thereof shall be determined in consultation with the appropriate authority in the Bahama Islands and the appropriate British representative designated for the purpose.

(2) United States public vessels operated by the Army, Navy, Air Force, Coast Guard or the Coast and Geodetic Survey bound to or departing from

the Site shall not be subject to compulsory pilotage in the Bahama Islands. If a pilot is taken, pilotage shall be paid for at appropriate rates. Such United States public vessels shall have such exemption from light and harbor dues in the Bahama Islands as shall be agreed between the Contracting Governments.

ARTICLE XII

Immigration

(1) The immigration laws of the Bahama Islands shall not operate or apply so as to prevent admission into the Bahama Islands, for the purposes of this Agreement, of any member of the United States Forces posted to the Site or any person (not being a national of a Power at war with Her Majesty The Queen) employed by, or under a contract with, either the Government of the United States of America or a contractor of that Government, in connection with the establishment, maintenance or operation of the LORAN Station, or his wife or minor children; but suitable arrangements shall be made by the United States to enable such persons to be readily identified and their status to be established.

(2) If the status of any person within the Bahama Islands and admitted thereto under the foregoing paragraph shall be altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Government of the Bahama Islands and shall, if such person be required to leave the Bahama Islands by that Government, be responsible for providing him with a passage from the Bahama Islands within a reasonable time, and shall in the meantime prevent his becoming a public responsibility of the Bahama Islands.

ARTICLE XIII

Motor Vehicle Taxes

No tax or fee shall be payable in respect of registration or licensing for use in the Bahama Islands of motor vehicles belonging to the Government of the United States of America and used for purposes connected directly with the establishment, maintenance or operation of the LORAN Station.

ARTICLE XIV

Customs Duties and Other Taxes on Goods

(1) No import, excise, consumption or other tax, duty or impost shall be charged on:

- (a) material, equipment, supplies or goods for use in the establishment, maintenance or operation of the LORAN Station consigned to, or destined for, the United States authorities or a contractor;
- (b) goods for use or consumption aboard United States public vessels or aircraft of the Army, Navy, Air Force, Coast Guard or Coast and Geodetic Survey;
- (c) goods consigned to the United States authorities or to a contractor of the United States for the use of institutions under the control of the United States authorities or United States contractors known as Post

Exchanges, Navy Exchanges, Commissary Stores, Service Clubs, Contractors' Messes and Recreational Facilities, or for sale thereof to members of the United States Forces, civilian employees of the United States or contractors' employees, being nationals of the United States and employed in connection with the LORAN Station, or members of their families resident with them and not engaged in any business or occupation in the Bahama Islands;

- (d) the personal belongings or household effects, provided that such belongings or effects accompany the owner or are imported either (i) within a period beginning 60 days before and ending 120 days after the owner's arrival, or (ii) within a period of 6 months immediately following his arrival, of persons referred to in sub-paragraph (c) of this paragraph and of contractors and their employees being nationals of the United States employed in the establishment, maintenance or operation of the LORAN Station and present in the Bahama Islands by reason only of such employment;
- (e) goods for consumption and goods (other than personal belongings and household effects) acquired after first arrival, including gifts, consigned to members of the United States Forces or civilian employees of the United States being nationals of the United States and employed in connection with the LORAN Station or members of their families resident with them and not engaged in any business or occupation in the Bahama Islands provided that such goods are:
 - (i) of United States origin if the Government of the Bahama Islands so require, and
 - (ii) imported for the personal use of the recipient.

(2) No export tax shall be charged on the material, equipment, supplies or goods mentioned in paragraph (1) in the event of reshipment from the Bahama Islands.

(3) This Article shall apply notwithstanding that the material, equipment, supplies or goods pass through other parts of the Bahama Islands en route to or from the Site.

(4) The United States authorities shall do all in their power to prevent any abuse of customs privileges and shall take administrative measures, which shall be shown and explained to the appropriate local authorities, to prevent the disposal, whether by resale or otherwise, of goods which are used or sold under paragraph (1) (c), or imported under paragraph (1) (d) or (e), of this Article, to persons not entitled to buy goods at the institutions referred to in the said paragraph (1) (c), or not entitled to free importation under the said paragraph (1) (d) or (e). There shall be cooperation between the United States authorities and the Government of the Bahama Islands to this end, both in prevention and in investigation of cases of abuse.

ARTICLE XV

Taxation

(1) No member of the United States Forces or national of the United States, serving or employed in the Bahama Islands in connection with the establishment, maintenance or operation of the LORAN Station and residing in the

Bahama Islands by reason only of such employment, or his wife or minor children, shall be liable to pay income tax in the Bahama Islands except in respect of income derived from the Bahama Islands.

(2) No such person shall be liable to pay in the Bahama Islands any poll tax or similar tax on his person, or any tax on ownership or use of property which is within the Site, or situated outside the Bahama Islands.

(3) No person ordinarily resident in the United States shall be liable to pay income tax in the Bahama Islands in respect of any profits derived under a contract made in the United States with the Government of the United States of America in connection with the establishment, maintenance or operation of the LORAN Station, or any tax in the nature of a license in respect of any service or work for the Government of the United States of America in connection with the establishment, maintenance or operation of the LORAN Station.

ARTICLE XVI

Postal Facilities

The Government of the United States of America shall have the right to establish a United States Military Post Office in the Site for the exclusive use of the United States Forces, and civilian personnel (including contractors and their employees) who are nationals of the United States and employed in connection with the establishment, maintenance or operation of the LORAN Station, and the families of such persons, for postal services between the United States Military Post Office so established and other United States Post Offices.

ARTICLE XVII

Health Measures in the Vicinity of the Site

The Government of the United States of America shall have the right, in collaboration with the Government of the Bahama Islands, and, where necessary, with any local authority concerned, to exercise, without other consideration than adequate and effective compensation to be paid by the Government of the United States of America to private owners or occupiers, if any, such powers as such Government and local authority may possess of entering upon any property in the vicinity of the Site for the purpose of inspection, and of taking any necessary measures to improve sanitation and protect health.

ARTICLE XVIII

Removal of Property

(1) The title to any property placed on the Site (including property affixed to the realty) and provided by the Government of the United States of America for the purposes of this Agreement shall remain in the Government of the United States of America.

(2) At any time before the termination of this Agreement or within a reasonable time thereafter, such property may, at the discretion of the Government of the United States of America, be

- (a) relocated within the Site, or
- (b) removed therefrom, or
- (c) disposed of while on the Site on the condition (unless otherwise agreed between the Government of the Bahama Islands and the United States authorities) that it shall forthwith be removed therefrom.

Provided that, on the cessation of its operation and use of the LORAN Station, the Government of the United States of America shall not remove or dispose of any such property before

- (a) offering it for sale in operational condition to the Government of the Bahama Islands at a price to be determined by a valuer acceptable to both Governments if such offer is consistent with the laws of the United States of America then in effect, or
- (b) the expiration of such period, not being less than 120 days after the date of such offer, as may be reasonable in the circumstances.

(3) Any ground from which such property is so removed shall, if the Government of the Bahama Islands so require, be restored as far as possible to its present condition by the Government of the United States of America.

(4) The Government of the United States of America will not, in the Bahama Islands, dispose of any such property

- (a) without the consent of the Government of the Bahama Islands, or
- (b) without offering the property for sale to that Government, if such offer is consistent with laws of the United States of America then in effect, or
- (c) before the expiration of such period, not being less than 120 days after the date of such offer, as may be reasonable in the circumstances.

(5) Such property may be exported by the United States authorities free from any license, export tax, duty or impost.

(6) Any such property not removed or disposed of as aforesaid within a reasonable time after the termination of this Agreement shall become the property of the Government of the Bahama Islands.

ARTICLE XIX

Rights to be Restricted to the Purposes of the Agreement

Neither the Government of the United States of America nor the United States authorities shall exercise any rights granted by this Agreement, or permit the exercise thereof, except for the purposes specified in this Agreement.

ARTICLE XX

Rights Not to be Assigned

Neither the Government of the United States of America nor the United States authorities shall assign or part with any of the rights granted by this Agreement.

ARTICLE XXI

Liaison

The British and United States representatives designated for the purpose shall jointly decide the details of the execution of this Agreement in its application to specific situations in the best interests of all concerned. The said British representative shall be responsible for undertaking negotiations with the Government of the Bahama Islands in this connection.

ARTICLE XXII

Claims for Compensation

(1) The Government of the United States of America undertakes to pay adequate and effective compensation, which shall not be less than the sum payable under the law of the Bahama Islands, and to indemnify the Government of the United Kingdom and the Government of the Bahama Islands and all other authorities, corporations and persons in respect of valid claims arising out of:

- (a) the death or injury of any person resulting from the establishment, maintenance or operation by the Government of the United States of America of the LORAN Station;
- (b) damage to property resulting from any action of the Government of the United States of America in connection with the establishment, maintenance or operation of the LORAN Station;
- (c) the acquisition of private property or of rights affecting private property to provide the Site or to enable the Government of the United States of America to exercise its rights under this Agreement.

(2) Compensation payable under sub-paragraph 1 (c) of this Article shall be assessed in accordance with the law of the Bahama Islands.

(3) For the purposes of this Article the law of the Bahama Islands shall be the law in force at the time of the signature of this Agreement, provided that any subsequent alteration of the said law shall have effect if the Contracting Governments so agree.

ARTICLE XXIII

Freedom from Rents and Charges

Except as provided in Articles XVII and XXII the Site shall be provided, and the rights of the Government of the United States of America under this Agreement shall be made available, free from all rent and charges to the Government of the United States of America.

ARTICLE XXIV

Modification of the Agreement

Modification of this Agreement shall be considered by the Contracting Governments in the light of any modification of the Agreement between the

Governments of the United Kingdom and the United States of America relating to the Bases leased to the United States of America dated March 27, 1941,⁽¹⁾ which may be made under Article XXVIII of that Agreement.

ARTICLE XXV

Implementation of the Agreement

(1) The Government of the United States of America and the Government of the Bahama Islands respectively will do all in their power to assist each other in giving full effect to the provisions of this Agreement according to its tenor and will take all appropriate steps to that end.

(2) During the period for which this Agreement remains in force, no laws of the Bahama Islands which would derogate from or prejudice any of the rights conferred on the Government of the United States of America by this Agreement shall be applicable within the Site, save with the concurrence of the Government of the United States of America.

ARTICLE XXVI

Final Provisions

This Agreement shall come into force on the date of signature and shall continue in force for a period of 10 years and thereafter until one year from the day on which either Contracting Government shall give notice to the other of its intention to terminate the Agreement.

IN WITNESS WHEREOF the undersigned being duly authorized thereto by their respective Governments have signed this Agreement.

DONE in duplicate at Washington this twenty-fourth day of June, 1960.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HOOD.

For the Government of the United States of America:

LIVINGSTON L. MERCHANT.

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