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Treaty between the United States and Cuba for the adjustment of title to the ownership of the Isle of Pines. Signed at Washington, March 2, 1904; ratification advised by the Senate with reservation, March 13, 1925; ratified by Cuba, March 18, 1925; ratified by the President, March 23, 1925; ratifications exchanged at Washington, March 23, 1925; proclaimed, March 24, 1925.

March 2, 1904.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Ownership of Isle of Pines, Cuba. Preamble.

WHEREAS a treaty between the United States of America and the Republic of Cuba for the adjustment of title to the ownership of the Isle of Pines was concluded and signed by their respective Plenipotentiaries at Washington on the second day of March, one thousand nine hundred and four, the original of which treaty, being in the English and Spanish languages, is word for word as follows:

Contracting Powers.

The United States of America and the Republic of Cuba, being desirous to give full effect to the sixth Article of the Provision in regard to the relations to exist between the United States and Cuba, contained in the Act of the Congress of the United States of America, approved March second, nineteen hundred and one, which sixth Article aforesaid is included in the Appendix to the Constitution of the Republic of Cuba, promulgated on the 20th day of May, nineteen hundred and two and provides that "The island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title of ownership thereof being left to future adjustment by treaty;" have for that purpose appointed as their Plenipotentiaries to conclude a treaty to that end:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the Republic of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary of Cuba to the United States of America;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

Deseando los Estados Unidos de América y la República de Cuba cumplir en todos sus extremos el Artículo sexto de la Disposición que—relativa á las relaciones que deberán existír entre los Estados Unidos y Cuba está contenida en la Ley del Congreso de los Estados Unidos de América aprobada el 2 de Marzo de 1901, estando dicho Artículo sexto antes mencionado incluido en el Apéndice á la Constitución de la República de Cuba que fué promulgada el 20 de Mayo de 1902, y en el cual se dispone que—"La Isla de Pinos queda omitida de los límites de Cuba propuestos por la Constitución, dejándose para un futuro tratado la fijación de su pertenencia;"—han nombrado con ese objeto como plenipotenciarios suyos para concertar un tratado á ese fin:

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Plenipotentiaries.

El Presidente de los Estados Unidos de América á John Hay, Secretario de Estado de los Estados Unidos de América; y

El Presidente de la República de Cuba á Gonzalo de Quesada, Enviado Extraordinario y Ministro Plenipotenciario de Cuba en los Estados Unidos de América;

Quienes, previo el canje de sus plenos poderes que encontraron estar en buena y debida forma, han convenido en los siguientes Artículos:

ARTICLE I.

Isle of Pines relinquished to Cuba.

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the Island of Cuba, which has been or may be made in virtue of Articles I and II of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of December eighteen hundred and ninety-eight.

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ARTICLE II.

Naval stations in Cuba granted as consideration therefor.

This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines, is in consideration of the grants of coaling and naval stations in the Island of Cuba heretofore made to the United States of America by the Republic of Cuba.

ARTICLE III.

Property rights, etc., of United States citizens retained.

Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Island of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions being subject in respect thereof to such laws as are applicable to other foreigners.

ARTICLE IV.

Exchange of ratifications.

The present treaty shall be ratified by each party in conformity with the respective Constitutions of the two countries,

ARTÍCULO I.

Los Estados Unidos de América renuncian á favor de la República de Cuba toda reclamación que acerca del derecho á la Isla de Pinos situada en el Mar Caribe cerca de la parte sudoeste de la Isla de Cuba, se haya hecho ó hiciere en virtud de los Artículos I y II del Tratado de Paz entre los Estados Unidos y España, firmado en París el 10 de Diciembre de 1898.

ARTÍCULO II.

Esta renuncia—por parte de los Estados Unidos—de pretensión á la propiedad de dicha Isla de Pinos, se hace en consideración á las concesiones de estaciones carboneras y navales en la Isla de Cuba que antes de ahora se han hecho á los Estados Unidos de América por la República de Cuba.

ARTÍCULO III.

Los ciudadanos de los Estados Unidos de América que—en la fecha del canje de ratificaciones de este tratado—residieren ó poseyeren propiedades en la Isla de Pinos, no sufrirán menoscabo alguno en los derechos y privilegios que hayan adquirido con anterioridad á la fecha del canje de ratificaciones de este tratado; podrán permanecer en ella, ó salir de ella, conservando en uno ú otro caso todos sus derechos de propiedad, incluyendo el derecho de vender ó disponer de dichos bienes ó de sus productos; y tendrán así mismo derecho á ejercer sus industrias, comercio y profesiones sujetándose con respecto á las mismas á aquellas leyes que sean aplicables á otros extranjeros.

ARTÍCULO IV.

El presente tratado será ratificado por cada una de las partes de conformidad con las respectivas Constituciones de ambos

and the ratifications shall be exchanged in the City of Washington as soon as possible.

In witness whereof, We, the respective Plenipotentiaries, have signed this treaty and hereunto affixed our seals.

Done at Washington, in duplicate, in English and Spanish this second day of March one thousand nine hundred and four.

JOHN HAY [SEAL]
GONZALO DE QUESADA [SEAL]

paises y las ratificaciones serán canjeadas en la Ciudad de Washington, tan pronto como sea posible.

Signatures.

En testimonio de lo cual, Nosotros, los respectivos Plenipotenciarios, hemos firmado este Tratado y hemos estampado en el mismo nuestros sellos.

Hecho en Washington, por duplicado en inglés y en castellano el dia dos de Marzo de mil novecientos cuatro.

Ratifications exchanged.

AND WHEREAS the said treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-third day of March, one thousand nine hundred and twenty-five;

Proclamation.

NOW, THEREFORE, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington, this twenty-fourth day of March in the year of our Lord one thousand nine hundred [SEAL] and twenty-five, and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:
FRANK B KELLOGG
Secretary of State.

SENATE RESOLUTION ADVISING AND CONSENTING TO RATIFICATION.

Action of the Senate.

In Executive Session, Senate of the United States.

MARCH 13, 1925.

Reservation in consenting to ratification.

RESOLVED (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty with Cuba signed at Washington, D. C., on the second day of March, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the High Contracting Parties so as to make it plain that this condition is understood and accepted by each of them:

Application to all treaties with Cuba.

1. That all the provisions of existing and future treaties, including the Permanent Treaty proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

Other foreigners.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

Attest:

GEORGE A. SANDERSON *Secretary.*
By H. W. CRAVEN *Chief Clerk.*

Exchange of Notes.

[EXCHANGE OF NOTES]

From Secretary of State.

[The Secretary of State to the Ambassador of Cuba]

DEPARTMENT OF STATE,
Washington, March 17, 1925.

EXCELLENCY:

I have the honor to inform you that on March 13, 1925, the Senate advised and consented to the ratification of the Treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the reservation and condition are understood and accepted by each of them:

1. That all the provisions of existing and future treaties, including the Permanent Treaty, proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

I am glad to assure you, by direction of the President, that this note will be considered as sufficient acceptance by the Government of the United States of the reservation and understanding quoted, and I beg to express the hope that they will also be accepted by your Government. An acknowledgment of this note, accepting, by direction and on behalf of your Government, the said reservation and understanding, will be considered as completing the required exchange of notes and the acceptance by both Governments of the reservation and understanding.

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

FRANK B. KELLOGG

His Excellency
SEÑOR DON COSME DE LA TORRIENTE,
Ambassador of Cuba.

[The Ambassador of Cuba to the Secretary of State]

Marzo 18 de 1925.

From Cuban Ambassador.

EMBAJADA DE CUBA,
Washington, D. C.

EXCELENTISÍMO SEÑOR:

Tengo el honor de acusar recibo a Vuestra Excelencia de su nóta fecha 17 de Marzo de 1925, en la que se sirve comunicarme que el día 13 del corriente mes de Marzo el Senado recomendó y asintió a la ratificación del Tratado entre los Estados Unidos y Cuba firmado en 2 de Marzo de 1904 para ajustar el título de propiedad de la Isla de Pinos, sujeto a la reserva e interpretación que en su referida nota se consignan y cuya traducción se inserta más adelante.

Me complazco en poner en conocimiento de Vuestra Excelencia que, debidamente autorizado al efecto por el Senado de Cuba, el Señor Presidente me ha facultado para que en representación de mi Gobierno acepte, como por la presente lo hago, las siguientes reservas al antes mencionado Tratado, completando de esta manera el canje de notas que para el caso se requiere, a saber:

1. Que todas las cláusulas o estipulaciones de los tratados existentes o futuros, incluyendo el Tratado Permanente proclamado en 2 de Julio de 1904 entre los Estados Unidos de América y la República de Cuba, serán aplicables al territorio y los habitantes de la Isla de Pinos.

2. Que el termino "otros extranjeros" que aparece al final del artículo III, (del referido Tratado sobre la Isla de Pinos) será interpretado en el sentido siguiente:—"extranjeros que reciben el trato más favorable bajo el Gobierno de Cuba".

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta consideración.

COSME DE LA TORRIENTE

Su Excelencia,
MR. FRANK B. KELLOGG,
Secretario de Estado.

[*Translation*]

[*The Ambassador of Cuba to the Secretary of State*]

March 18, 1925.

Translation of note from Cuban Ambassador.

EMBASSY OF CUBA,
Washington, D. C.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note dated March 17, 1925, in which you were pleased to inform me that on the 13th day of this month of March the Senate advised and consented to the ratification of the Treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the reservation and interpretation which is set forth in your note, the translation of which follows hereinbelow.

I take pleasure in informing Your Excellency that, being duly authorized thereto by the Senate of Cuba the President has empowered me to accept in behalf of my Government, as I hereby do, the following reservations to the abovementioned Treaty, thus completing the exchange of notes required in this case, namely:—

1. That all the provisions of the existing or future treaties, including the permanent Treaty proclaimed on July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. That the term "other foreigners" appearing at the end of Article III (of the said treaty concerning the Isle of Pines) shall be construed to mean "foreigners who receive the most favorable treatment under the Government of Cuba".

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

COSME DE LA TORRIENTE

His Excellency,
MR. FRANK B. KELLOGG,
Secretary of State.

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