

## COMMERCE

*Agreement signed at Washington April 22, 1907, and at Levico, Italy,  
May 2, 1907; United States note dated April 22, 1907  
Ratified by Germany May 22, 1907  
Proclaimed by the President of the United States June 1, 1907  
Entered into force July 1, 1907  
Terminated February 7, 1910<sup>1</sup>*

Treaty Series 460

### AGREEMENT

The President of the United States of America, on the one hand, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the other, animated by a desire to adjust the commercial relations between the two countries until a comprehensive commercial treaty can be agreed upon, have decided to conclude a temporary Commercial Agreement, and have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, the Honorable Elihu Root, Secretary of State of the United States; and

His Majesty the German Emperor, King of Prussia, His Excellency Baron Speck von Sternburg, His Ambassador Extraordinary and Plenipotentiary to the United States of America,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

### ARTICLE I

In conformity with the authority conferred on the President of the United States in Section 3 of the Tariff Act of the United States approved July 24, 1897,<sup>2</sup> it is agreed on the part of the United States that the following products of the soil and industry of Germany imported into the United States shall, from and after the date when this Agreement shall be put in force, be subject to the reduced Tariff rates provided by said Section 3, as follows:

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<sup>1</sup> Pursuant to notice of termination given by the United States Aug. 7, 1909.

<sup>2</sup> 30 Stat. 203.

Argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Champagne and all other sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per 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.

#### ARTICLE II

It is further agreed on the part of the United States that the modifications of the Customs and Consular Regulations set forth in the annexed diplomatic note and made a part of the consideration of this Agreement, shall go into effect as soon as possible and not later than from the date when this Agreement shall be put in force.

#### ARTICLE III

Reciprocally, the Imperial German Government concedes to the products of the soil and industry of the United States enumerated in the attached list<sup>3</sup> upon their importation into Germany the rates of duty indicated therein.

#### ARTICLE IV

The provisions of Articles I and III shall apply not only to products imported directly from the country of one of the contracting parties into that of the other, but also to products which are imported into the respective countries through a third country, so long as such products have not been subject to any further processes of manufacture in that country.

#### ARTICLE V

The present Agreement shall apply also to countries or territories which are now or may in the future constitute a part of the Customs territory of either contracting party.

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<sup>3</sup> Not printed.

## ARTICLE VI

The present Agreement shall be ratified by His Majesty the German Emperor, King of Prussia, as soon as possible, and upon official notice thereof the President of the United States shall issue his proclamation giving full effect to the respective provisions of this Agreement.

This Agreement shall take effect on July 1, 1907, and remain in force until June 30, 1908. In case neither of the contracting parties shall have given notice six months before the expiration of the above term of its intention to terminate the said Agreement, it shall remain in force until six months from the date when either of the contracting parties shall notify the other of its intention to terminate the same.

Done in duplicate in English and German texts.

In testimony whereof, the Plenipotentiaries above mentioned have subscribed their names hereto at the places and on the dates expressed under their several signatures.

ELIHU ROOT

*Washington, April 22, 1907*

STERNBURG

*Levico, den 2<sup>ten</sup> Mai 1907*

## UNITED STATES NOTE

DEPARTMENT OF STATE  
WASHINGTON

APRIL 22, 1907

## EXCELLENCY:

Referring to the Commercial Agreement signed this day between the Imperial German Government and the Government of the United States, I have the honor to inform you that instructions to the customs and consular officers of the United States and others concerned will be issued to cover the following points and shall remain in force for the term of the aforesaid Agreement:

## A.

Market value as defined by section 19 of the Customs Administrative Act shall be construed to mean the export price whenever goods, wares, and merchandise are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States.

## B.

Statements provided for in section 8 of the Customs Administrative Act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods. The Consular Regulations of 1896, paragraph 674, shall be amended accordingly.

## C.

In reappraisal cases, the hearing shall be open and in the presence of the importer or his attorney, unless the Board of Appraisers shall certify to the Secretary of the Treasury that the public interest will suffer thereby; but in the latter case the importer shall be furnished with a summary of the facts developed at the closed hearing upon which the reappraisal is based.

## D.

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, shall be further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

Paragraph 681 of the Consular Regulations of 1896, relative to "swearing to the invoice" shall be revoked.

## E.

Special agents, confidential agents, and others sent by the Treasury Department to investigate questions bearing upon customs administration shall be accredited to the German Government through the Department of State at Washington and the Foreign Office at Berlin, and such agents shall cooperate with the several chambers of commerce located in the territory apportioned to such agents. It is hereby understood that the general principles as to *personae gratae* shall apply to these officials.

## F.

The certificates as to value issued by German chambers of commerce shall be accepted by appraisers as competent evidence and be considered by them in connection with such other evidence as may be adduced.

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

ELIHU ROOT

His Excellency

Baron SPECK VON STERNBURG,  
*Imperial German Ambassador.*