

**NEW AMERICAN COMMERCIAL  
POLICY.**

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Tariff Act of 1922

BY

**WALLACE McCLURE**

*Member of the Bar of Knoxville*

" . . . . our commercial policy should hold an equal and impartial  
hand; neither seeking nor granting exclusive favors or preferences  
. . . ."  
WASHINGTON, *Farewell Address*

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS  
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY  
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BY

WALLACE McCLURE

**TO**

**MY FATHER**

**FROM WHOSE LIPS I LEARNED MY FIRST LESSONS IN DEMOCRACY**

**I DEDICATE**

**THIS APPLICATION OF ITS PRINCIPLES TO WORLD**

**AFFAIRS, BELIEVING THAT IDEALS**

**WHICH HE LEFT UNEXPRESSED**

**HERE FIND UTTERANCE**

## PREFATORY NOTE

The policy by which a country defines its attitude toward international trade is a subject too broad for monographic treatment. It includes the complex questions of high or low customs tariffs and of the operation of the mercantile marine, both of which are, in the United States, the subjects of widespread public controversy and constitute major planks in political party platforms. Its full consideration would involve inquiries into these matters, into the matter of shipping and harbor dues and into certain phases of internal taxation. The possible existence of direct or indirect bounties upon production or of differential railroad rates would be among the other circumstances included because of their effect upon business relations between countries.

There is one element in the aggregate national commercial policy which attracts comparatively little public notice but which, because it primarily and with especial directness affects the comity of international relationships, may without substantial inaccuracy be thought of as *the* external commercial policy of the country which maintains it. Its essential characteristic is the treatment accorded to the commerce of one outside country *in comparison with* the treatment which is accorded to others; it has its bases in agreements between countries as well as in statutes which they severally enact. The term "commercial policy" is used in this restricted sense in the present monograph, the object of which is both to describe such policy as it appears to exist in the United States at present and to make certain suggestions relating to future developments.

Many of the details of fact used in the following pages are subject to very frequent change. The years since the World War have witnessed an unprecedented array of alterations in tariff laws and commercial treaties, a process which still continues. Effort will be made until the latest practicable date before publication to take account of such changes as affect essential portions of the present study. Much of the illustrative material, however, has been taken from sources now a year or more old and which it is not feasible to bring up to date.

The writer welcomes this opportunity to express his very earnest thanks to the several kind friends who have labored unselfishly to combat the errors and inadequacies that so persistently cling to efforts like the present one.

KNOXVILLE, TENNESSEE, SEPTEMBER 1, 1923.

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<sup>1</sup> The literature of the special topic treated in the present monograph is very scanty.

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## APPENDIX I

### TEXT OF SECTION 317 (TARIFF ACT OF 1922) AS ORIGINALLY PRESENTED IN THE SMOOT AMENDMENT

(67th Congress, 2d Session, H. R. 7456. In the Senate of the United States, January 10, calendar day January 12, 1922. Amendment intended to be proposed by Mr. Smoot. The text as reported by the Finance Committee is found in subdivision 16, note; as passed by the Senate, in Appendix 2; as finally enacted, at the beginning of Chapter I).

#### ADDITIONAL DUTIES TO PREVENT DISCRIMINATION AGAINST AMERICAN FOREIGN COMMERCE

SEC. 4. (a) That from and after the passage of this Act, subject to the provisions of subsections c to k, inclusive, of this section, all products, when imported into the United States from any foreign country, shall be admitted under the provisions of Titles I and II of this Act.

(b) That the President may by proclamation specify and declare new or additional duties as hereinafter provided upon the products of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition or transportation in transit through or reexportation from such country of any product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like products of any foreign country;

Imposes, directly or indirectly, upon the importation from the United States of any article not the product of the United States any customs, tonnage, or port duty or any other charge, exaction, regulation, or limitation whatever which is not equally enforced upon importation from every foreign country of the like article not being the product of the country whence it is directly imported;

Imposes upon any product upon its exportation to the United States any duty, charge, restriction, or prohibition whatever which is not equally enforced upon the exportation of such products to every foreign country;

Discriminates against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country; or fails to accord to the commerce of the United States treatment equal and equivalent to that accorded to the commerce of any foreign country.

(c) If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, but has, after the issuance of a proclamation as authorized in subsection (b) hereof, maintained or increased its discriminations against the commerce of the United States, the President is hereby authorized in his discretion to issue a further proclamation directly that such products of said country as he shall deem proper shall be excluded from importation into the United States.

(d) That any proclamation issued by the President under the authority of this section may in his discretion extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President may at any time suspend, revoke, supplement, or amend any such proclamation.

(e) The President shall find as a fact the burdens placed on the commerce of the United States by the discriminations aforesaid, and when issuing any such proclamation shall declare therein new or additional customs duties determined by him to be equivalent to such burdens, not to exceed 50 per centum ad valorem or its equivalent, and shall specify the date upon which such proclamation and any new or additional customs duties declared therein shall take effect and from and after such date there shall be levied, collected, and paid on the products enumerated in such proclamation when imported into

the United States such new or additional customs duties; or in case of products declared subject to exclusion from importation into the United States under the provisions of subsection (c) hereof, such products shall be excluded from importation.

(f) That whenever the President shall find as a fact that any foreign country enforces upon the exportation of any product any export duty, restriction, or prohibition, or grants any bounty on production or exportation, any rebate of duties or any preferential allowance upon exports which unduly or unfairly discriminates against the United States, any products thereof, or consumers therein, he may by proclamation specify and declare new or additional duties as provided in subsections (b), (d), and (e) upon importation from any foreign country into the United States of the products of any industry which receives any benefit from any such discriminatory provisions aforesaid; and said new or additional duties shall be levied, collected, and paid as provided in such proclamation.

(g) All articles of merchandise imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this Act shall be applicable to importations into the United States of the products of any foreign country, they shall be applicable thereto whether such products are imported directly or indirectly.

(h) It shall be the duty of such department or independent establishment of the Government, as the President may direct, to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subsections (b), (c), and (f) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the said Commission to bring the matter to the attention of the President, together with recommendations.

(i) The Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this Act.

(j) That when used in this section the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.



## APPENDIX 2

### TEXT OF SECTION 317 (TARIFF ACT OF 1922) AS IT WAS FIRST ADOPTED BY THE SENATE

(*Congressional Record*, August 11, 1922, vol. 62, pt. 11, 67th Cong.,  
2nd Sess., p. 11249).

SEC. 317. (a) That from and after the passage of this act, subject to the provisions of this section, all products when imported into the United States from any foreign country shall be admitted under the provisions of Titles I and II and sections 315 and 316 of this act.

(b) That the President shall by proclamation specify and declare new or additional duties as hereinafter provided upon the products of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like products of any foreign country;

Discriminates against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country.

(c) If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subsection (b) hereof, maintained or increased its said discriminations against the commerce of the United States, the President is hereby

authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country as he shall deem the public interests may require shall be excluded from importation into the United States.

(d) That any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(e) The President shall find as a fact the burdens placed on the commerce of the United States by the discriminations aforesaid, and when issuing any such proclamation shall declare therein the new or additional customs duties determined by him as aforesaid to be equivalent to such burdens, not to exceed 50 per cent ad valorem or its equivalent, and shall specify the date upon which such proclamation and any new or additional customs duties declared therein shall take effect, and from and after such date there shall be levied, collected, and paid on the products enumerated in such proclamation when imported into the United States such new or additional customs duties; or in case of products declared subject to exclusion from importation into the United States under the provisions of subsection (c) hereof, such products shall be excluded from importation.

(f) That whenever the President shall find as a fact that any foreign country enforces upon the exportation of any product any export duty, restriction, or prohibition, or grants any bounty, on production or exportation, any rebate of duties or any preferential allowance upon exports which unduly or unfairly discriminates against the United States, any products thereof, or consumers therein, he shall by proclamation specify and declare new or additional duties as provided in subsections (b), (d), and (e) upon importation from any foreign country into the United States of the products of any industry which

receives any benefit from any such discriminatory provisions aforesaid; and said new or additional duties shall be levied, collected, and paid as provided in such proclamation.

(g) All articles of merchandise imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of the products of any foreign country, they shall be applicable thereto whether such products are imported directly or indirectly.

(h) It shall be the duty of the United States Tariff Commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subsections (b), (c), and (f) of this section are practiced by any country; and if and when such discriminatory acts are disclosed it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations.

(i) The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this act.

(j) That when used in this section the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.

### APPENDIX 3

#### LIST OF COMMERCIAL AGREEMENTS IN FORCE BETWEEN THE UNITED STATES AND OTHER COUNTRIES ON MARCH 1, 1924

In preparing the following list of arrangements with other countries the word "commercial" is strictly construed and limited to those instruments which have as their *chief* purpose the facilitation of international trade and the regulation of commercial and general intercourse.

This list does not include arrangements relating primarily to the Panama Canal, to patents, to trade-marks, to copyrights, to property rights or to fisheries; nor does it include arrangements which have grown out of and which relate to the settlement of the World War. The Treaties Restoring Friendly Relations with Germany (signed August 25, 1921; proclaimed November 14, 1921) and Establishing Friendly Relations with Austria (signed August 24, 1921; proclaimed November 17, 1921) and with Hungary (signed August 29, 1921; proclaimed December 20, 1921), by incorporating portions of the Treaties of Versailles, Saint-Germain-en-Laye and Trianon, reserve for the United States important rights of a commercial nature; but they could hardly be called commercial treaties.

The arrangements here listed are all bi-lateral. The convention concerning Samoa, signed December 2, 1899, included as parties the United States, Great Britain and Germany. The German rights and privileges under it were, however, terminated by the Treaty of Versailles. (Article 288).

The texts of all the instruments in the following list which were in force prior to January 1, 1923, are published in the volumes entitled *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers* (Three volumes; the first two,

compiled by Wm. M. Malloy, Senate Documents No. 357, 61st Congress, 2d Session; the third, Senate Document No. 348, 67th Congress, 4th Session). The texts of all agreements with other countries are published currently by the Department of State as separate pamphlets in the *Treaty Series*.

Reference is made to the *Statutes at Large of the United States* (Stat.) whenever the text of one of the instruments has been there included. The date of signature (S.) is given in every case. The dates when ratifications were exchanged (R.E.) and when proclamation was made by the President of the United States (P.) are also stated except in those cases, few in number, where these formalities were not observed.

Those instruments which contain most-favored-nation clauses affecting customs tariffs are marked with an asterisk (\*) and the numbers of the articles (except in case of exchanges of notes, not divided into articles) containing such clauses are stated in parenthesis. Certain articles in some of the instruments here listed were abrogated under the La Follette Seaman's Act, referred to as the Act of March 4, 1915 (38 Stat. 1164).

Argentina. Treaty for the Free Navigation of the Rivers Parana and Uruguay. S., July 10, 1853. R.E., December 20, 1854. P., April 9, 1855. 10 Stat. 1001.

\* Argentina. Treaty of Friendship, Commerce and Navigation. S., July 27, 1853. R.E., December 20, 1854. P., April 9, 1855. 10 Stat. 1005. (Articles III and IV.)

\* Belgium. Treaty of Commerce and Navigation. S., March 8, 1875. R.E., June 11, 1875. P., June 29, 1875. 19 Stat. 628. (Article XII).

\* Bolivia. Treaty of Peace, Friendship, Commerce and Navigation. S., May 13, 1858. R.E., November 9, 1862. P., January 8, 1863. Article XXXIV abrogated under the Act of March 4, 1915. 12 Stat. 1003. (Articles II and VI).

\* Borneo. Convention of Amity, Commerce and Navigation. S., June 23, 1850. R.E., July 11, 1853. P., July 12, 1854. 10 Stat. 909. (Article II).

\* Brazil. Agreement Effected by Exchange of Notes, According Mutual Unconditional Most-favored-nation Treatment in Customs Matters. S., October 18, 1923.

China. Treaty of Peace, Amity and Commerce. S., July 3, 1844. R. E., December 31, 1845. P., April 18, 1846. In force except as modified by subsequent treaties. 8 Stat. 592.

China. Treaty of Peace, Amity and Commerce. S., June 18, 1858. R. E., August 16, 1859. P., January 26, 1860. In force except as modified by subsequent treaties. Second sentence of Article XVIII abrogated under the Act of March 4, 1915. 12 Stat. 1023.

China. Additional Articles to the Treaty between the United States and China, of June 18, 1858. S., July 28, 1868. R. E., November 23, 1869. P., February 5, 1870. In force except as modified by subsequent treaties. 16 Stat. 739.

China. Treaty as to Commercial Intercourse and Judicial Procedure. S., November 17, 1880. R. E., July 19, 1881. P., October 5, 1881. In force except as modified by subsequent treaties. 22 Stat. 828.

\* China. Treaty on Commercial Relations. S., October 8, 1903. R. E., January 13, 1904. P., January 13, 1904. 33 Stat. 2208. (Article V).

China. Treaty Confirming Application of a five per centum ad valorem Rate of Duty to Importations of Goods into China by Citizens of the United States. S., October 20, 1920. R. E., November 5, 1921. P., November 7, 1921. 42 Stat. 1955.

\* Colombia. (New Grenada). Treaty of Peace, Amity, Navigation and Commerce. S., December 12, 1846. R. E., June 10, 1848. P., June 12, 1848. Article XXXIII conflicts with the Act of March 4, 1915. 9 Stat. 881. (Articles II and V).

\* Costa Rica. Treaty of Friendship, Commerce and Navigation. S., July 10, 1851. R. E., May 26, 1852. P., May 26, 1852. 10 Stat. 916. (Articles III and IV).

Cuba. Commercial Convention. S., December 11, 1902. R. E., March 31, 1903. P., December 17, 1903. 33 Stat. 2136.

\* Czechoslovakia. Agreement Effected by Exchange of Notes, According Mutual Unconditional Most-favored-nation Treatment in Customs Matters. S., October 29, 1923. Effective November 5, 1923.

\* Denmark. Treaty of Friendship, Commerce and Navigation. S., April 26, 1826. R. E., August 10, 1826. P., October 14, 1826. 8 Stat. 340. (Articles I and IV).

Denmark. Convention discontinuing Sound Dues. S., April 11, 1857. R. E., January 12, 1858. P., January 13, 1858. 11 Stat. 719.

\* Egypt. Agreement concerning Commercial and Customs Regulations. S., November 16, 1884. P., May 7, 1885. 24 Stat. 1004. (Most-favored-nation treatment unilateral, to the United States. Article I of incorporated Greece-Egypt convention).

\* Ethiopia. Treaty of Commerce. S., June 27, 1914. P., August 9, 1920. 41 Stat. 1711. (Article III).

France. Treaty of Commerce and Navigation. S., June 24, 1822. R. E., February 12, 1823. P., February 12, 1823. Article VI abrogated under the Act of March 4, 1915. 8 Stat. 278.

France. Agreement Modifying the Provisions of Article VII of the Convention of June 24, 1822. S., July 17, 1919. R. E., January 10, 1921. P., January 12, 1921. 41 Stat. 1723.

\* Great Britain. Convention to Regulate Commerce. S., July 3, 1815. R. E., December 22, 1815. P., December 22, 1815. 8 Stat. 228. (Article II).

Great Britain. Commercial Convention, Extending indefinitely the Convention of July 3, 1815. S., August 6, 1827. R. E., April 2, 1828. P., May 15, 1828. 8 Stat. 361.

Great Britain. Convention to Adjust the Question between the United States, Germany and Great Britain in Respect to the Samoan Islands. S., December 2, 1899. R. E., February 16, 1900. P., February 16, 1900. 31 Stat. 1878. (National treatment, Article III).

Great Britain. Treaty concerning the Establishment of import duties in Zanzibar. S., May 31, 1902. R. E., October 17, 1902. P., October 17, 1902. 32 Stat. 1959.

Great Britain. Treaty concerning Light and Harbor Dues in Zanzibar. S., June 5, 1903. R. E., December 24, 1903. P., December 24, 1903. 33 Stat. 2172.

Great Britain. Declarations exempting Commercial Travelers' Samples from Customs Inspection. S., December 3 and 8, 1910. Effective January 1, 1911.

Guatemala. Convention Facilitating the Work of Traveling Salesmen. S., December 3, 1918. R. E., August 25, 1919. P., August 27, 1919. 41 Stat. 1669.

\* Honduras. Treaty of Friendship, Commerce and Navigation. S., July 4, 1864. R. E., May 5, 1865. P., May 30, 1865. 13 Stat. 699. (Articles III and IV).

\* Italy. Treaty of Commerce and Navigation. S., February 26, 1871. R. E., November 18, 1871. P., November 23, 1871. 17 Stat. 845. (Articles VI and XXIV).

Italy. Treaty Amending Article III of the Treaty of Commerce and Navigation of February 26, 1871. S., February 25, 1913. R. E., July 3, 1913. P., July 3, 1913. 38 Stat. 1669.

\* Japan. Treaty and Protocol on Commerce and Navigation. S., February 21, 1911. R. E., April 4, 1911. P., April 5, 1911. 37 Stat. 1504. (Article XIV).

\* Japan. Treaty Regarding Rights of the Two Governments and their Respective Nationals in Former German Islands in the Pacific Ocean North of the Equator, and in Particular the Island of Yap. S., February 11, 1922. R. E., July 13, 1922. P., July 13, 1922. 42 Stat. 2149. (Article II (3), making applicable to the mandated islands existing treaties between the United States and Japan).

\* Liberia. Treaty of Commerce and Navigation. S., October 21, 1862. R. E., February 17, 1863. P., March 18, 1863. 12 Stat. 1245. (Article VI).

\* Morocco. Treaty of Peace and Friendship. S., September 16 and October 1, 1836. P., January 30, 1837. 8 Stat. 484. (Most-favored-nation treatment unilateral, to the United States. Article XIV).

\* Muscat. Treaty of Amity and Commerce. S., September 21, 1833. R. E., September 30, 1835. P., June 24, 1837. 8 Stat. 458. (Most-favored-nation treatment unilateral, to the United States. Article IV. See also Article VI).

The Netherlands. Commercial Convention. S., August 26,



1852. R. E., February 25, 1853. P., February 26, 1853. 10 Stat. 982.

\* Norway. Treaty of Commerce and Navigation. With Sweden and Norway. No longer in effect as to Sweden. S., July 4, 1827. R. E., January 18, 1828. P., January 19, 1828. By note of December 7, 1905, the Norwegian Chargé d'Affaires notified the Secretary of State that, as a result of the dissolution of the union between Sweden and Norway, the latter would deem itself responsible only for those obligations which concerned Norway. Articles XIII and XIV abrogated under the Act of March 4, 1915. 8 Stat. 346. (Article IX; Article XVII, reviving Article II of Treaty of April 3, 1783, between the United States and Sweden).

\* Ottoman Empire. Treaty of Commerce and Navigation. S., May 7, 1830. R. E., October 5, 1831. P., February 4, 1832. 8 Stat. 408. (Article I).

Panama. Convention Facilitating the Work of Traveling Salesmen. S., February 8, 1919. R. E., December 8, 1919. P., December 10, 1919. 41 Stat. 1696.

\* Paraguay. Treaty of Friendship, Commerce and Navigation. S., February 4, 1859. R. E., March 7, 1860. P., March 12, 1860. 12 Stat. 1087. (Articles III and IV).

Paraguay. Convention Facilitating the Work of Traveling Salesmen. S., October 20, 1919. R. E., March 22, 1922. P., April 28, 1922. 42 Stat. 2128.

\* Persia. Treaty of Friendship and Commerce. S., December 13, 1856. R. E., June 13, 1857. P., August 18, 1857. 11 Stat. 709. (Article IV).

Portugal. Commercial Agreement effected by Exchange of notes. S., June 28, 1910.

Salvador. Convention Facilitating the Work of Traveling Salesmen. S., January 28, 1919. R. E., January 18, 1921. P., January 22, 1921. 41 Stat. 1725.

Samoa: see Great Britain.

\* Serbia. (Kingdom of the Serbs, Croats and Slovenes). Treaty for Facilitating and Developing Commercial Relations. S., October 2/14, 1881. R. E., November 15, 1882. P., December 27, 1882. 22 Stat. 963. (Article VI).

\* Siam. Treaty and Protocol Revising hitherto existing Treaties. S., December 16, 1920. R. E., September 1, 1921. P., October 12, 1921. 42 Stat. 1928. (Most-favored-nation treatment unilateral, to the United States, Article VII; see also Article VI.)

Spain. Treaty of Friendship and General Relations. S., July 3, 1902. R. E., April 14, 1903. P., April 20, 1903. Articles XXIII and XXIV abrogated in so far as in conflict with the Act of March 4, 1915. 33 Stat. 2105.

\* Spain. Arrangement Effected by Exchange of Notes, agreeing to the enforcement, from November 5, 1923, to May 5, 1924, of the provisions of the commercial agreement concluded on August 1, 1906, under section 3 of the Tariff Act of July 24, 1897, without, however, providing for the extension to the United States of any change or advantage which might be established between Spain and other countries after November 5, 1923. S., October 6/22, 1923. Extended until May 5, 1925, by exchange of notes effected April 26/27, 1924. See subdivisions 37 (g) and 65, *supra*.

Switzerland. Convention of Friendship, Commerce and Extradition, etc. S., November 25, 1850. R. E., November 8, 1855. P., November 9, 1855. Articles VIII to XII, inclusive, terminated on March 23, 1900, upon notice given by the United States on March 23, 1899. Articles XIII to XVII, inclusive, were superseded on March 29, 1901, by the Extradition Treaty signed on May 14, 1900. 11 Stat. 587.

Uruguay. Convention Facilitating the Work of Traveling Salesmen. S., August 27, 1918, R. E., August 2, 1919. P., August 11, 1919. 41 Stat. 1663.

Venezuela. Convention Facilitating the Work of Traveling Salesmen. S., July 3, 1919. R. E., August 18, 1920. P., October 15, 1920. 41 Stat. 1719.

## APPENDIX 4

### LIST OF MULTI-LATERAL CONVENTIONS TO WHICH THE UNITED STATES WAS A PARTY ON MARCH 1, 1924

The texts of the following instruments are, with one exception, as noted, published in the second (prior to 1910) and third (1910 and since) volumes of the collection entitled *Treaties, Conventions, International Acts, Protocols and Agreements between the United States and Other Powers* (Senate Documents, no. 357, 61st Congress, 2d Session; and no. 348, 67th Congress, 4th Session). They are also published in the *Statutes at Large of the United States*.

Convention for the establishment of an international bureau of weights and measures. Signed at Paris, May 20, 1875. Proclaimed by the President of the United States September 27, 1878.

Convention amending the convention relating to weights and measures, signed at Paris, May 20, 1875, and the regulations annexed thereto. Signed at Sevres, October 6, 1921. Proclaimed by the President of the United States October 27, 1923.

Convention for protection of submarine cables. Signed at Paris, March 14, 1884. Proclaimed by the President of the United States May 22, 1885.

Declaration respecting the interpretation of Articles II and IV of the convention of March 14, 1884, for the protection of submarine cables. Signed at Paris, December 1, 1886. Proclaimed by the President of the United States May 1, 1888.

Final protocol of agreement fixing May 1, 1888, as the date of effect of the convention for the protection of submarine cables. Signed at Paris, July 7, 1887. Proclaimed by the President of the United States May 1, 1888.

Convention for international exchange of official documents, scientific and literary publications. Signed at Brussels, March

15, 1886. Proclaimed by the President of the United States January 15, 1889.

Convention for the immediate exchange of official journals, parliamentary annals and documents. Signed at Brussels, March 15, 1886. Proclaimed by the President of the United States January 15, 1889.

Convention concerning the formation of an international Union for the publication of customs tariffs. Signed at Brussels, July 5, 1890. Proclaimed by the President of the United States December 17, 1890.

General act for the repression of African slave trade. Signed at Brussels, July 2, 1890. Proclaimed by the President of the United States April 2, 1892.

Convention for the regulation of the importation of spirituous liquors into certain regions of Africa. Concluded at Brussels, June 8, 1899. Declaration of adhesion of the United States, February 1, 1901. Proclaimed by the President of the United States February 6, 1901.

Convention relative to the exchange of official, scientific, literary and industrial publications. Signed at Mexico City, January 27, 1902. Ratified by the President of the United States June 23, 1902. Signatory states informed July 16, 1902. (Not published).

Convention for the pacific settlement of international disputes. Signed at The Hague, July 29, 1899. Proclaimed by the President of the United States November 1, 1901.

Declaration as to the launching of projectiles and explosives. Signed at The Hague, July 29, 1899. Proclaimed by the President of the United States November 1, 1901.

Agreement respecting the unification of the pharmacopoeial formulas for potent drugs. Signed at Brussels, November 29, 1906.

General act of the international conference at Algeciras. Signed April 7, 1906. Proclaimed by the President of the United States January 22, 1907.

Convention for the exemption of hospital ships in time of war from the payment of all dues and taxes imposed for the

benefit of the state. Signed at The Hague, December 21, 1904. Proclaimed by the President of the United States May 21, 1907.

Convention for the amelioration of the condition of the wounded of armies in the field. (International Red Cross Convention). Signed at Geneva, July 6, 1906. Proclaimed by the President of the United States August 3, 1907.

Convention revising the duties imposed by the Brussels Convention of June 8, 1899, on spirituous liquors imported into certain regions of Africa. Concluded at Brussels, November 3, 1906. Declaration of adhesion of the United States, February 19, 1907. Proclaimed by the President of the United States December 2, 1907.

Convention for the creation of an international institute of agriculture. Signed at Rome, June 7, 1905. Proclaimed by the President of the United States January 29, 1908.

Convention on literary and artistic copyrights. Signed at Mexico City, January 27, 1902. Proclaimed by the President of the United States April 9, 1908.

Agreement for the repression of the trade in white women. Signed at Paris, May 18, 1904. Proclaimed by the President of the United States June 15, 1908.

Arrangement for the establishment of the international office of public health. Signed at Rome, December 9, 1907. Proclaimed by the President of the United States November 17, 1908.

Inter-American sanitary convention. Signed at Washington, October 14, 1905. Proclaimed by the President of the United States March 1, 1909.

Convention for the pacific settlement of international disputes. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention respecting the limitation of the employment of force for the recovery of contract debts. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention relative to the opening of hostilities. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention respecting the laws and customs of war on land. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention respecting the rights and duties of neutral powers and persons in war on land. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention relative to the laying of automatic submarine contact mines. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention respecting bombardment by naval forces in time of war. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention for the adaption to naval war of the principles of the Geneva Convention of July 6, 1906. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention relative to the right of capture in naval war. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Convention concerning the rights and duties of neutral powers in naval war. Concluded at The Hague, October 18, 1907. Adherence advised by United States Senate (Except Article 23) April 17, 1908. Proclaimed by the President of the United States February 28, 1910.

Declaration prohibiting the discharge of projectiles and explosives from balloons. Signed at The Hague, October 18, 1907. Proclaimed by the President of the United States February 28, 1910.

Arrangement relative to the repression of the circulation of obscene publications. Signed at Paris, May 4, 1910. Proclaimed by the President of the United States April 13, 1911.

Convention for the preservation and protection of fur seals. Signed at Washington, July 7, 1911. Proclaimed by the President of the United States December 14, 1911.

Convention establishing an international law commission.

Signed at Rio de Janeiro August 23, 1906. Proclaimed by the President of the United States May 1, 1912.<sup>1</sup>

International wireless telegraph convention. Signed at Berlin November 3, 1906. Proclaimed by the President of the United States May 25, 1912.

International wireless telegraph convention. Signed at London, July 5, 1912. Proclaimed by the President of the United States July 8, 1913.

Convention establishing the status of naturalized citizens who again take up their residence in the country of their origin. Signed at Rio de Janeiro, August 13, 1906. Proclaimed by the President of the United States January 28, 1913.

Convention for the unification of certain rules of law with respect to assistance and salvage at sea. Signed at Brussels September 23, 1910. Proclaimed by the President of the United States February 13, 1913.

Convention for the protection of industrial property. Signed at Washington, July 2, 1911. Proclaimed by the President of the United States April 29, 1913.

Convention concerning literary and artistic copyrights. Signed at Buenos Aires, August 11, 1910. Proclaimed by the President of the United States July 13, 1914.

Convention for the arbitration of pecuniary claims. Signed at Buenos Aires, August 11, 1910. Proclaimed by the President of the United States July 29, 1914.

Convention for the protection of inventions, patents, designs and industrial models. Signed at Buenos Aires, August 20, 1910. Proclaimed by the President of the United States July 29, 1914.

Convention for the suppression of the abuse of opium and other drugs. Signed at The Hague, January 23, 1912 and July 9, 1913. Proclaimed by the President of the United States March 3, 1915.

<sup>1</sup> With the object of continuing the work started by the Commission of Jurists established under this convention, and of adding to its program, the Fifth International Conference of American States (Santiago, Chile, 1923) adopted a resolution reorganizing the Commission and requesting each government to appoint two delegates.

Convention for the protection of trade marks. Signed at Buenos Aires, August 20, 1910. Proclaimed by the President of the United States September 16, 1916.

International sanitary convention. Signed at Paris, January 17, 1912. Proclaimed by the President of the United States December 11, 1920.

Treaty relating to insular possessions and insular dominions in the region of the Pacific Ocean. (The Four-Power Treaty). Signed at Washington, December 13, 1921. Proclaimed by the President of the United States August 21, 1923.

Agreement supplementary to the treaty of December 13, 1921, relating to insular possessions and insular dominions in the region of the Pacific Ocean. Signed at Washington, February 6, 1922. Proclaimed by the President of the United States August 21, 1923.

Treaty providing for the limitation of naval armament. Signed at Washington, February 6, 1922. Proclaimed by the President of the United States August 21, 1923.

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The Postmaster General is authorized by Section 398 of the Revised Statutes to enter into agreements with other countries relating to the postal service. The United States is, in this way, a party to the following multilateral postal conventions. They are published in the *Statutes at Large of the United States*.

Universal Postal Union: Universal Postal Convention and Regulations signed at Madrid, November 30, 1920. Ratified with reservations by the Postmaster General, December 31, 1921. Approved by the President, January 23, 1922.

Spanish-American Postal Convention. Signed at Madrid, November 13, 1920. Ratified by the Postmaster General May 1, 1922. Approved by the President, May 8, 1922.

Pan American Postal Union: Principal Convention of Buenos Aires and Regulations, signed at Buenos Aires, September 15, 1921. Ratified by the Postmaster General, February 24, 1922. Approved by the President, February 28, 1922.

Pan American Postal Union: Parcel Post Convention and Regulations. Signed at Buenos Aires, September 15, 1921. Ratified by the Postmaster General, February 24, 1922. Approved by the President, February 28, 1922.



## APPENDIX 5

### CERTAIN PROVISIONS ANALOGOUS TO SECTION 317 IN THE LAWS OF OTHER COUNTRIES

(Such a provision in the law of Canada is quoted *supra* in subdivision 32. An analogous Russian decree is referred to in the first footnote of subdivision 23).

#### CHILE

##### *Article 23 of Customs Tariff Law*

The existing tariff rates shall be considered as the minimum rates applicable to the products of the countries which allow to Chilean imports the privileges of the most-favored-nation legislation. The President of Chile is authorized to increase the tariff duties up to 25 per cent when they apply to the importation of the products of countries not granting favored nation privileges to Chile.

#### GERMANY

##### *Paragraph 10 Customs Law of December 25, 1902*

Dutiable goods proceeding from States that treat German ships or products less favorably than those of other nations may, in addition to the duties provided for in the tariff, be burdened with a surtax not exceeding twice the amount of the tariff rate imposed on such goods or even with a surtax equivalent to the total value of the goods themselves. Goods free of duty according to the tariff may, under the same conditions, be taxed with a duty not exceeding 50 per cent ad valorem. . . .

The measures provided for in this section shall be put in force by imperial ordinance after being approved by the Bundesrath.

Any provisions enacted in the matter shall be communicated

to the Reichstag forthwith, or, if not assembled, at its next session. The same shall be cancelled if not assented to by the Reichstag.

## GREAT BRITAIN

*Customs Consolidation Act, 1853; CCCXXIV, CCCXXV and CCCXXVI*

If it shall be made to appear to Her Majesty that British vessels are subject in any foreign country to any prohibitions or restrictions as to the voyages in which they may engage, or as to the articles which they may import into or export from such country, it shall be lawful for Her Majesty (if she think fit) by Order in Council, to impose such prohibitions or restrictions upon the ships of such foreign country, either as to the voyages in which they may engage or as to the articles which they may import into or export from any part of the United Kingdom or of any British possession in any part of the world, as Her Majesty may think fit, so as to place the ships of such country on as nearly as possible the same footing in British ports as that on which British ships are placed in the ports of such country.

If it shall be made to appear to Her Majesty that British ships are either directly or indirectly subject in any foreign country to any duties or charges of any sort or kind whatsoever from which the national vessels of such country are exempt, or that any duties are imposed upon articles imported or exported in British ships which are not equally imposed upon the like articles imported or exported in national vessels, or that any preference whatsoever is shown either directly or indirectly to national vessels over British vessels, or to articles imported or exported in national vessels over the like articles imported or exported in British vessels, or that British trade and navigation is not placed by such country upon as advantageous a footing as the trade and navigation of the most favored nation, then and in any such case it shall be lawful for Her Majesty (if she think fit), by Order in Council, to impose such duty or duties of tonnage upon the ships of such nation

entering into or departing from the ports of the United Kingdom, or of any British possession in any part of the world, or such duty or duties on all goods or on any specified classes of goods imported or exported in the ships of such nation as may appear to Her Majesty justly to countervail the disadvantages to which British trade or navigation is so subjected as aforesaid.

And in every such Order Her Majesty may, if she so think fit, specify what ships are to be considered as ships of the country or countries to which such Order applies, and all ships answering the description contained in such Order shall be considered to be ships of such country or countries for the purposes of such Order.

*At the Imperial Economic Conference, 1923, the Representatives of the British Empire Declared*

(1) That it is their established practice to make no discrimination between the flags of shipping using their ports, and that they have no intention of departing from this practice as regards countries which treat ocean-going shipping under the British flag on a footing of equality with . . . national shipping.

(2) That in the event of danger arising in future to the overseas shipping of the Empire through an attempt by a foreign country to discriminate against the British flag, the governments of the Empire will consult together as to the best means of meeting the situation.

ITALY

*Article 5 of the Customs Tariff*

Goods proceeding from countries in which Italian vessels and products are subject to a differential régime, may be burdened with an increase of frontier duties up to 50 per cent of the duty inscribed in the General Tariff.

In the case of goods duty-free under the tariff, the same may be burdened with an import duty up to 25 per cent of their official market value.

These dispositions shall be issued by Royal decree describing the goods liable to the surtax and the extent to which such increase of duty shall be applied.

The decree in question must immediately be submitted to Parliament to be converted into law.

#### JAPAN

##### *Article IV of Customs Tariff Law of April 15, 1910*

With respect to articles, the produce or manufacture of a country in which vessels, or produce or manufacture of Japan are subjected to less favorable treatment than those of other countries, the articles of such country may be designated by Imperial Ordinance, which shall be liable to customs duties not exceeding in amount the value of such articles in addition to the duties prescribed in the annexed tariff.

#### THE NETHERLANDS

##### *The Law of August 8, 1850, S. No. 47, Article 8, Specifies as Follows*

Be it resolved, That, in regard to the ships of those nations where Netherland ships, or goods shipped into or from such country in Netherland ships, are subjected to a higher tax or duty of whatsoever sort, than the ships, or goods of like nature transported in the ships of other nations, or where the importation or exportation of goods of any sort permitted in ships of other nations is forbidden in Netherland ships; whenever in such circumstances it shall seem necessary, or to the advantage of Netherland commerce and navigation, to resort to retaliatory measures, either by preventing importation of certain goods in ships of such nations, by subjecting the ships of such nation to a higher tonnage fee, or by imposing an increased duty on goods imported in ships of such nation, by whatever means this is done, in the application of such retaliatory measures, an absolute reciprocity shall be maintained as far as possible.

The retaliatory measures taken shall be reported at once to the States General if assembled, or as soon as it shall convene if not in session.

(Article 8 was amended in the law of July 14, 1855, by replacing in the clause, "by subjecting the ships of such nation to a higher tonnage fee," the phrase, "a higher," by the words "by us to be determined.")

## NORWAY

*Paragraph 11 of the General Customs Tariff*

Foreign vessels and goods imported and exported on them shall not be subject to other or higher dues than those imposed on Norwegian vessels and on goods imported or exported on them, unless the King should order the assessment of higher dues on goods or vessels of some foreign nation.

## PERU

*Article 44a of the Tariff Law of July 1, 1923*

The present tariff rates shall be considered as the minimum rates applicable to the products of the countries which concede most-favored-nation treatment to Peruvian exports.

## PORTUGAL

*Article 5 of the Decree Establishing Customs Tariff*

In the following cases, the Government will be at liberty to increase fivefold the navigation and import taxes or fix rates upon duty-free goods, when the ships or goods arrive from, or originate in countries not extending to Portugal their minimum Customs Tariff rates:

1. When such countries levy "surtaxes d'entrepot" upon Portuguese Colonial products re-exported from Portugal, and generally, upon the whole re-export trade of Portugal.
2. When they impose restrictive or special measures on importation which are in any way prejudicial to Portuguese exports or when their Customs Tariffs are such as to specially affect any particular product or class of products exclusively originating in Portuguese regions or colonies, or any other goods being or capable of becoming an important Portuguese export.

## SWITZERLAND

*Article 4 of Customs Tariff Law*

It shall be lawful for the Federal Council to increase at any time to such an extent as they may deem fit, the rates of the general tariff applicable to products of states levying excessive

rates of duty on Swiss goods, or treating them less favorably than the goods of other countries. In cases where the present law provides for exemption from duty, the Federal Council may establish duties.

In cases where any measures adopted in a foreign country are likely to interfere with the trade of Switzerland, and also in cases where the application of the Swiss Customs duties proves inoperative owing to export bounties or like grants, the Federal Council are empowered in a general way, to take measures deemed fit to meet the circumstances.

#### VENEZUELA

##### *Article 15 of Customs Tariff Law*

The Executive Power is authorized to increase up to 25 per cent the import duties on merchandise from foreign countries which in their treaties with Venezuela have no favored nation clause concerning their treatment.

#### LEAGUE OF NATIONS

*Second General Conference on Communications and Transit, Geneva, 1923. First eight articles of Statute on the International Régime of Maritime Ports:*

##### *Article 1*

All ports which are normally frequented by seagoing vessels and used for foreign trade shall be deemed to be maritime ports within the meaning of the present statute.

##### *Article 2*

Subject to the principle of reciprocity and to the reservation set out in the first paragraph of article 8, every contracting State undertakes to grant the vessels of every other contracting State equality of treatment with its own vessels, or those of any other State whatsoever, in the maritime ports situated under its sovereignty or authority, as regards freedom of access to the port, the use of the port, and the full enjoyment of the benefits as regards navigation and commercial operations which it affords to vessels, their cargoes, and passengers.

The equality of treatment thus established shall cover facilities of all kinds, such as allocation of berths, loading and unloading facilities, as well as dues and charges of all kinds levied in the name or for the account of the Government, public authorities, concessionaries, or undertakings of any kind.

*Article 3*

The provisions of the preceding article in no way restrict the liberty of the competent port authorities to take such measures as they may deem expedient for the proper conduct of the business of the port, provided that these measures comply with the principle of equality of treatment as defined in the said article.

*Article 4*

All dues and charges levied for the use of maritime ports shall be duly published before coming into force.

The same shall apply to the by-laws and regulations of the port.

In each maritime port, the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

*Article 5*

In assessing and applying customs and other analogous duties, local octroi, or consumption duties, or incidental charges, levied on the importation or exportation of goods through the maritime ports situated under the sovereignty or authority of the contracting States, the flag of the vessel must not be taken into account, and accordingly no distinction may be made to the detriment of the flag of any contracting State whatsoever as between that flag and the flag of the State under whose sovereignty or authority the port is situated, or the flag of any other State whatsoever.

*Article 6*

In order that the principle of equal treatment in maritime ports laid down in article 2 may not be rendered ineffective in

practice by the adoption of other methods of discrimination against the vessels of a contracting State using such ports, each contracting State undertakes to apply the provisions of articles 4, 20, 21, and 22 of the statute annexed to the Convention on the International Régime of Railways, signed at Geneva on December 9, 1923, so far as they are applicable, to traffic to or from a maritime port, whether or not such contracting State is a party to the said Convention on the International Régime of Railways. The aforesaid articles are to be interpreted in conformity with the provisions of the protocol of signature of the said convention.<sup>1</sup>

<sup>1</sup> ANNEX: Text of the articles of the Statute on the International Régime of Railways and of the provisions relating thereto contained in the protocol of signature:

*Article 4.*—Recognizing the necessity of granting sufficient elasticity in the operation of railways to allow the complex needs of traffic to be met, it is the intention of the contracting States to maintain unimpaired full freedom of operation while insuring that such freedom is exercised without detriment to international traffic.

They undertake to give reasonable facilities to international traffic and to refrain from all discrimination of an unfair nature directed against the other contracting States, their nationals, or their vessels.

The benefit of the provisions of the present article is not confined to traffic governed by a single contract; it extends also to the traffic dealt with in articles 21 and 22 of the present statute, subject to the conditions specified in the said articles.

*Article 20.*—The contracting States, recognizing the necessity in general of leaving tariffs sufficient flexibility to permit of their being adapted as closely as possible to the complex needs of trade and commercial competition, retain full freedom to frame their tariffs in accordance with the principles accepted by their own legislation, provided that this freedom is exercised without detriment to international traffic.

They undertake to apply to international traffic tariffs which are reasonable as regards both their amounts and the conditions of their application, and undertake to refrain from all discrimination of an unfair nature directed against the other contracting States, their nationals, or their vessels.

These provisions shall not prevent the establishment of combined rail and sea tariffs which comply with the principles laid down in the previous paragraphs.

*Article 21.*—The benefit of the provisions of article 20 shall not be



*Article 7*

Unless there are special reasons justifying an exception, such as those based upon special geographical, economic, or technical conditions, the customs duties levied in any maritime port situated under the sovereignty or authority of a contracting State may not exceed the duties levied on the other customs frontiers of the said State on goods of the same kind, source, or destination.

If, for special reasons as set out above, a contracting State grants special customs facilities on other routes for the importation or exportation of goods, it shall not use these facilities as a means of discriminating unfairly against importation or exportation through the maritime ports situated under its sovereignty or authority.

*Article 8*

Each of the contracting States reserves the power, after giving notice through diplomatic channels, of suspending the benefit of equality of treatment from any vessel of a State which does not effectively apply, in any maritime port situated under its sovereignty or authority, the provisions of this statute to the

confined to transport based on single contracts. It shall extend equally to transport made up of successive stages by rail, by sea, or by any other mode of transport traversing the territory of more than one contracting State and regulated by separate contracts, subject to the fulfillment of the following conditions:

Each of the successive contracts must specify the initial source and final destination of the consignment; during the whole duration of carriage the goods must remain under the supervision of the carriers and must be forwarded by each carrier to his successor direct and without delay other than that necessary for the completion of the transport operations and the customs, octroi, police, or other administrative formalities.

*Article 22.*—The provisions of article 20 shall be equally applicable to internal as well as to international traffic by rail as regards goods which remain temporarily at the port, without regard to the flag under which they have been imported or will be exported.

*Protocol of signature.*—It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of articles 4 and 20 of the Statute on the International Régime of Railways.

vessels of the said contracting State, their cargoes and passengers.

In the event of action being taken as provided in the preceding paragraph, the State which has taken action and the State against which action is taken shall both alike have the right of applying to the Permanent Court of International Justice by an application addressed to the registrar ; and the court shall settle the matter in accordance with the rules of summary procedure.

Every contracting State shall, however, have the right, at the time of signing or ratifying this convention, of declaring that it renounces the right of taking action as provided in the first paragraph of this article against any other State which may make a similar declaration.

## APPENDIX 6

### AGREEMENT OF APRIL 11, 1922, BETWEEN AUSTRALIA AND NEW ZEALAND PROVIDING FOR RECIPROCAL TARIFF CONCESSIONS

(As officially published by the Commonwealth of Australia.)

AGREEMENT made this eleventh day of April, One thousand nine hundred and twenty-two Between the COMMONWEALTH OF AUSTRALIA (hereinafter called "the Commonwealth") of the one part and the DOMINION OF NEW ZEALAND (hereinafter called "the Dominion") of the other part:

WHEREAS with a view to the arrangement of more equitable trade relations between the Commonwealth and the Dominion, the Ministers of Customs for the said countries have agreed to recommend to their respective Parliaments Customs duties in accordance with the Schedule attached hereto:

NOW THEREFORE IT IS HEREBY AGREED as follows:

1. The said Schedule shall come into force on a date to be proclaimed by the Governor-General of the Commonwealth and the Governor-General of the Dominion, after the Parliaments of both countries have signified their acceptance thereof, and shall (subject to the provisions of this Agreement) remain in force until six months' notice of the termination thereof has been given by either party.

2. The Commonwealth shall not impose any customs duty or increase the rate of any customs duty on any article entering the Commonwealth from the Dominion, and the Dominion shall not impose any customs duty or increase the rate of any customs duty on any article entering the Dominion from the Commonwealth (whether such article is or is not specifically enumerated in the Schedule hereto, and whether such article is or is not dutiable at the date of this Agreement), except by

mutual agreement, until after six months' notice to the other party to this Agreement.

3. Nothing in this Agreement shall be construed to affect the right of the Commonwealth or of the Dominion to impose new duties upon any articles for the protection of any new industry established or proposed to be established in the Commonwealth or the Dominion as the case may be; provided that such new duties do not exceed the duties imposed on the importation of similar articles from the United Kingdom into the Commonwealth or the Dominion as the case may be.

4. Nothing in this Agreement shall be construed to affect the right of the Commonwealth or the Dominion to bring into force suspended or deferred duties, or to collect or impose dumping duties, or analogous special duties to meet abnormal trading conditions.

5. Nothing in this Agreement shall be construed to affect the right of the Commonwealth to impose primage or other general duties, provided that such duties on goods imported from New Zealand do not exceed the duties imposed on similar goods imported from the United Kingdom.

6. All goods enumerated in the Schedule hereto shall be liable to such primage duty, if any, upon entry into the Dominion, as shall for the time being be in force, provided that such duty does not exceed the primage duty on similar goods imported from the United Kingdom.

7. Goods imported into the Commonwealth, and thereafter transhipped to the Dominion, which if they had been imported direct from the country of origin to the Dominion would have been entitled to be entered under the British Preferential Tariff in the Dominion, shall, upon production of a certificate from the Customs Department of the Commonwealth stating the country of origin of the goods and such other information as is required, be entitled to be entered under the British Preferential Tariff in the Dominion.

8. Goods imported into the Dominion, and thereafter transhipped to the Commonwealth, which if they had been imported direct from the country of origin to the Commonwealth

would have been entitled to be entered under the British Preferential Tariff in the Commonwealth, shall, upon production of a certificate from the Customs Department of the Dominion stating the country of origin of the goods and such other information as is required, be entitled to be entered under the British Preferential Tariff in the Commonwealth.

9. The provisions of the last two preceding clauses of this Agreement shall operate from the first day of May One thousand nine hundred and twenty-two, notwithstanding that this Agreement may not at that date have been ratified by the Parliament of either country.

10. No special rebate or bounty shall be granted by the Commonwealth or the Dominion in respect of the sugar contained in any goods exported from the Commonwealth or the Dominion, as the case may be, to the Dominion or the Commonwealth.

#### FIRST NINE ITEMS OF THE TARIFF SCHEDULE

NOTE.—(1) Where any item bears after it the letters n. e. i., these letters shall be interpreted in the same sense as when applied to the Tariff Items from which the Items of this Schedule are derived.

(2) Goods entering Australia from New Zealand at present fall under the General Tariff, and goods entering New Zealand from Australia are treated in the same manner.

[See table on next page.]

Consecutive No.	Tariff Item Nos.— A.—Australian B.—New Zealand C.—Special		ITEM	AUSTRALIA				NEW ZEALAND			
				Present Duties Tariff			Proposed Duties against New Zealand	Present Duties Tariff			Proposed Duties against Australia
				British Preferential	Intermediate	General		British Preferential	Intermediate	General	
<b>AGRICULTURAL PRODUCTS AND GROCERIES—</b>											
			Animals, living:—								
2	1	B.	Cattle, horned, other than for stud purposes .....	Free	Free	Free	Free	ca. 10s.	10s.	10s.	Free
3	3	B.	Horses, other than for stud purposes .....	Free	Free	Free	Free	ca. 6s.	6s.	6s.	Free
3	37	A.	Bacon and Hams, partly or wholly cured.....per lb.	3d.	4d.	4d.	ad.	ad.	3d.	4d.	Free
4	386	B.	Beeswax .....	1d.	1d.	1½d.	Free	Free	Free	Free	Free
5	....	C.	Butter and Cheese (except cheese pastes and tinned or potted cheese).....per lb.	3d.	3d.	3d.	ad.	20% ad. val.	30% ad. val.	35% ad. val.	2d. per lb.
6	43 (B)	A.	Coffee, roasted or ground; in liquid form; or mixed with milk or other substance .....	6d.	6d.	6d.	6d.	3d.	4d.	5d.	5d.
7	28	B.	Coffee, roasted .....	..	..	..	..	3d.	4d.	5d.	5d.
8	29	B.	Coffee, essence of, and Essence of Coffee with milk or any other food substance .....	..	..	..	..	20%	30%	35%	25%
9	41	B.	Confectionery <i>n. e. i.</i> , including medicated lozenges, medicated confectionery, boiled sugars, liquorice <i>n. e. i.</i> , sugared or crystallised fruits.....per lb. or ad. val.	3d. 35%	3½d. 45%	3¾d. 45%	ad. per lb.	ad. per lb.	3½d. per lb.	3d. per lb.	ad. per lb.
			whichever rate returns the higher duty					<i>including internal containing packages (other than plain bottles and plain trade packages).</i>			

## APPENDIX 7

### TEXT OF SECTIONS 301, 302 and 303 OF THE FORDNEY BILL AS PASSED BY THE HOUSE OF REPRESENTATIVES

(H. R. 7456, 67th Congress, 1st and 2d Sessions. From Senate Document, no. 187, 67th Congress, 2d Session, pp. 100 *et seq.*)

SEC. 301 That whenever the President of the United States, with a view to securing reciprocal trade with any foreign country, dependency, colony, province, or other political subdivision of government, shall enter into a commercial treaty therewith concerning the admission into any such country, dependency, colony, province, or other political subdivision of government, of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty, in consideration of the advantages accruing to the United States therefrom, shall provide for the reduction of the duties imposed by this Act upon such goods, wares, or merchandise as may be designated therein of the country, dependency, colony, province, or other political subdivision of government with which such treaty shall be made as in this section provided; or shall provide for the transfer from the dutiable list of this Act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country, dependency, colony, province, or other political subdivision of government and not of the United States; or shall provide for the retention upon the free list of this Act of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the

designated goods, wares, and merchandise from the foreign country, dependency, colony, province, or other political subdivision of government with which such treaty has been made shall be the duties specified and provided for in such treaty, and none other.

SEC. 302 That with a view to securing reciprocal trade and regulating the commerce of the United States with countries, dependencies, colonies, provinces, or other political subdivisions of government, producing and exporting to the United States any article or merchandise upon which a duty is imposed by the laws thereof and for these purposes, whenever and so often as the President shall be satisfied that the government of any country, dependency, colony, province, or other political subdivision thereof, imposes duties or other exactions, limitations, or embargoes upon like or similar products of the United States, which, in view of the duties imposed thereupon when imported into the United States, he may deem to be higher and reciprocally unequal and unreasonable, he shall have the power, and it shall be his duty, to suspend by proclamation said provisions of the laws of the United States imposing the duties upon such article or merchandise of such country, dependency, colony, province, or other political subdivision of government, when and for such time as he shall deem just, and in such cases and during such suspension, upon the importation of any such or similar article or merchandise into the United States whether the same is imported in the same condition as when exported from the country of exportation or has been changed in condition by manufacture or otherwise and whether the same has been imported directly from the country of production or otherwise, duties shall be levied, collected, and paid upon such article or merchandise the product of such designated country, which shall by the President be ascertained and proclaimed to be equal to the duties or other exactions, limitations, or embargoes imposed thereupon when exported from the United States to such country, dependency, colony, province, or other political subdivision of government.

SEC. 303 That whenever the President of the United States,



with a view to securing reciprocal trade with foreign countries shall, within the period of three years from and after the passage of this Act, conclude an agreement with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States, deemed to be for the interests of the United States, and in such agreement, in consideration of the advantages accruing to the United States therefrom shall provide for the reduction during a specified period not exceeding five years, of the duties imposed by this Act, to the extent of not more than 20 per centum thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such agreement shall be made as in this section provided for, and when proclamation by the President of such agreement shall have been made, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such agreement has been made shall during the period provided for be the duties specified and provided for in such agreement.

To secure information to assist the President in the negotiation of such agreements as are provided for in such section, and to estimate the amount by which the duties specified in the agreement shall be lower than the duties provided for in other sections of this Act, in order to be a fair equivalent of the concessions granted by any other country or countries under the terms of the agreement, the President shall direct the United States Tariff Commission to make such investigations and to prepare such reports as may be deemed necessary.

## APPENDIX 8

### TEXT OF SECTIONS 315 AND 316 OF THE TARIFF ACT OF 1922

(As officially published.)

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this Act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this Act do not equalize the said differences in costs of production in the United States and the principal competing country he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this Act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per centum of the rates specified in Title I of this Act, or in any amendatory Act.

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this Act intended, whenever the President, upon investigation of the differences in costs of production of articles

provided for in Title I of this Act, wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties prescribed in this Act do not equalize said differences, and shall further find it thereby shown that the said differences in costs of production in the United States and the principal competing country can not be equalized by proceeding under the provisions of subdivision (a) of this section, he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers. In such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this Act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported articles upon which the President has made a proclamation under subdivision (b) of this section.

The ad valorem rate or rates of duty based upon such American selling price shall be the rate found, upon said investigation by the President, to be shown by the said differences in costs of production necessary to equalize such differences, but no such rate shall be decreased more than 50 per centum of the rate specified in Title I of this Act upon such articles, nor shall any such rate be increased. Such rate or rates of duty shall become effective fifteen days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila). If there is any imported article within the class or kind of articles, upon which the President has made public a finding, for which there is no similar competitive

article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this Act.

(c) That in ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b) of this section, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

The President, proceeding as hereinbefore provided for in proclaiming rates of duty, shall, when he determines that it is shown that the differences in costs of production have changed or no longer exist which led to such proclamation, accordingly as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this Act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined

under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified.

(d) For the purposes of this section any coal-tar product provided for in paragraphs 27 or 28 of Title I of this Act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.

(e) The President is authorized to make all needful rules and regulations for carrying out the provisions of this section.

(f) The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of imported articles of the class or kind of articles upon which the President has made a proclamation under the provisions of subdivision (b) of this section and for the form of invoice required at time of entry.

SEC. 316. (a) That unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

(b) That to assist the President in making any decisions under this section the United States Tariff Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

(c) That the commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced

to writing, and a transcript thereof with the findings and recommendation of the commission shall be the official record of the proceedings and findings in the case, and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles; that such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such articles; that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper; that the commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only; that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs Appeals.

(d) That the final findings of the commission shall be transmitted with the record to the President.

(e) That whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per centum of the value of such articles as defined in section 402 of Title IV of this Act, which will offset such method or act, and which is hereby imposed upon articles

imported in violation of this Act, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such articles as he shall deem the interests of the United States shall require, imported by any person violating the provisions of this Act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and that the decision of the President shall be conclusive.

(f) That whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

(g) That any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist.

## APPENDIX 9

### TEXT OF SECTIONS 3 AND 4 OF THE TARIFF ACT OF 1897

(Passed July 24, 1897; effective same day.)

SEC. 3 That for the purpose of equalizing the trade of the United States with foreign countries, and their colonies, producing and exporting to this country the following articles: Argols, or crude tartar, or wine lees, crude; brandies, or other spirits manufactured or distilled from grain or other materials; champagne and all other sparkling wines; still wines, and vermouth; paintings and statuary; or any of them, the President be, and he is hereby, authorized, as soon as may be after the passage of this Act, and from time to time thereafter, to enter into negotiations with the Governments of those countries exporting to the United States the above-mentioned articles, or any of them, with a view to the arrangement of commercial agreements in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States; and whenever the Government of any country, or colony, producing and exporting to the United States the above-mentioned articles, or any of them, shall enter into a commercial agreement with the United States, or make concessions in favor of the products, or manufactures thereof, which, in the judgment of the President, shall be reciprocal and equivalent, he shall be, and he is hereby, authorized and empowered to suspend, during the time of such agreement or concession, by proclamation to that effect, the imposition and collection of the duties mentioned in this Act, on such article or articles so exported to the United States from such country or colony, and thereupon and thereafter the duties levied, collected, and paid upon such article or articles shall be as follows, namely:



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.

The President shall have power, and it shall be his duty, whenever he shall be satisfied that any such agreement in this section mentioned is not being fully executed by the Government with which it shall have been made, to revoke such suspension and notify such Government thereof.

And it is further provided that with a view to secure reciprocal trade with countries producing the following articles, whenever and so often as the President shall be satisfied that the Government of any country, or colony of such Government, producing and exporting directly or indirectly to the United States coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, or any such articles, imposes duties or other ex-

actions upon the agricultural, manufactured, or other products of the United States, which, in view of the introduction of such coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, into the United States, as in this Act hereinbefore provided for, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this Act relating to the free introduction of such coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, of the products of such country or colony, for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, the products or exports, direct or indirect, from such designated country, as follows:

On coffee, three cents per pound.

On tea, ten cents per pound.

On tonquin, tonqua, or tonka beans, fifty cents per pound; vanilla beans, two dollars per pound; vanilla beans, commercially known as cuts, one dollar per pound.

SEC. 4 That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of two years from and after the passage of this Act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom shall provide for the reduction during a specified period, not exceeding five years, of the duties imposed by this Act, to the extent of not more than twenty per centum thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from

the dutiable list of this Act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this Act during a specified period, not exceeding five years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

## APPENDIX 10

### TEXT OF SECTION 2 OF AN ACT TO AMEND THE CUSTOMS TARIFF, 1907, OF CANADA, ASSENTED TO JUNE 30, 1923, AUTHORIZING RECIPROCITY NEGOTIA- TIONS WITH THE UNITED STATES

(From Memorandum, no. 32 (revised), July 5, 1923, Department of  
Customs and Excise.)

2. *The Customs Tariff, 1907*, is amended by inserting the following sections immediately after section eight A thereof, as enacted by section two of chapter twenty-seven of the statutes of 1921:—

“8B. The Governor in Council may authorize any Minister of the Crown to enter into negotiations with any authorized representative of the Government of the United States with a view to the making of a commercial agreement between the two countries on terms that may be deemed mutually beneficial. Any agreement so made shall be subject to the approval of the Parliament of Canada.

“8c. If the President of the United States, under authority of the United States Tariff Act of 1922, determines to reduce the duties imposed by such Act on the following articles, that is to say:—

Cattle; wheat; wheat flour; oats; barley; potatoes; onions; turnips; hay; fish as enumerated in paragraphs 717, 718, 719 and 720 of the said Tariff Act of 1922, the Governor in Council may by Order in Council make such reductions of duties on such articles imported into Canada from the United States as may be deemed reasonable by way of compensation for such reductions on Canadian products imported into the United States.”

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Abbreviations: n, footnote; q, quoted; U. S., United States.

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## VITA

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The present writer was born July 30, 1890, at Knoxville, where he received his earlier education at the Baker-Himmel School and the University of Tennessee. After being awarded at the latter, in 1910 and 1911, the degrees of Bachelor of Arts and Bachelor of Laws, he attended for brief periods Harvard University and the University of Wisconsin before entering the Graduate School of Political Science at Columbia University in time for the beginning of the second semester of 1912-1913. He received the Master of Arts degree at Columbia in 1915 and was appointed Cutting Travelling Fellow for 1915-1916. Meanwhile he had become a candidate for the degree of Doctor of Philosophy, with the major subject of economics and with history, sociology and politics as minor subjects.

After serving as secretary to a special tax commission appointed by the Governor of Tennessee early in 1915, he commenced active work under the fellowship, travelling extensively in Tennessee and other states in search of material pertaining to the constitutional development of Tennessee and to the state's system of taxation. In 1916 he published a volume of 374 pages on *State Constitution-Making*, with especial reference to Tennessee. This book was written in expectation of the early assembling of a state constitutional convention; the proposition was, however, defeated at the polls. Before the close of the term of the fellowship he had collected most of the material necessary for the preparation of a monograph on the history of taxation in Tennessee, but has not yet been able to complete the text for publication.

After practicing law for a year as a member of the firm of Sansom and McClure he entered the Second Reserve Officers Training Camp in August, 1917, at the conclusion of which he was appointed a second lieutenant in the field artillery. Following the Armistice he again entered upon the practice of law at Knoxville. In the early part of 1919 he served for a month as an expert under the legislative committee which framed the New York State income-tax law and afterwards he gave courses in history and political science at the University of Tennessee. At present he is employed for special work under the Federal Government.