

I.O.F.

Handwritten initials

1943 SEP 21 AM 10 44

Panamá, September 13, 1943

AIR MAIL

No. 4626

SUBJECT: Requisitioning of Panamanian registered vessel Farida

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to my telegram No. 472, September 2, 3:00 p.m. reporting that by Resolution No. 659 of September 1 Panamá had requisitioned the Panamanian registered vessel Farida and had instructed its Consul in New York to make it available to the War Shipping Administration.

There is now enclosed, for the Department's records, a copy of my Note No. 673, August 13, 1943, to the Foreign Office, copy and office translation of Foreign Office Note D. P. No. 5557, and authenticated copy of Resolution No. 659 of September 1, together with office translation. A copy of the telegraphic instruction sent to the Panamanian Consul General in New York, made available informally by the Chief of the Consular and Shipping Section of the Ministry of Finance and Treasury, is also attached.

Respectfully yours,

For the Ambassador:

John J. Tuccio
Counselor of Embassy

Enclosures:

As listed.

JJI/nw

File 2

Enclosure No. 1 to Dispatch No. 4626
dated September 13, 1943, from Embassy, Panamá

COPY

Panamá, August 13, 1943

No. 673

Excellency:

I have the honor to request, under instructions of my Government, that the Panamanian registered vessel Fariña, which is Estonian owned and now under charter to the War Shipping Administration, be requisitioned so that the vessel may be continued in operation in furthering the joint war effort of the United Nations against the Totalitarian Powers in which both Panamá and the United States are engaged.

If the foregoing should be agreeable to Your Excellency's Government it is further requested that the use of the vessel be assigned to the War Shipping Administration, an official agency of the Government of the United States, under bare boat charter terms under the following conditions: That the charter fee be fixed by agreement between the Government of the United States and the owners of the vessel and, in case of disagreement, by two experts, one designated by the Government of Panamá and the other by the Government of the United States, and if they fail to agree then by a third expert appointed by both Governments. Furthermore, it is agreed that the United States Government will reimburse the Government of Panamá for all disbursements incidental to the requisitioning and will save the Government of Panamá harmless from any claims or liability whatsoever arising therefrom.

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

(Signed Edwin C. Wilson)

His Excellency

Senior Doctor Don Octavio Fábrega,
Minister for Foreign Affairs.

Enclosure No. 2 to despatch No. 4
From Embassy, Panamá, dated September 13, 1943

COPY

Secretaría de Relaciones Exteriores
Departamento Diplomático

D. P. No. 5557

Panamá, 7 de Septiembre de 1943

Señor Embajador:

Tengo a honra referirme a la atenta nota de Vuestra Excelencia No. 673, del 13 de agosto último, por la cual, siguiendo instrucciones de su Gobierno, solicita que la nave de matrícula panameña "Farida", de propiedad estoniana, y que actualmente se halla fletada por la Administración Naviera de Guerra (War Shipping Administration), sea requisada de manera que pueda seguir siendo utilizada en favor del esfuerzo conjunto de las Naciones Unidas contra las potencias totalitarias.

En respuesta, me es grato manifestar a Vuestra Excelencia que mi Gobierno, en atención a las poderosas razones que motivan la solicitud en referencia, ha dispuesto por medio de la Resolución Ejecutiva No. 659 del 1 de septiembre actual, incautar y dar en arrendamiento al Gobierno de los Estados Unidos la nave FARIDA, bajo las condiciones y términos que en dicho documento se establecen. Con la presente acompaño copia autenticada de la mencionada Resolución No. 659, expedida por el órgano del Ministerio de Hacienda y Tesoro.

Con relación a la incautación y arriendo del FARIDA mi Gobierno toma debida nota de que el Gobierno de los Estados Unidos indemnizará al de Panamá de toda demanda, reclamo, perjuicio o desembolso de cualquiera naturaleza motivados por la incautación de esta nave y por el uso de ella.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

(Fdo) Octavio Fábrega
Octavio Fábrega
Ministro de Relaciones Exteriores.

A Su Excelencia
Edwin C. Wilson,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Presente.

Copied:rw

Enclosure No. 3 to despatch No. 4626
dated September 13, 1943, from Embassy, Panamá

TRANSLATION

Ministry of Foreign Relations
Diplomatic Department

D. F. No. 5557

Panamá, September 7, 1943

Mr. Ambassador:

I have the honor to refer to Your Excellency's Note No. 673 of August 13, by which, under instructions of your Government, you request that the Panamanian registered vessel Farida, Esthonian owned, and now under charter to the War Shipping Administration, be requisitioned so that it may continue being used in connection with the joint war effort of the United Nations against the totalitarian powers.

In answer, I am pleased to inform Your Excellency that my Government, in view of the strong reasons which prompted the request under reference, has seen fit, by means of Executive Resolution No. 659 of September 1, to requisition and rent to the Government of the United States the vessel Farida, under the conditions and terms which this document decrees. With this note there is enclosed an authenticated copy of Resolution No. 659 under reference, issued by the Ministry of Finance and Treasury.

With regard to the requisitioning and renting of the Farida, my Government takes due note that the Government of the United States will reimburse the Government of Panamá for all claim, liability or disbursement of any kind incidental to the requisitioning of this vessel and for the use thereof.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

(Sgd) Octavio Fábrega
Octavio Fábrega
Minister of Foreign Relations

His Excellency
Edwin C. Wilson,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.
City.

Translated by:mw
Copies by:mw

Enclosure No. 4 to despatch No. 4626
dated September 13, 1943, from Embassy, Panamá

COPY

REPÚBLICA DE PANAMÁ - PODER EJECUTIVO NACIONAL

MINISTERIO DE HACIENDA Y TESORO

RESOLUCION No. 659

Ramo: MATERIA FINANCIERA
PANAMÁ, 1 de Septiembre de 1943

EL PRESIDENTE DE LA REPUBLICA,

C o n s i d e r a n d o :

Que la Ley 104 de 1941 faculta al Poder Ejecutivo para adoptar las medidas que, en la actual emergencia, sean requeridas para los fines de necesidad nacional;

Que de acuerdo con la consideración anterior hay necesidad de incautarse del vapor nacional "FARIDA";

R e s u e l v e :

Incautarse del vapor nacional "FARIDA", de 1281 toneladas netas y 2103.48 toneladas brutas; inscrito en el registro de nuestra matrícula con Patente de Navegación No. 1272 de 3 de Mayo de 1941, y de propiedad de Johannes Kimmelgas, Nicolai Vaino, Elisabeth Silberberg, Liina Aronstrom y Julie Onno.

Dar en arrendamiento dicha nave, bajo los términos de "Fletamento como nave desmantelada" al Gobierno de los Estados Unidos de América, para el uso de la Administración de Naves de Guerra (War Shipping Administration);

El precio del arrendamiento será fijado directamente entre el Gobierno de los Estados Unidos de América y los dueños de la nave. En caso de desacuerdo entre ellos, se fijará dicho precio por dos peritos nombrados uno por el Gobierno americano y otro por el Gobierno panameño; y si aquéllos no llegaron a acuerdo alguno, por un tercer perito nombrado por los dos gobiernos.

Remítanse por el órgano regular las comunicaciones debidas para el cumplimiento de esta resolución.

REGISTRADO, COMUNICADO Y PUBLICADO.

Ricardo Adolfo de la Guardia

Al Ministro de Hacienda y Tesoro,

José A. Cosa J.

Copied:mw

Enclosure No. 5 to despatch No. 4626
dated September 13, 1943, from Embassy, Panama

TRANSMISSION

REPUBLIC OF PANAMA - NATIONAL EXECUTIVE POWER
MINISTRY OF FINANCE AND TREASURY

RESOLUTION No. 659

Branch: Merchant Marine
Panamá
September 1, 1943

THE PRESIDENT OF THE REPUBLIC

C o n s i d e r i n g :

That Law 104 of 1941 authorizes the Executive Power to adopt the measures which, during the present emergency, may be required for the purposes of national necessity;

That in accordance with the aforesaid consideration there is the necessity of requisitioning the national vessel Farida;

R e s o l v e s :

To requisition the national vessel Farida of 1281 net tons and 2103.48 gross tons; inscribed in our marine registry with Certificate of Navigation No. 1272 of May 3, 1941, as the property of Johannes Hennelgas, Nicolai Vaino, Elisabeth Silberberg, Liina Cronstrom and Julie Onno.

To rent said vessel under bare boat charter terms to the Government of the United States of America for the use of the War Shipping Administration.

The charter fee will be fixed directly between the Government of the United States of America and the owners of the vessel. In case of disagreement between them, the price will be fixed by two experts one named by the American Government and the other by the Panamanian Government; and if they are unable to come to any agreement, by a third expert named by the two Governments.

The communications necessary for the fulfillment of this order to be made by the usual agency.

Record, Communicate and Publish.

Ricardo Adolfo de la Guardia

The Minister of Finance and Treasury,

José A. Cosa J.

Enclosure No. 6 to Service No. 4626
dated September 13, 1943, from Embassy, Panama

CC. Y

REPUBLICA DE PANAMA
Ministerio de Hacienda y Tesoro

Panamá, 2 de Septiembre de 1943

Panaconsul

New York

Notifique a representantes vapor "Farida" que
Gobierno ha decretado su incautación por Resolución
Ejecutiva 659 de ayer y que otorga uso de la nave
a la War Shipping Administration quien se entenderá
con lo relativo a pagos de fletamento.

Secciones-Hacienda

(rdo) Joel Medina
Joel Medina
Director de la Sección Consular y de Naves