

1906.*

COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND SPAIN
UNDER SECTION 3, TARIFF ACT, JULY 24, 1897.

*Signed at San Sebastian August 1, 1906 and explanatory notes
exchanged at Madrid December 20, 1906.*

AGREEMENT AS TO RECIPROCAL TARIFF CONCESSIONS BETWEEN THE UNITED
STATES OF AMERICA AND SPAIN.

The Government of the United States of America and in its name His Excellency Mr. William Miller Collier, Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Spain, and the Government of His Catholic Majesty the King of Spain, and in its name His Excellency M. Pio Gullon é Iglesias, Grand Cross of the Red Eagle of Prussia, of Leopold of Belgium, of St. Olaf of Norway, of St. Stephen of Hungary, etc, etc, Life Senator, Member of the Royal Academy of Political and Moral Sciences, Minister of State, desiring to promote the mutual trade interests of the two countries and the former having proposed to the latter the concession by Spain of the most favored nation treatment (Portugal excepted) in exchange for the tariff treatment which on the part of the United States is considered (if the treatment accorded to Cuba be excepted) as the most favored nation treatment, that is, that made by the concessions made to various countries in the articles comprehended in Section three of the American tariff:—

It is hereby in behalf of the said two Governments agreed as follows:—

I. The following mentioned products and manufactures of Spain exported from Spain to the United States, shall upon their entrance into the United States be dutiable as follows:—

* This agreement will terminate August 7, 1910 on notice given by the United States.

Crude tartar, or wine lees, or argols, crude, five per cent *ad-valorem*.
Brandies or other spirits manufactured or distilled from grain or other materials, one dollar and seventy five cents per proof gallon.—

Still wines, and vermouth, in casks, thirty five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty four bottles or jugs containing each not more than one pint, one dollar and twenty five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.—

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum *ad-valorem*

II. The products and manufactures of the United States will pay duty at their entrance into Spain at the rates now fixed in the second column of the Spanish tariff, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made or which in future are made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.—

III. The present arrangement will enter into effect as soon as the necessary decrees and proclamations can be promulgated in both countries and it will thereafter continue in force until one year after it has been denounced by either of the High Contracting Parties. Each of the High Contracting Parties, however, shall have the right to rescind forthwith any of its concessions herein made by it, if the other at any time shall withhold any of its concessions or shall withhold any of its tariff benefits now or hereafter granted to any third Nation, exception being made of the special benefits now or hereafter given by Spain to Portugal and those now or hereafter given by the United States to Cuba—

IV. The Government of His Catholic Majesty will forthwith issue the necessary decrees and orders and the President of the United States will thereupon, at once, make the necessary proclamation.—

Made, in duplicate, in San Sebastian, August the first one thousand nine hundred and six.

WILLIAM MILLER COLLIER
PIO GULLON.

EXCHANGE OF NOTES ON DECEMBER 20, 1906, CONCERNING THE MEANING
AND EFFECT OF THE SECOND PARAGRAPH OF THE AGREEMENT.

AMERICAN LEGATION,
Madrid, December 20, 1906.

EXCELLENCY: I have the honor to inform you that the Government of the United States, acceding to the desire of His Majesty's Government to clear up certain obscurities in the text of the Agreement, concluded between Spain and the United States on August 1st. 1906, and to effectuate the intention of the two nations to concede reciprocally the most favored nation treatment, has authorized me to agree that the following shall be deemed to be the true meaning and effect of the second paragraph of the Agreement.

The products and manufactures of the United States will pay at their entrance into Spain at the rates of the second or minimum tariff of the Spanish tariff law, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made, or which in future shall be made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.

It is also agreed that the words United States wherever used in the said Agreement shall be deemed to include the territories and possessions of the United States to which the general tariff laws governing imports into the states admitted into the Union are applied.

The above is to be taken as the accepted construction of the existing Agreement, and as the measure of the respective rights of the two countries thereunder.

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

ROBERT M. WINTHROP,
Chargé d'Affaires ad-interim.

His Excellency
D. JUAN PEREZ CABALLERO,
Minister of State.

[Translation.]

MINISTRY OF STATE,
Madrid December 20, 1906.

DEAR SIR: In answer to your note of this date in which having been duly authorized to clear up, as desired by His Majesty's Government, certain obscurities in the text of the Agreement concluded between the United States and Spain on August 1st. last, and to effectuate the intention of the two nations to concede reciprocally the most favored nation treatment, you express the true meaning which is to be given to the second paragraph of the said Agreement, I have the honor to inform you in the name of His Majesty's Government that, in accord with what is stated in your Note, the true meaning of said paragraph shall be deemed to be as follows:

The products and manufactures of the United States will pay at their entrance into Spain at the rates of the second or minimum tariff of the Spanish tariff law, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made, or which in future shall be made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.

It is also agreed that the words United States wherever used in the said Agreement shall be deemed to include the territories and possessions of the United States to which the general tariff laws governing imports into the States admitted into the Union are applied.

The above is to be taken as the accepted construction of the existing Agreement, and as the measure of the respective rights of the two countries under the said Convention.

I avail myself of this occasion to renew to you the assurances of my distinguished consideration.

J. PEREZ CABALLERO.

Mr. ROBERT M. WINTHROP,
Chargé d'Affaires of the United States of America.