

MARECHAL JOFFRE CLAIMS

Agreement signed at Washington October 19, 1948, with memorandum of understanding

Entered into force October 19, 1948

62 Stat. 2841; Treaties and Other
International Acts Series 1816

AGREEMENT RESPECTING CERTAIN MARECHAL JOFFRE CLAIMS

The Government of the United States of America, the Government of the French Republic, and the Government of the Commonwealth of Australia have reached agreement respecting the settlement of certain claims arising out of the requisitioning of the SS *Marechal Joffre* and the unloading of its cargo in Australia. The terms of agreement are set forth in the attached Memorandum of Understanding.

Done in triplicate, in the English and French languages, at Washington this nineteenth day of October 1948.

For the Government of the United States
of America:

ROBERT A. LOVETT

*Acting Secretary of State of the
United States of America*

For the Government of the French Re-
public:

H. BONNET

*Ambassador Extraordinary and
Plenipotentiary of the French
Republic in Washington*

For the Government of the Common-
wealth of Australia:

NORMAN J. O. MAKIN

*Ambassador Extraordinary and
Plenipotentiary of the Common-
wealth of Australia in Washing-
ton*

MEMORANDUM OF UNDERSTANDING RESPECTING CERTAIN MARECHAL JOFFRE CLAIMS

1. With reference to the Annex of the Agreement of May 28, 1946 between the Government of the United States and the Government of France concerning maritime claims,¹ the French Government agrees to process and pay all cargo claims arising out of the requisitioning of the SS *Marechal*

¹ TIAS 1928, *post*, FRANCE.

Joffre. Claims will be paid upon presentation of satisfactory proof by the claimant of ownership of and payment for the goods. A release and indemnity, running in favor of the Government of the United States, the Government of France and the Commonwealth of Australia, will be obtained from the claimant covering any claim he might have respecting the goods involved. A bond of indemnity issued by an established bonding company or, in cases where it is not practicable to obtain such a bond of indemnity, a similar indemnity issued by such persons or organizations as customarily issue such indemnities in the area involved, and indemnifying the three governments against loss arising out of the goods involved in the claim will be obtained in cases of payment of claims of individuals and corporations other than banks and insurance companies. Photostatic copies of the release and indemnity bonds will be furnished to the United States Government and the Commonwealth of Australia.

2. The Commonwealth of Australia will pay in Australian currency to the Government of France the net proceeds realized upon disposition of cargo ex *Marechal Joffre* which was landed in Australia, and the Government of the United States hereby waives any claim to such proceeds. The Commonwealth of Australia hereby agrees that such net proceeds will, upon request of the Government of France, be deposited in sterling currency to the credit of the Number 1 account of the Bank of France in London.

3. The French Government hereby indemnifies the Commonwealth of Australia against any loss arising out of claims for cargo ex *Marechal Joffre*. In view of the fact that the liability of the Commonwealth of Australia cannot extend beyond the cargo actually unloaded in Australia, and in view of the fact that a fairly substantial amount has been realized upon the disposal of these items, it is highly unlikely that there will be any significant amount of loss to which this indemnity applies.

4. Payments made with respect to properly substantiated claims of United States citizens duly recognized by the Government of France will be paid by the Government of France in United States dollars.

5. The Commonwealth of Australia hereby waives any further claim against the Government of the United States arising out of the requisitioning of the *Marechal Joffre* and the unloading of the cargo in Australia.