

## EXEMPTION OF HOSPITAL SHIPS FROM TAXATION IN TIME OF WAR

*Convention and final act signed at The Hague December 21, 1904*

*Senate advice and consent to ratification February 21, 1905*

*Ratified by the President of the United States October 16, 1906*

*Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated March 26, 1907*

*Entered into force March 26, 1907*

*Proclaimed by the President of the United States May 21, 1907*

35 Stat. 1854; Treaty Series 459

[TRANSLATION]

### CONVENTION REGARDING HOSPITAL SHIPS

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; the President of the Peruvian Republic; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam, and the Swiss Federal Council,

Taking into consideration that the Convention concluded at The Hague on July 29, 1899<sup>1</sup> for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864,<sup>2</sup> has sanctioned the principle of the intervention of the Red Cross in naval wars by provisions in favor of hospital ships;

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<sup>1</sup> TS 396, *ante*, p. 263.

<sup>2</sup> TS 377, *ante*, p. 7.

Desirous of concluding a convention to the end of facilitating by additional provisions the mission of such ships;

Have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: M. de Schlözer, His envoy extraordinary and minister plenipotentiary to The Hague;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary: M. Alexander Okolicsanyi d'Okolicsna, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of the Belgians: M. Baron Guillaume, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of China: Hoo Wei-teh, His envoy extraordinary and minister plenipotentiary at St. Petersburg;

His Majesty the Emperor of Corea: Young Chan Min, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Denmark: M. W. de Grevenkop Castenskiold, chargé d'affaires of the Kingdom at The Hague;

His Majesty the King of Spain: M. Arthur de Baguer, His envoy extraordinary and minister plenipotentiary at The Hague;

The President of the United States of America: Mr. John W. Garrett, charge d'affaires ad interim of the Republic at The Hague;

The President of the United Mexican States: M. Zenil, envoy extraordinary and minister plenipotentiary of the Republic at Vienna;

The President of the French Republic: M. de Monbel, envoy extraordinary and minister plenipotentiary of the Republic at The Hague;

His Majesty the King of the Hellenes: M. D. G. Metaxas, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Italy: M. Tugini, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of Japan: M. Nobukata Mitsuhashi, His envoy extraordinary and minister plenipotentiary at The Hague;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; M. Count H. de Villers, chargé d'affaires of the Grand Duchy at Berlin;

His Highness the Prince of Montenegro: M. N. Tcharykow, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of All the Russias at The Hague;

Her Majesty the Queen of the Netherlands: M. Baron Melvil de Lynden, Her minister of foreign affairs, and M. T. M. C. Asser, Her minister of state, member of Her council of state;

The President of the Peruvian Republic: M. C. G. Candamo, envoy extraordinary and minister plenipotentiary of the Republic at Paris and at London;

His Imperial Majesty the Shah of Persia: Mirza Samad Khan, momtazos saltaneh, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Portugal and the Algarves, etc.: M. Count de Selir, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Roumania: M. Jean N. Papiniu, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of All the Russias: M. Martens, His privy councillor, permanent member of the council of the imperial ministry of foreign affairs;

His Majesty the King of Servia: M. M. Vesnitch, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Siam: Phya Raja Nupraphandh, His envoy extraordinary and minister plenipotentiary at The Hague;

The Swiss Federal Council: M. G. Carlin, envoy extraordinary and minister plenipotentiary of the Confederation at The Hague:

Who, after communication of their full powers, found to be in good and due form, have agreed on the following provisions:

#### ARTICLE 1

Hospital ships, concerning which the conditions set forth in Articles 1, 2, and 3 of the Convention concluded at The Hague on July 29, 1899, for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864, are fulfilled shall be exempted, in time of war, from all dues and taxes imposed on vessels for the benefit of the State, in the ports of the Contracting Parties.

#### ARTICLE 2

The provision of the foregoing article does not prevent the application, by means of visitation or other formalities, of fiscal or other laws in force at said ports.

#### ARTICLE 3

The rule laid down in article first is binding only on the Contracting Powers in case of war between two or more of them.

The said rule shall cease to be binding from the time when a non-Contracting Power shall join one of the belligerents in a war between Contracting Powers.

#### ARTICLE 4

The present Convention which, bearing the date of this day, may be signed until the first of October 1905 by the Powers expressing their desire to do so, shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague. A procès-verbal of the deposit of the ratifications shall be drawn up and a copy thereof, duly certified, shall be delivered through the diplomatic channel to all the Contracting Powers.

## ARTICLE 5

The non-signatory Powers are permitted to adhere to the present Convention after October first 1905.

They shall, to that end, make their adhesion known to the Contracting Powers by means of a written notification addressed to the Government of the Netherlands and communicated by the latter to the other Contracting Powers.

## ARTICLE 6

In the event of one of the High Contracting Powers denouncing the present Convention, such denunciation shall not take effect until one year after the notification made in writing to the Government of the Netherlands and immediately communicated by the latter to all the other Contracting Powers. This denunciation shall only affect the notifying Power.

In testimony whereof the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the twenty-first of December one thousand nine hundred and four, in a single copy which shall remain filed in the archives of the Government of the Netherlands and copies of which, duly certified, shall be delivered through the diplomatic channel to the Contracting Powers.

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| [For Germany:]<br>VON SCHLÖZER [SEAL]<br>(Under reservation of the declaration made at the meeting of the Conference held December 21, 1904). <sup>a</sup> | [For France:]<br>MONBEL [SEAL]   |
| [For Austria-Hungary:]<br>OKOLICSANYI D'OKOLICSNA [SEAL]   | [For Greece:]<br>D. G. METAXAS [SEAL]  |
| [For Belgium:]<br>GUILLAUME [SEAL]   | [For Italy:]<br>TUGINI [SEAL]  |
| [For China:]<br>HOO WEI-TEH [SEAL]   | [For Japan:]<br>NOBUKATA MITSUHASHI [SEAL]                                     |
| [For Korea:]<br>YOUNG CHAN MIN [SEAL]  | [For Luxemburg:]<br>CTE. de VILLERS [SEAL]                                     |
| [For Denmark:]<br>W. GREVENKOP CASTENSKIOLD [SEAL]   | [For Montenegro:]<br>N. TCHARYKOW [SEAL]                                       |
| [For Spain:]<br>A. de BAGUER [SEAL]  | [For the Netherlands:]<br>BN. MELVIL de LYNDEN [SEAL]<br>T. M. C. ASSER [SEAL] |
| [For the United States:]<br>JOHN W. GARRETT [SEAL]   | [For Peru:]<br>C. G. CANDAMO [SEAL]  |
| [For Mexico:]<br>J. ZENIL [SEAL]   | [For Persia:]<br>M. SAMAD [SEAL]   |
|  | [For Portugal:]<br>CONDE de SELIR [SEAL]                                       |

<sup>a</sup> The German declaration reads, in translation, as follows: "The Imperial Government reserves the right not to apply this Convention to States in the ports of which dues and taxes are imposed on German hospital ships for the benefit of any entity other than the State."

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| [For Romania:]<br>J. N. PAPINIU<br>(Under reservation of reciprocity<br>and of pilotage dues.) | [SEAL] | [For Serbia:]<br>MIL. R. VESNITCH | [SEAL] |
| [For Russia:]<br>MARTENS   | [SEAL] | [For Siam:]<br>RAJA NUPRAPHANDH   | [SEAL] |
|  |        | [For Switzerland:]<br>CARLIN      | [SEAL] |

### FINAL ACT

At the moment of proceeding to sign the Convention having for its object the exemption of hospital ships in time of war in the ports of the Contracting Parties from all dues and taxes imposed on vessels for the benefit of the State, the Plenipotentiaries signing the present Act express the wish that, in view of the highly humanitarian mission of these ships, the Contracting Governments may take the measures necessary in order to exempt these ships within a short time also from the payment of the dues and taxes collected in their ports for the benefit of others than the State, especially those collected for the benefit of municipalities or of private companies or persons.

In witness whereof the Plenipotentiaries have signed the present procès-verbal, which, bearing the date of this day, may be signed up to the first of October, 1905.

Done at The Hague, the twenty-first of December, nineteen hundred and four, in a single copy, which shall remain on file in the archives of the Government of the Netherlands, and of which certified copies shall be delivered through the diplomatic channel to the Powers signing the aforementioned Convention.

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| The plenipotentiary of H. M. the Emperor of Germany, King of Prussia<br>v. SCHLÖZER                           | The plenipotentiary of the United States<br>of America<br>JOHN W. GARRETT                            |
| The plenipotentiary of H. M. Imperial<br>and Royal Apostolic [Austria-<br>Hungary]<br>OKOLICSANYI D'OKOLICSNA | The plenipotentiary of the United Mexi-<br>can States<br>J. ZENIL                                    |
| The plenipotentiary of H. M. the King<br>of the Belgians<br>GUILLAUME   | The plenipotentiary of the French Re-<br>public<br>MONBEL  |
| The plenipotentiary of H. M. the Em-<br>peror of China<br>HOO WEI-TEH   | The plenipotentiary of H. M. the King<br>of the Hellenes<br>D. G. METAXAS                            |
| The plenipotentiary of H. M. the Em-<br>peror of Corea<br>Y. C. MIN   | The plenipotentiary of H. M. the King<br>of Italy<br>TUGINI  |
| The plenipotentiary of H. M. the King<br>of Denmark<br>W. GREVENKOP CASTENSKIOLD                              | The plenipotentiary of His Majesty the<br>Emperor of Japan<br>NOBUKATA MITSUHASHI                    |
| The plenipotentiary of H. M. the King<br>of Spain<br>A. DE BAGUER   | The plenipotentiary of H. R. H. the<br>Grand Duke of Luxemburg, Duke<br>of Nassau<br>CTE. DE VILLERS |

The plenipotentiary of H. H. the Prince  
of Montenegro  
N. TCHARYKOW

The plenipotentiary of Her Majesty the  
Queen of the Netherlands  
T. M. C. ASSER

The plenipotentiary of the Peruvian Re-  
public  
C. G. CANDAMO

The plenipotentiary of H. I. M. the  
Shah of Persia  
M. SAMAD

The plenipotentiary of H. M. the King  
of Portugal and of the Algarves,  
etc.  
CONDE DE SELIR

The plenipotentiary of H. M. the King  
of Roumania  
J. N. PAPINIU

The plenipotentiary of H. M. the Em-  
peror of All the Russias  
MARTENS

The plenipotentiary of H. M. the King  
of Servia  
VESNITCH

The plenipotentiary of H. M. the King  
of Siam  
RAJA NUPRAPHANDH

The plenipotentiary of the Swiss Con-  
federation  
CARLIN