DOMINICAN REPUBLIC

EFFORTS OF THE UNITED STATES TO PROTECT AMERICAN BUSINESS INTERESTS IN THE DOMINICAN REPUBLIC

339.115 General Motors Export Co./3: Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, April 4, 1935—1 p.m.

[Received 3:45 p.m.]

11. I am informed that Mr. Amadeo Barletta honorary Italian Consul in Santo Domingo and president of Santo Domingo Motors Company and of Dominican Tobacco Company respectively was arrested on his arrival at San Pedro de Macoris by air from San Juan this morning and is detained in the fortress here. I understand that clerk of the Italian Consulate has telegraphed the Italian Minister at Habana but there is some question whether this telegram which was sent in clear was permitted to go out.

See enclosures to my personal letters of March 14 and March 161 to the Chief of Division of Latin American Affairs. American citizens including officers of General Motors Export Company of New York and Penn Tobacco Company of Wilkes-Barre, Pennsylvania are understood to have substantial stock interest in companies mentioned of which Barletta is president. No official information is available as to reasons for detention of the Consul nor has it been announced whether his exequatur has been canceled. Suggest that Department cause Italian Legation at Havana to be advised if no objection to so doing is seen.

Schoenfeld

339.115 General Motors Export Co./3: Telegram

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

Washington, April 16, 1935—3 p.m.

8. General Motors Corporation advise Department they have advanced large sums to Barletta as working capital and in order to protect their interests they are sending a representative, Todd, to Santo

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1 Not found in Department files.
Domingo in effort to communicate with Barletta. If Todd requests your assistance you are authorized, provided you perceive no objection, to lend your informal good offices in effort to arrange opportunity for him to communicate with Barletta about the corporation's business.

HULL

339.115 General Motors Export Co./4: Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, April 17, 1935—10 a.m.
[Received 11:58 a.m.]

20. Department's telegram 8, April 16, 3 p.m. Up to the present time the Italian Minister has been refused permission to see Barletta. Yesterday local court in which supposed judicial proceedings against Barletta are pending fixed bail in the case at $250,000 in cash or $375,000 in real property. Deegan representative of General Motors Acceptance Corporation informed me yesterday that court had asked Santo Domingo Motors Company for comparative statement "to be added to the record" of the value of automotive products sold by the company to the Dominican Government during the Vásquez administration and during the Trujillo administration.

Whatever the real motive may be the matter has been given distinctly political complexion by the action of the Dominican Government. Consequently I apprehend that without more categorical instructions from the Department efforts to arrange for Todd to communicate with Barletta would be futile.

SCHOENFELD

339.115 General Motors Export Co./5: Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, April 18, 1935—noon.
[Received 3:35 p.m.]

22. Department's cable 8, April 16. Todd arrived yesterday but has not decided whether he wishes to ask the Legation to interpose informal good offices in effort to arrange opportunity for him to see Barletta. His hesitation is apparently due to enactment yesterday by Dominican Congress of a law providing for official control through judicial administrator over property of persons against whom proceedings are pending for alleged offenses against security of the state.
Law provides that such property shall be liable for indemnity to the state and cannot be transferred by owner without the consent of judicial authorities. This law seems to be peculiarly applicable to Barletta case. Article 42 of the Dominican Constitution provides that laws shall not have retroactive effect and law mentioned may therefore be held unconstitutional if the point is ever raised.

SCHOENFELD

339.115 General Motors Export Co./8 : Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

SANTO DOMINGO, April 19, 1935—1 p.m.
[Received 1:25 p.m.]

23. My telegram No. 22, April 18. Todd called on me this morning and asked me to endeavor to arrange an opportunity for him to communicate with Barletta. Accordingly I am writing to the Minister for Foreign Affairs informally in the sense of the Department's telegram number 8 and requesting him to advise me whether and when I may present Todd to him for the purpose of making desired arrangements.²

SCHOENFELD

339.115 General Motors Export Co./9 : Telegram

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

WASHINGTON, April 19, 1935—7 p.m.

11. Reference Department's telegram No. 10 April 19, 6 p.m.³ Penn Tobacco Company has communicated further with the Department referring to the urgent cable received today from Marcus³ and requesting that you "cable full confidential report from Marcus on situation with reason for his request". You are authorized to cable such message.

HULL

² In telegram No. 27, April 23, 11 a.m., the Minister in the Dominican Republic reported that, in reply to his informal letter of April 19, the Minister for Foreign Affairs, in a note dated April 22, stated that the request had been referred to the judge in charge of the proceedings who had replied that Mr. Barletta was incommunicado. The Minister for Foreign Affairs added that the Government had no power to modify this judicial decision. (339.115 General Motors Export Co./19)
³ Not printed.
² Manager of Dominican Tobacco Company.
The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, April 20, 1935—11 a.m.  
[Received 2:45 p.m.]

24. Department’s telegrams 10 and 11, April 19. . . .

. . . Marcus informs me that effective boycott of Dominican Tobacco Company’s products is being applied both under Government direction and otherwise for fear of Government reprisals. Representations to the Dominican Government may be timely in protest against discrimination to the detriment of this American-owned enterprise. See also enclosure to my letter of March 14 to Mr. Edwin Wilson.

Schoenfeld

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

Washington, April 22, 1935—5 p.m.

13. Your 24, April 20, 11 a.m. Cable from Marcus has been delivered to the Penn Tobacco Company.

Please call on the Minister for Foreign Affairs and leave with him a memorandum in the following words:

“The Penn Tobacco Company, an American Company which states that it owns 50 per cent of the stock of the Dominican Tobacco Company, has advised the Government of the United States of its apprehension that measures being taken against the latter company by the Dominican authorities may prejudice the interests of the Penn Tobacco Company.

The Government of the United States would appreciate information concerning any steps being taken against the Dominican Tobacco Company, and is of course confident that no action will be taken which would discriminate against or otherwise prejudice the interests of the Penn Tobacco Company.”

Hull

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**Not printed.**

**Not found in Department files.**

**Chief of the Division of Latin American Affairs.**
The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

No. 2410

SANTO DOMINGO, April 23, 1935.

[Received April 29.]

Sir: Referring to my despatch No. 2399 of April 18, 1935,* I have the honor to enclose for the Department’s strictly confidential information copy of a memorandum of a conversation I had with the Italian Minister on April 22 in further relation to the imprisonment in Santo Domingo of Mr. Amadeo Barletta, Italian Consul.

The Department will note from this memorandum that no solution of this problem satisfactory to the Italian Government has yet been found and that in all probability the forms of a judicial trial of Barletta will be gone through. In that event, the Italian Minister told me he expected to attend the trial and to follow it closely, having a stenographic record thereof kept for the information of his Government.

The Italian Minister in several conversations with me has hinted rather plainly that he and his Government felt that the lawless and arbitrary procedure of the Government vis-à-vis the Italian Government in the Barletta case should be made the subject of conversations on behalf of the Italian Government directly with our Government, on the ground that in their opinion the American Government is “responsible” for the state of affairs in this Republic. I have not pursued this line of thought in talking with the Italian Minister but report its existence in anticipation of a possible démarche by the Italian Ambassador at Washington in this relation. I gather that the alleged responsibility imputed to us is vaguely connected with an Italian interpretation of the Monroe Doctrine and with the belief that more direct measures should be taken by the American Government to control the action of the Dominican Government affecting foreign nationals and interests.

H. F. ARTHUR SCHEOFELD

* Not printed.
ister assured me that no action prejudicial to the interests of the Penn Tobacco Company in the Dominican Company will be taken and was inclined to deny that any action detrimental to the latter company had been taken. He was not very insistent as to the latter point however. I believe delivery of memorandum will have beneficial effect.

Ministry of Foreign Affairs also said that law reported in my despatch 2407 [2398] 7 will not be applied retroactively even to Barletta’s property interests. It is not yet certain that law has been or will be promulgated by the President.

Marcus informs me today that as vice president of the company he advised Internal Revenue Office officially yesterday that Dominican Tobacco Company would suspend operations “for a period longer than 22 hours and for an indefinite time”. He says he is leaving matter of reopening the factory in abeyance until Barletta’s case is disposed of.

SCHOFIELD

339.115 General Motors Export Co./31: Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

SANTO DOMINGO, April 28, 1935—4 p.m.
[Received 6:50 p.m]

33. See enclosure to my despatch No. 2398, April 18, 7 and second paragraph of my telegram No. 29, April 24. Last night press published official notice by the state’s attorney for the national district that by virtue of article I of law number 893 promulgated April 24 he had constituted the state a civil party in the proceedings against certain persons named, including Barletta, charged with certain specified offenses in violation of the Penal Code as amended and any accomplices of such persons. Notice directs any debtor of the accused who wishes or is obliged to settle obligations to address himself to Judge of Instructions in charge of the proceedings, states that payments shall be made through this magistrate and that all stocks held by accused are subject to first lien for indemnity and nontransferable from the date of commission of offenses charged.

It appears that bill reported in my despatch cited has been promulgated and is being applied retroactively notwithstanding the statements of Minister for Foreign Affairs reported in my telegram cited.

In view of the fact that General Motors Corporation and Penn Tobacco Company besides other American nationals are known to be

* Not printed.
interested heavily if not to the extent of ownership of majority of stock in Santo Domingo Motors Company and Dominican Tobacco Company respectively of which Barletta referred to in official notice is president, I believe it would be wise precaution to advise Dominican Government of reservation of all rights in behalf of American nationals whose interests are, or may be, adversely affected by proceedings announced in pursuance of law Number 898.

SCHOENFELD

339.115 General Motors Export Co./46

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

No. 2436  SANTO DOMINGO, April 29, 1935.

[Received May 1.]

Sir: Referring to my despatch No. 2417 of April 25, 1935, I have the honor to enclose a letter under today's date from Mr. Libert Marcus, Vice President of the Dominican Tobacco Company, C. por A., a largely American-owned enterprise, with regard to a proposed fine in the amount of $2,000 which may be assessed upon the company for alleged violation of certain Dominican internal revenue legislation, namely paragraph 17 of Law No. 858 of March 19, 1935. This law was reported in my despatch No. 2324 of March 26 [No. 2349 of April 1], 1935.

I also enclose a copy with translation of a report dated April 25 [20], 1935, by three internal revenue inspectors setting forth the circumstances which apparently occasioned the proposed levy of the fine, together with a copy and translation of a statement dated April 22, 1935, by the company explaining the incident.

It will be noted that Mr. Marcus' letter enclosed solicits the assistance of the Department in this matter. Mr. Marcus tells me orally today that, while the matter of the possible payment of the fine of $2,000 is not regarded as in itself of great significance, in view of the losses which the company has already suffered by virtue of the imprisonment of its president and the boycott against the company's products, as previously reported, he believes that, in the special circumstances of the case, the Department may wish to authorize the Legation to make appropriate representations to the Dominican Government. It might be consonant with representations already made to the Dominican Government, in pursuance of the Department's tele-

*Not printed.
gram No. 13 of April 22, to bring this matter to the Government's attention, and I respectfully request instructions.

Respectfully yours,

H. F. ARTHUR SCHOENFELD

339.115 General Motors Export Co./42: Telegram

The Secretary of State to the Minister in the Dominican Republic
(Schoenfeld)

WASHINGTON, April 30, 1935—4 p.m.

14. Your No. 33, April 28, 4 p.m. Department approves and authorizes you to make reservation of all rights in behalf of American nationals whose interests are or may be adversely affected by proceedings announced in pursuance of Law No. 893.

HULL

339.115 General Motors Export Co./55: Telegram

The Secretary of State to the Minister in the Dominican Republic
(Schoenfeld)

WASHINGTON, May 2, 1935—5 p.m.

17. Your 29, April 24, 1 p.m. Address formal note to the Dominican Government stating that despite the assurances given you by the Minister for Foreign Affairs that no action prejudicial to the interests of the Penn Tobacco Company in the Dominican Tobacco Corporation will be taken and denying that any action detrimental to the latter company had been taken, the Chairman of the Penn Tobacco Company and other American stockholders in the Dominican Tobacco Corporation have today informed the Department that the attitude of the Dominican authorities has been such as to prevent the handling by dealers in the Dominican Republic of cigarettes manufactured by the Dominican Tobacco Corporation, thus compelling the factory to suspend operations and causing losses to the American interests involved.

State that this Government is now advised that American interests actually own 55 per cent of the stock of the Dominican Tobacco Corporation. Request immediate investigation into the charge herein-mentioned that the Dominican authorities are preventing the operation in the Dominican Republic of this American owned company, and request that if facts are as charged effective remedial action be promptly taken in order that legitimate interests of the Company may no longer be prejudiced. Add that this Government reserves the right to present a claim on behalf of these American in-
interests for any loss they may have suffered to date or may suffer in the future as a result of any undue interference with their legal rights.

Hull

339.115 General Motors Export Co./56: Telegram

The Secretary of State to the Minister in the Dominican Republic
(Schoenfeld)

WASHINGTON, May 2, 1935—6 p.m.

18. Your 33, April 28, 4 p.m. Address formal note to the Dominican Government inquiring whether the proceedings announced in pursuance of Law No. 893 are intended to affect the Santo Domingo Motors Company. You may state that the General Motors Export Corporation, an American corporation, advises the Department that it has outstanding approximately $60,000 on automobiles shipped to the Santo Domingo Motors on which the latter had accepted 90-day drafts; also approximately $85,000 of collections due to it which are being made for its account by the Santo Domingo Motors Company. Furthermore, as a pledge securing these advances the Santo Domingo Motors Company has delivered to the General Motors Export Corporation approximately 90 per cent of the stock of the former company.

State in your note that the Government of the United States, in view of the substantial American interest in the affairs of the Santo Domingo Motors Company, desires to receive full information concerning any steps being taken against the latter company by the Dominican authorities and expects that no action will be taken which would in any way adversely affect the American interests in question.

Hull

339.115 General Motors Export Co./59: Telegram

The Secretary of State to the Minister in the Dominican Republic
(Schoenfeld)

WASHINGTON, May 3, 1935—6 p.m.

21. Your 27, April 23, 11 a.m. Address formal note to the Foreign Minister referring to your letter of April 19 and to his reply of April 22, and state that your Government has now instructed you to request formally that the representative of the General Motors Export Corporation in Santo Domingo be given suitable opportunity, in order to protect the Corporation's interests, to confer with its agent,

21 See footnote 2, p. 480.
Barletta, about the Corporation's business. State that this Government has taken due note of the statement of the Foreign Minister that the Barletta case is in the hands of the court, but that this Government is unwilling to believe that the Dominican judicial authorities and the Dominican Government desire to continue to prejudice the interests of an American company by depriving it of access to its agent, when it is evident that such access could be arranged under suitable conditions that would in no way defeat or hinder the pursuit of justice by the Dominican authorities.

Hull

339.118 General Motors Export Co./33: Telegram

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

WASHINGTON, May 9, 1935—2 p.m.

23. Your despatch No. 2346 [2436], April 29; your 44, May 4, 5 p.m.,* and 45, May 7, 4 p.m. As acts in connection with which fine imposed on Dominican Tobacco Company, a majority of whose stock is American owned, were committed, according to statement of Dominican Inspectors of Internal Revenue, prior to enactment of law of March 13, 1935, prescribing the fine, courts obviously precluded by Title VII, Section I, Article 42, of Dominican constitution, from convicting under such law.

You are authorized to submit representations in writing to appropriate authorities, supplemented by oral discussion if you deem it advisable, pointing out the summary nature of trial, lack of notice thereof, right of company to be represented by counsel, inability under circumstances for accused to present defense and haste with which decision announced, a 24-page decision having been handed down within 15 minutes after case called for hearing. You should stress that this Government is deeply interested in seeing and must insist that its citizens are accorded all rights to which they are entitled by established principles of international law, especially that they do not suffer a denial of justice or of just procedure. Finally, you should request the prompt remission of the fine imposed upon the company and reserve in behalf of American interests all rights growing out of any losses that may have been sustained by the company through this incident.

Keep Department informed of all developments.

Hull

*Not printed.
877401—53—37
SANTO DOMINGO, May 10, 1935—6 p. m.
[Received 9:12 p. m.]

51. My telegram No. 47, May 8, 6 p. m.\textsuperscript{25} Italian Minister called on me today and apparently on the strength of telegrams received from his Government and from Italian Ambassador at Washington sounded me as to extent of cooperation he might expect from me in support of a possible peremptory demand on his part to the Dominican Government through the President of the Republic for immediate release of Barletta, guarantees of complete protection for latter’s property and claim by the Italian Government for indemnity for international offense involved. He felt that nothing more could be obtained by him from the Dominican Government unless we were prepared to extend scope of our interposition in the case beyond the strict range of interests of American nationals in Santo Domingo Motors Company and Dominican Tobacco Company and into the range of defending also strictly Italian interest in the case as to which we had hitherto been disinterested.

He again indicated that his Government might decide to make naval demonstration here and sounded me as to our attitude in such eventuality. I replied that such action would obviously raise question of high policy as to which I could express no opinion but I suggested that consideration of such matters be deferred pending result of our representations here. He answered that even if our representations were successful action of Dominican Government would not meet obligation of Dominican Government to afford Italian Government satisfaction.

It seems possible that the Italian Minister and his Government are at least tentatively considering confronting us with the dilemma of continuing to avoid interposition here in relation to what may be termed Italian political interest in Barletta case or of accepting responsibility for exerting influence on Dominican Government to satisfy that interest. Latter alternative seems also to involve choice of an American policy of bringing to bear upon the Dominican Government compelling pressure that might be expected to have the effect of discrediting it further in the eyes of its own people and a policy of protecting Dominican Government against a European power seeking to press its possible rights which action on our part might tend to strengthen prestige of Dominican Government in the face of persuasive signs of its increasing unpopularity.

SCHOENFELD

\textsuperscript{25} Not printed.
No. 2483

SANTO DOMINGO, May 10, 1935.

[Received May 13.]

SIR: Referring to the Department’s telegraphic instruction No. 23 of May 9, 1935, directing me to make a representation to the Dominican Government in writing in relation to the fine imposed upon the Dominican Tobacco Company, C. por A., on May 4 by a local court for alleged violation of certain Dominican internal revenue laws, I have the honor to enclose for the Department’s information a copy of a note under today’s date to the Minister of Foreign Affairs in the sense directed. The Department will observe that the second paragraph of the enclosed note is somewhat more comprehensive than it would have been had I adhered strictly to the second paragraph of the Department’s telegraphic instruction under acknowledgment. The inclusion in the enclosed note of a reference to Article 44 of Executive Order No. 197 of August 19, 1918, known as the Law of Internal Revenue, was deemed desirable because of a reference to it in the decision of the court, of which a copy was enclosed with my despatch No. 2474 of May 7.\(^\text{14}\)

I beg leave to add that a study of the Court’s decision in the case and a more extensive examination of Executive Order No. 197, disclose that the pertinent citation of the latter is Article 44, and not Article 9, as suggested my despatch No. 2474. Article 44 of the Executive Order provides for a fine of two hundred to two thousand dollars, but does not mention a penalty of imprisonment, although Article 51 prescribes alternative imprisonment in the event of failure to pay a fine.

It will be noted from the copy of the decision transmitted with the despatch last cited that the Dominican Tobacco Company was also “condemned” to pay the costs of the proceeding and that the imprisonment of the company’s president, Mr. Amadeo Barletta, was adjudged by the court in language to the effect that the company was condemned “to suffer the penalty of two years of correctional imprisonment, executable also in the person of the same president-treasurer, Mr. Amadeo Barletta.” In other words, it was the American-owned company which was condemned and not the individual personally. Barletta was apparently sentenced to imprisonment, not in his personal capacity but solely in his capacity as president of the American-owned company.

\(^{14}\) Not printed.
In view of these facts, I respectfully suggest that I be authorized by telegraph to supplement the note to the Foreign Office herewith enclosed, so as to cover these two points by using language similar to that of the last paragraph of the enclosed note, requesting also remission of the costs of the proceedings assessed upon the company and remission of the penalty against the company "executable" by imprisonment in the person of its president-treasurer.

Respectfully yours,

H. F. Arthur Schoenfeld

[Enclosure]

The American Minister (Schoenfeld) to the Dominican Minister for Foreign Affairs (Logroño)

No. 205  Santo Domingo, May 10, 1935.

Mr. Secretary: I have the honor to refer to a proceeding before the Court of First Instance of the local judicial district (Penal Chamber) on May 4, 1935, against the Dominican Tobacco Company, C. por A., a corporation in which, as I have previously had the honor to point out to Your Excellency, American nationals have a majority stock interest. My Government has been informed that as a result of the proceeding in question a fine of $2,000 was assessed against the company and a sentence of two years imprisonment imposed upon the president of the company, Mr. Amadeo Barletta.

My Government now instructs me to state to Your Excellency that, as the acts in connection with which the severe penalties imposed on the Dominican Tobacco Company, according to the report of inspectors of internal revenue of Your Excellency's Government, on the basis of which the judicial action was brought, were admittedly committed prior to the enactment of Laws Nos. 885 and 858 of March 13, 1935, prescribing the penalties imposed, the court was obviously precluded by Title 7, Section I, Article 42 of the Constitution of the Dominican Republic from convicting the company and its president under such laws. Your Excellency's Government will, of course, recognize that the penalties prescribed in the proceedings by virtue of the laws enacted last March were more severe than those prescribed in Article 44 of Executive Order No. 197, of August 19, 1918, under which even the maximum penalties could not have been the fine and sentence of imprisonment imposed in this case.

I am instructed by my Government further to point out the summary nature of the proceedings, the lack of notice thereof to the company, the right of the company to be represented by counsel, the impossibility under the circumstances for the accused to present de-
fense and the haste with which the decision of the court mentioned was announced. The facts supporting these respective statements are as well known to Your Excellency as they are to my Government. My Government directs me to point out also that the twenty-four page decision which was handed down by the court mentioned within a few minutes after the case was called for hearing, is regarded as having special significance as to the nature of the judicial proceedings in this case.

I am directed to state to Your Excellency with emphasis that the Government of the United States is deeply interested in seeing and must insist that its nationals be accorded all rights in the Dominican Republic to which they are entitled by established principles of international law and especially that they do not suffer a denial of justice or of just procedure.

The Government of the United States instructs me to request the prompt remission of the fine imposed upon the company and to reserve, in behalf of American interests, all rights growing out of any loss that may have been sustained by the company through this incident.

I avail myself [etc.]

H. F. ARTHUR SCHOENFELD

339.115 General Motors Export Co./127: Telegram

_The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State_

SANTO DOMINGO, May 14, 1935—noon.

[Received 1:22 p.m.]

58. My telegram No. 57, May 13. Marcus informs me today he has been unable to communicate with Barletta who is still in jail. He adds that Pastoriza, mentioned in recent telegrams, had long conversation with Barletta yesterday and left this morning by air to call on Allen, chairman of Penn Tobacco Company, regarding business of Dominican Tobacco Company. Marcus believes Pastoriza will act for Dominican Government. Marcus requests that Allen reserve his decision pending his receipt of Marcus’ letter of May 13 which goes forward through the Department by steamer pouch today and pending free decision by Barletta after latter’s release. Marcus says he is apprehensive Government is trying to evade liabilities incurred and considers it essential that Allen and Mr. Morris Clark of General Motors Export Company be advised of foregoing immediately.

SCHOENFELD

*Not printed.*
Memorandum by the Chief of the Division of Latin American Affairs (Wilson)

[WASHINGTON,] May 14, 1935.

At the Secretary’s request the Dominican Minister called on him this morning. Assistant Secretary Welles and Mr. Wilson were present.

The Secretary began the conversation by referring to the effort the American states had been making, at conferences such as that at Montevideo and in the individual action of the various states, to improve and strengthen their internal position and the international repute of the family of American nations. Such effort, the Secretary said, was of course based on principles of fair play and reasonable dealings towards all other countries and towards the nationals of other countries, and on respect for the obligations of international law. This “good neighbor” policy was one of which the American states could be justly proud.

The Secretary then referred to the case of Mr. Amadeo Barletta. The Secretary said that he fully appreciated the fact that Mr. Barletta was an Italian citizen; nevertheless, the facts regarding the treatment given this Italian consular officer in the Dominican Republic were now known to the world. Mr. Barletta had been seized and thrown into prison and kept there incommunicado for over five weeks, during which time the Italian Minister had been unable to obtain any access to him whatsoever. The Secretary said that treatment such as this was certainly not in accordance with the principles of fair play and reasonable dealings toward all other countries embodied in the policy of the “good neighbor”; and he deplored the fact that this incident must inevitably tend to discredit the Pan-American community in the opinion of other countries. The Secretary said that he would be lacking in candor if he failed to point out to Mr. Brache that the Italian Government obviously could not permit such an affront to go unchallenged and that that Government might well resort to drastic measures, such as sending not one battleship but several battleships to the Dominican Republic, in which case the Dominican Government could hardly look for any sympathy from the United States or from the other American nations.

The Secretary said that there were two other matters, not mentioned in the memorandum, of which he desired to speak. One had to do with the brutal beating and shooting of the messenger of the American Legation, a British subject; this messenger, who had been ill and apparently out of his mind, had gone to the house of a Domini-

Infra.
can officer, but had in no way threatened any violence; nevertheless, the members of the armed forces of the Dominican Government had cruelly beaten him and then shot him, and the poor fellow was in the hospital very seriously injured and probably permanently incapacitated. The other case the Secretary desired to mention was that of an American citizen who had been arrested about the same time as Mr. Barletta had been arrested, and apparently on similar charges, and had since that time, that is, for about six weeks, been held incommunicado. (This reference was to the case of Mr. Oscar Michelena, although the Secretary did not mention him by name, nor did Mr. Brache inquire the name of the American citizen in question.)

Finally, the Secretary expressed his sincere hope that the Dominican Government would no longer lag behind in the effort in which every one of the other American states were loyally working and cooperating, the effort of placing their relations with all other countries on the basis of the “good neighbor” in order to improve and strengthen the position and the international standing of the community of American states. He expressed his confident hope that the Dominican Government would again take part in this effort, and that it would take all necessary steps to remove causes for complaint which had arisen in the instances which he had mentioned and those which were set forth in the memorandum.

As regards the case of Mr. Barletta, Mr. Brache made two contradictory statements: he stated in the first place that he, Mr. Brache, was a close personal friend of Mr. Barletta and hoped fervently that Mr. Barletta would be proved innocent; in the next breath Mr. Brache stated that while he was a close friend of Mr. Barletta nevertheless Mr. Barletta was of a “passionate” temperament and might very well have been implicated in the matters concerning which charges had been made against him, and he, Mr. Brache, trusted that Mr. Barletta would be proved guilty in order that the actions of the Dominican Government in his case might thereby be justified.

Mr. Brache said that he had recently been considering making a trip to the Dominican Republic; that while he had within the last day or so practically abandoned the idea, nevertheless, he felt that in view of what the Secretary had said to him he believed it would be helpful if he should leave in the immediate future, in order to discuss this situation with President Trujillo. He promised his own best efforts to correct any injustices which had been committed by the Dominican authorities as regards American nationals and interests, and stated that in his opinion there was a good deal which was required to be done in this field.

Edwin C. Wilson
MEMORANDUM

The Department of State to the Dominican Legation

The Government of the United States has been caused serious concern by the nature of the treatment accorded certain American nationals and certain American interests in recent months by the authorities of the Dominican Republic.

Examples of such instances may be cited as follows:

The retroactive application of Article 89 of the Dominican Constitution as amended in June, 1934, has deprived various American enterprises operating in the Dominican Republic of the enjoyment of rights to which they were legally entitled under contracts previously entered into. The aspects of the retroactive application of Article 89 of the Constitution as amended, to which this Government takes exception, are:

1. Its simple application to contracts previously made so that exemptions from certain taxation would not be accorded after the constitutional amendment of June 1934; and

2. The action of the Dominican Government in collecting certain taxes where exemption in individual instances have been specifically granted in accordance with contract stipulations.

The Dominican Government is informed of the American companies affected by the above cited aspects of the retroactive application of Article 89 of the Dominican Constitution as amended. Despite oral assurances given by the Dominican Minister in Washington that no unilateral interpretation would be enforced on the American companies so as to injure their interests, nevertheless the Dominican authorities are in fact enforcing such unilateral interpretation on certain American companies so as to oblige them to pay, although under protest, taxes as to which their contracts provide exemption.

The Dominican authorities have recently, in thoroughly inconsiderate and arbitrary procedure, deported from the territory of the Republic two American citizens, Mr. Felix Emilio Tavard and Mr. Hans Schnabel.

Mr. Felix Emilio Tavard was arrested by the Dominican military authorities and detained in prison from March 22 to March 26, 1935; he was called before the Commanding Officer of the Dominican Army on April 3, and instructed to be prepared to leave the country within two or three days, being advised at the same time that the Dominican immigration authorities would take charge of his deportation. He left the country with his wife on April 9. On March 23 the American Minister addressed a note to the Dominican Foreign Office in this case asking to be informed of the charges against Mr. Tavard, as well
as against his son, who was also being detained, expressing at the same time the hope that a prompt investigation would be made concerning the arrest and detention of these two persons with a view to assuring to them the guarantees of the Constitution and laws of the Dominican Republic and of the pertinent rules of the law of nations. The only reply received from the Foreign Office was that incorporated in a note of March 28, 1935, stating that Mr. Felix Emilio Tavard, as well as his son, were being submitted to justice under the accusation of having taken part in a frustrated attempt against the security of the State. There were apparently no judicial proceedings of any character; nor has any evidence been furnished by the Dominican Government which would lead the American Government to alter its belief that the expulsion of Mr. Tavard was not authorized by any existing Dominican legislation.

Mr. Hans Schnabel was summoned to the headquarters of the Commanding Officer of the Dominican Army on March 28, 1935, and summarily instructed that he must depart from the Dominican Republic within twenty-four hours, no reason for the expulsion order being advanced. Mr. Schnabel left the country on April 2, the time limit for departing having been extended following an informal request by the American Minister to the Dominican Minister for Foreign Affairs. There were apparently no judicial proceedings of any character; nor has any evidence been furnished by the Dominican Government which would lead the American Government to alter its belief that the expulsion of Mr. Schnabel was not authorized by any existing Dominican legislation.

On April 4, 1935, the Dominican authorities arrested Mr. Amadeo Barletta, the Italian Consul in Santo Domingo, and held him incommunicado until May 11. While Mr. Barletta is an Italian subject, he is also the President of the Dominican Tobacco Company, the controlling interest of which is held by American citizens; he is as well the President of the Santo Domingo Motors Company, the Dominican agent for the General Motors Export Corporation, an American company. Shortly after the arrest of Mr. Barletta the United States Government communicated to the Dominican Government that the American interests in the Dominican Tobacco Company were apprehensive that measures being taken against this company by the Dominican authorities might prejudice the American interests involved. Assurances were given the American Minister by the Dominican Minister for Foreign Affairs that no action prejudicial to the American interests in the Dominican Tobacco Company would be taken, and the Minister for Foreign Affairs denied that any action detrimental to the latter company had been taken. Nevertheless, notwithstanding the assurances and denials mentioned, the American stockholders in the Domini-
can Tobacco Company are advised that the attitude of the Dominican authorities has been such as to prevent the handling by dealers in the Dominican Republic of cigarettes manufactured by the Dominican Tobacco Company. This has compelled the factory to suspend operations and has caused losses to the American interests involved.

On May 4 the Penal Court of First Instance in Santo Domingo sentenced the Dominican Tobacco Company to $2,000 fine and costs and its President, Mr. Barletta, to two years imprisonment in connection with the alleged violation by the company of certain internal revenue legislation. It appears that no notification of the proceedings was served at the legal domicile of the company so that the latter was not legally apprised of the action; moreover, Mr. Barletta, president of the company, was in prison and incommunicado when the Internal Revenue officials found the alleged violation of the fiscal laws; for the same reason he could not obtain advice of counsel or consult the active managers of the factory; the company was deprived of its right to be represented by counsel or to present any defense; it is understood that this "trial" lasted about fifteen minutes; and that the court's decision, consisting of some twenty-four typewritten pages with an elaborate statement of reasons and references to complicated fiscal laws, was at once handed down,—within, as noted, fifteen minutes after the case was called. The American Minister, under instructions from this Government, has made formal reservation in behalf of American interests of all rights growing out of any losses that may have been sustained by the company in connection with any of the aspects of this case, and has requested the prompt remission of the fine imposed upon the company.

Shortly after the arrest of Mr. Barletta, president of the Santo Domingo Motors Company, the American Minister, under instructions from this Government, advised the Dominican Minister for Foreign Affairs, on April 19, 1935, that the General Motors Corporation had advanced large sums to Mr. Barletta as working capital and in order to protect its interests was sending a representative to Santo Domingo to communicate with Mr. Barletta; the American Minister informally requested that opportunity might be afforded to the representative of the Corporation to communicate with Mr. Barletta about the Corporation's business. This request was denied on April 22 by the Dominican Government, which stated that the case was in the hands of the courts. Subsequently to this reply the American Minister, under instructions from this Government, requested formally, on May 4, 1935, that the representatives of the General Motors Export Corporation be given suitable opportunity, in order to protect the Corporation's interests, to confer with its agent, Mr. Barletta, about the Corporation's business. This Government while
taking note of the statement that Mr. Barletta’s case was in the hands of the court, was unwilling to believe that the Dominican judicial authorities and the Dominican Government desired to continue to prejudice the interests of an American company by depriving it of access to its agent, when it was evident that such access could be arranged under suitable conditions that would in no way defeat or hinder the pursuit of justice by the Dominican authorities. No reply has yet been received from the Dominican Government to this request, although this Government understands that on May 11, over five weeks after Mr. Barletta’s imprisonment, representatives of the General Motors Export Corporation were at last permitted to visit Mr. Barletta.

On April 27, 1935, an official notice was published in the Santo Domingo press by the State’s attorney for the National District that by virtue of Article I of law No. 893, promulgated April 24, he had constituted the State a civil party in the proceedings against certain persons named, including Mr. Barletta, charged with certain specified offenses in violation of the Penal Code as amended. The notice directed any debtor of the accused who wished or was obliged to settle obligations to address himself to the Judge of Instructions in charge of the proceedings, stated that payments should be made through this Magistrate and that all stocks held by the accused were subject to first lien for indemnity and non-transferable from the date of commission of the offenses charged. In view of the fact that the Dominican Tobacco Company, of which Mr. Barletta is President, is controlled by American interests, and that the General Motors Export Corporation is heavily interested in the Santo Domingo Motors Company, of which Mr. Barletta is also President, the American Minister, under instructions from this Government, formally reserved all rights in behalf of American nationals whose interests were or might be adversely affected by the proceedings announced in pursuance of law No. 893.

The Government of the United States deplores the effect upon the relations between the two countries as a result of acts such as those mentioned above. It is the desire of this Government to strengthen in every possible way those close and friendly relations with the Dominican Republic which have happily existed during the past decade. It is also its hope that means may be found whereby the two Governments may cooperate to their mutual advantage in developing commercial relations between them. Neither of these two objectives, however, can be attained unless the citizens of each country can have confidence that neither in their person nor in their property will they be subject to arbitrary or illegal treatment while under the jurisdiction of the other country. Such essential confidence can, of course, not exist
so long as acts such as those above described are permitted to continue. The Government of the United States ventures to believe that the Government of the Dominican Republic will take those steps necessary to remove all just grounds for complaint which the nationals of this Government have had, and in particular in those specific instances mentioned, and has confidence that as the result of their removal, the relations between the two countries may once more be of that peculiarly friendly nature which it is the earnest desire of the Government of the United States to preserve.

WASHINGTON, May 14, 1935.

239.115 General Motors Export Co./131: Telegram

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

WASHINGTON, May 14, 1935—7 p.m.

25. For your information. At my request the Dominican Minister called this morning and I spent an hour going over with him the situation caused by the nature of the treatment accorded certain American nationals and certain American interests in recent months by the authorities of the Dominican Republic.

I expressed my surprise, disappointment and concern that such acts had been permitted to occur and I handed the Minister a memorandum furnishing instances of these acts. I also mentioned the Barletta case and said I deplored the fact that treatment such as this consular officer of a European Government received in the Dominican Republic must inevitably tend to discredit the Pan American community in the eyes of other countries. I said that obviously the Italian Government could not permit such an affront to go unchallenged and that that Government might well resort to drastic measures, in which case the Dominican Government could hardly expect any sympathy from the United States or the other American nations. Finally, I expressed the hope that the Dominican Government would no longer lag behind in the effort in which every one of the other American states are loyally working and cooperating, an effort to improve and strengthen the position and international repute of the family of American nations, an effort based naturally on fair play towards all other countries and respect for obligations of international law.

The Minister said that he intended to leave shortly for Santo Domingo to discuss these matters with President Trujillo.

HULL

\[\text{Supra.}\]
The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

SANTO DOMINGO, May 16, 1935—10 a.m.
[Received 12:20 p.m.]

63. My telegram No. 61 yesterday. Italian Minister informed me last night that on telephone request from Barletta late yesterday afternoon and in the automobile of Garcia Mella which was sent for him he called at the prison and had conversation with Barletta and Garcia Mella. The latter informed the Italian Minister that bail might now be reduced from figure previously mentioned to $100,000 and after few minutes conversation he indicated amount might further be reduced to $50,000. Garcia Mella reiterated Government’s admission of Barletta’s innocence. Latter said he would be guided entirely by the wishes of his own Government as to the matter of posting bond and asked Italian Minister for advice. Italian Minister answered that he could not properly give any advice without consulting Italian Government. Garcia Mella spoke of necessity of posting bond in order to save “Dominican Government’s pride”.

I think Italian Minister is of opinion that Barletta should be released without bail especially as both Minister of Foreign Affairs and Secretary of State for the Presidency have repeatedly stated, and latter stated again yesterday, that Dominican Government admits Barletta’s innocence.

In view of foregoing I think it would be helpful if Department would authorize me by telegraph at this time to act as recommended in the last paragraph of my despatch No. 2483, May 10.

SCHOENFELD

339.115 General Motors Export Co./144 : Telegram

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

WASHINGTON, May 17, 1935—5 p.m.

26. Your despatch 2483 of May 10, 1935 and telegram No. 63 of May 16. You are authorized to address a supplementary note to the Dominican Government along the lines suggested in the last paragraph of the above despatch.

18 Not printed.
19 Dominican Secretary of State for the Presidency.
If you ascertain that American interests in the Dominican Tobacco Company are sustaining injury as a result of the continued imprisonment of the President of the Company you are authorized to add it as an additional point.

Hull

339.115 General Motors Export Co./147 : Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, May 18, 1935—11 a.m. [Received 1:45 p.m.]

67. Your telegram No. 26, May 17, 5 p.m. I am delivering note to Foreign Office this morning in the sense of your instruction and I am stating on the basis of information supplied to me by vice president of Dominican Tobacco Company that American interests in the Company are evidently sustaining injury as a result of continued imprisonment of the Company’s president.

Schoenfeld

339.115 General Motors Export Co./148 : Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, May 18, 1935—noon. [Received 1:05 p.m.]

68. The Italian Minister informs me this morning that under instructions from his Government he delivered a formal note this morning to the Dominican Government demanding the unconditional and immediate release of Barletta. He informs me that his note is couched in very courteous terms but is unequivocal.

Schoenfeld

339.115 General Motors Export Co./149 : Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, May 18, 1935—3 p.m. [Received 7:45 p.m.]

70. My telegram No. 60, May 15.20 Dominican Minister to Washington who arrived here by air yesterday called on me this morning.

20 Not printed.
He told me he had preliminary talk with President Trujillo and other members of the Government yesterday regarding subject of his conversations with the Secretary of State on May 14. He said President Trujillo had every disposition to accommodate the United States in matters of interest to us and intimated that the President might wish to have a conference with him and with me to discuss pending issues affecting American interests. I said I was entirely at the President’s disposal for such conference. As I have not received copy of the memorandum referred to in your No. 25, I mentioned no specific cases. He moreover mentioned some of the matters which seem to have been listed in your memorandum and repeated general assurances regarding the President’s desire to settle them.

Brache spoke also of other matters including Article 3 of convention and port works contracts, activities of Morales; monetary convention, Dominican National Bank, recent murder of Bencosme in New York and visit of Under Secretary Espinola to the United States, though his remarks as to these matters characteristically lacked precision and are not of special interest.

Regarding Barletta case Brache seemed not to be well informed having just arrived here but he made a point of saying that the attitude of the Secretary of State and other officers of the Department of State had been most considerate and courteous and was much appreciated. He added however that President Trujillo’s character would not permit him to yield to “fear,” this evidently being a reference to reports of possible military measures on the part of the Italian Government. I spoke to Brache in the sense of your telegram number 25 and suggested possibility of withdrawing from the courts charges against Barletta. He was not encouraging as to the possibility or as to releasing Barletta without bail.

SCHOENFELD

Memorandum by the Under Secretary of State (Phillips)


The Italian Ambassador called me on the telephone this morning to say that he has received a further telegram from his Government

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22 May 14, 7 p.m., p. 498.
24 Angel Morales, political exile living in New York; Dominican Minister in the United States, 1926–30.
25 Sergio Bencosme, associate of Dr. Morales and living with him in New York; shot by assassin April 28, 1935; died April 30.
with regard to the Barletta case; he says that Italy will demand unconditional freedom and that they will not accept freedom on bond; the Italian Minister in Santo Domingo has been instructed to insist upon unconditional freedom and also to demand the reasons for the continued delay in meeting Italy’s requests. The telegram also states that, if Italy’s requests are not granted, the Italian Government will have to consider more energetic measures.

The Ambassador added that he had not been instructed to communicate the above information to the Department, but was doing it, nevertheless, to keep us wholly advised of the situation.

WILLIAM PHILLIPS

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339.115 General Motors Export Co./154 : Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

Santo Domingo, May 20, 1935—5 p.m.  [Received 8:08 p.m.]

74. Italian Minister informs me this afternoon that he saw Minister of Foreign Affairs this morning. Minister of Foreign Affairs began by stating to the Italian Minister that as the Barletta case was in the hands of the courts he was unable to give an answer to his note reported in my No. 68, May 18. Italian Minister replied that his Government could not accept the thesis implied in statement of Minister of Foreign Affairs as to independence of courts and that if this were the response of the Dominican Government he would have to telegraph his Government to that effect and asked that note in this sense be sent him. Minister of Foreign Affairs thereupon asked Italian Minister to defer telegraphing his Government in such sense and that he would receive an answer tomorrow. Italian Minister promised not to telegraph Rome until tomorrow. Italian Minister informs me that at the request of Brache he is having an interview with latter this afternoon.

SCHOENFELD

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339.115 General Motors Export Co./159 : Telegram

The Secretary of State to the Minister in the Dominican Republic (Schoenfeld)

Washington, May 20, 1935—7 p.m.

28. Your 71 May 20, 1 p.m. 25 You are authorized to urge President Trujillo to withdraw charges against Barletta, making appropriate

25 Not printed.
reference to my statements to the Dominican Minister as reported in Department’s 25 May 14, 7 p.m. and to the fact that American interests are sustaining injury as the result of Barletta’s continued imprisonment.

HULL

339.115 General Motors Export Co./171 : Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

SANTO DOMINGO, May 21, 1935—noon.
[Received 8:30 p.m.]

76. My telegram No. 71, May 20, 1 p.m. I called on President of the Dominican Republic this morning. Vice President and Dominican Minister to the United States were present. The President asked me to give him the substance of your conversation with the Dominican Minister to the United States on May 14 and I read to him in Spanish your telegram No. 25. After reading this telegram I said I had received last night another telegram from you and thereupon read him your number 28. The President asked me to interpret the significance of your number 28 and I said that I understood it to mean precisely what it said adding that the charges against Barletta were regarded as unfounded and that both the Secretary of State for the Presidency and the Minister of Foreign Affairs had agreed that the Dominican Government so considered them. The President said he had the friendliest feeling for Barletta but that he was amazed to learn members of his Government had stated that Barletta was innocent as determination of this matter was in the courts. I said I could not enter into a discussion along these lines and reiterated the substance of the statement in your No. 25 as to the international significance of the Dominican Government’s action in the Barletta case. I added that Italian Government had taken a definite position and that we felt that the most expeditious method deemed by the Dominican Government to be appropriate for withdrawing the charges was called for.

The President of the Republic asked me to advise him what matters my Legation had pending with the Foreign Office. I had prepared in advance a list of unanswered notes and handed it to him. The President had Brache translate it in his presence and assured me that he would give all pending matters personal attention.

25 Not printed.
26 Ante, p. 498.
27 Supra.
He asked me to assure you that he had every disposition to satisfy the United States in every way; that aside from his personal esteem and affection for the United States and individual Americans he deemed it to be the duty of any President of the Dominican Republic in the interests of his own country to maintain the most cordial relations with the United States; and that in peace as in war the Dominican Republic under his Presidency would be always at the side of the United States. I thanked the President for these assurances and said I would convey them to you.

I then said there were the other matters of a more general nature which it seemed to me, would require the close attention of the Dominican Government in its relations with the United States and which had not up to the present time been satisfactorily disposed of. I said I would not go into details as to these matters in this conversation but I proceeded to mention in general terms retroactive application of article 89, of the constitution as amended affecting contracts of American companies with the Dominican Government providing for certain tax exemptions, difficulties of the American-owned electric company in collecting Government bills due to it and other difficulties; the Dominican Government’s action in having pledged future revenues in contracts contrary to article 3 of the convention; the question of the floating debt including sums due to American firms directly or indirectly. In this part of the conversation I also referred to the expulsion of Hans Schnabel, murder of Juan N. Miranda in 1933, the recent shooting and beating of the Legation’s messenger Caines and unspecified cases of apparently arbitrary arrest and detention of American citizens. The President again gave me his general assurance of satisfactory action and personal attention to such matters.

Returning to Barletta case, I understood the President to give me definite assurances that the charges would be withdrawn but as to the precise method for effecting this result he was not clear.

The President indicated clearly that Logroño would be removed as Minister of Foreign Affairs. I took pains to say that my relations with the present incumbency of that office had always been correct and that I should regret it if any statement of mine should motivate any action the President might take in re-forming his Cabinet. The President said that he desired me whenever I had any pending problem to feel free to come to see him and discuss it with him. I thanked the President for this suggestion which he has made before. I told him, however, that while I would be very glad to avail myself of his offer should occasion arise, I had heretofore felt and would probably in the future continue to feel that the accumulation of unfinished business between the Legation and the Foreign Office should not be permitted. I intimated that governmental arrangements which would
insure the President’s personal knowledge of current business at the Foreign Office seemed to be internal matters of organization as to which I should not feel free to make any suggestion such as would be implied in my bringing current business to his attention by virtue of our friendly personal relations.

... I think we may anticipate a period of personal activity by the President in endeavoring to satisfy our requirements and perhaps even a temporary cessation of the wayward course recently followed affecting American and other foreign interests. ... but the circumstances surrounding administration here uniformly confirm general knowledge that the President is not only officially responsible for all governmental action here but also personally active in directing and controlling many matters of minute detail.

SCHOENFELD

339.115 General Motors Export Co./170: Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

SANTO DOMINGO, May 21, 1935—3 p. m.
[Received 7:35 p. m.]

77. My telegrams numbers 75\textsuperscript{29} and 76\textsuperscript{30} today. Italian Minister informed me about 1 o’clock today that he saw President of the Republic shortly after my interview with the latter this forenoon and received assurance that Barletta would be released unconditionally at once while certain legal formalities would be completed subsequently. Barletta was released about half past one this afternoon.

SCHOENFELD

339.115 General Motors Export Co./184: Telegram

The Minister in the Dominican Republic (Schoenfeld) to the Secretary of State

SANTO DOMINGO, May 29, 1935—6 p. m.
[Received 8 p. m.]

84. My despatches number 2483 and number 2510, May 10 and 18.\textsuperscript{31} Court of Appeals today reversed decision of lower court which imposed fine of $2,000 on Dominican Tobacco Company, condemned company to penalty of 2 years imprisonment in the person of its president and to pay costs of proceeding.

SCHOENFELD

\textsuperscript{29}Not printed.
\textsuperscript{30}Supra.
\textsuperscript{31}Despatch No. 2510, May 18, not printed.