

APPENDIX M

PROTOCOL ON UNIFORMITY OF POWERS OF
ATTORNEY AND RELEVANT CORRES-
DENCE AND OTHER MATERIAL

PROVINCE OF MANITOBA

ATTORNEY-GENERAL
WINNIPEG

August 8th, 1942.

Mr. R. M. Fisher, K.C.
Local Secretary for Manitoba,
Commissioners on Uniformity
of Legislation in Canada,
351 Legislative Building,
Winnipeg, Manitoba.

Dear Sir:

Re : PROTOCOL ON UNIFORMITY OF POWERS
OF ATTORNEY WHICH ARE TO BE
UTILIZED ABROAD.

Enclosed please find—

- (1) Copy of letter dated June 13th, 1942, from E. H. Coleman, K.C., Under Secretary of State, Ottawa, Canada, to His Honour, The Lieutenant-Governor of Manitoba, Winnipeg.
- (2) Copy of letter dated 15th June, 1942, from His Honour R. F. McWilliams, K.C., Lieutenant-Governor of Manitoba, to myself.
- (3) One print of the Protocol on Uniformity of Powers of Attorney which are to be utilized abroad, referred to in (1) and (2) above.
- (4) Copy of my letter of today to
His Honour R. F. McWilliams, K.C.,
Lieutenant-Governor of Manitoba,
Legislative Building,
Winnipeg, Manitoba.

Will you please have this matter considered this year at the Conference of Commissioners on Uniformity of Legislation in Canada.

In due course please let me have your report as to what is the recommendation, etc., of the said Commissioners in the matter.

Yours truly,

JAMES MCLENAGHEN,
Attorney-General.

August 8th, 1942.

His Honour R. F. McWilliams, K.C.,
Lieutenant-Governor of Manitoba,
Legislative Building,
Winnipeg, Man.

Dear Sir:

Re : PROTOCOL ON UNIFORMITY OF POWERS
OF ATTORNEY WHICH ARE TO BE
UTILIZED ABROAD.

On 15th June, 1942, you wrote me herein enclosing—

- (1) Copy of letter dated June 13th, 1942, to yourself from E. H. Coleman, K.C., Under Secretary of State, Ottawa, Canada.
- (2) One print of the Protocol on Uniformity of Powers of Attorney which are to be utilized abroad.

The said letter dated June 13th, 1942, is as follows—

DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

Ottawa, June 13, 1942.

Sir:

On March 24, 1942, the Senate of the United States of America approved the ratification, without amendment or reservation, of the "Protocol on Uniformity of Powers of Attorney" opened at the Pan-American Union, on February 17, 1940, to the signature of States Members.

On laying this Protocol before the President for transmission to the Senate, the Acting Secretary of State of the United States pointed out :

"Citizens and corporations of the United States have experienced considerable difficulties in the tech-

nical interpretation of powers of attorney in a number of the other American republics. In those countries a legally acceptable power of attorney is required in nearly all instances wherein any party acts as agent for or on behalf of a principal. The execution of a power of attorney in the other American republics is usually characterized by many more formalities and its exercise is usually governed by rules far more stringent than obtain in the United States. Insistence upon technical perfection in powers of attorney has been carried to such extremes in some of the American republics that cases in courts have been delayed for years by objections and exceptions to powers of attorney. According to information received by the Department of State, unless a claim involves more than \$1,000 an American corporation often will abandon it rather than make an attempt to collect it in the courts. It is thought that these difficulties encountered by American citizens and corporations will be greatly reduced, if not altogether removed, by the operation of the protocol, in those American republics which shall give it effect."

An inquiry has been made by the Department of External Affairs from the Minister of Justice, the Canadian Ministers to the Argentine Republic and Chile and to Brazil and the Canadian Bar, as to whether they consider that there may be advantage for Canada to sign with the other American States an agreement along the lines of the Protocol of February 17, 1940.

In its reply, dated May 14, 1942, the Department of Justice expressed the opinion that this was a matter which would require sanction by the Provinces before any action could be taken and it therefore recommended that copies of the Protocol be forwarded to the Lieutenant-Governors of the several Provinces, in order that the views of their respective Governments might be obtained.

The Secretary of State will be grateful if your Honour will accordingly furnish the Government of your Province with a copy of the Protocol and kindly advise him, in due course, of their views as regards the desirability for Canada to conclude with the other American States an agreement similar to the Protocol ratified by the Senate of the United States of America in March last.

One copy of the Protocol is appended hereto for this purpose.

I have the honour to be,

Sir,

Your obedient servant,

E. H. COLEMAN,
Under Secretary of State.

His Honour,
The Lieutenant-Governor of Manitoba,
Winnipeg, Manitoba.

As I understand it, this matter of the simplification and uniformity in the laws governing powers of attorney among the countries of the Pan American Union was first brought to the attention of The Seventh International Conference of American States, held at Montevideo, Uruguay, from December 3rd to 26th, 1933. That Conference gave expression to the growing realization of the necessity of ameliorating a legal situation so prejudicial to the development of Pan American commerce, and adopted a resolution to that end.

The American Bar Association took cognizance of the said resolution adopted by the said Montevideo Conference and appointed a Committee of its Section of International and Comparative Law to report upon the feasibility of obtaining simplification and uniformity in respect to the problems involved and to co-operate with the Pan American Union for the attainment of the ends contemplated by the Montevideo Conference resolution.

The above Committee reported to the Section of International and Comparative Law and the American Bar Association at the latter's Annual Meeting held in the city of Milwaukee, Wisconsin, August 27th-30th, 1934.

The said report and its draft of recommended uniform legislation was transmitted by the American Bar Association to the Pan American Union in the fall of 1934, pursuant to the resolution which appears in volume 59, page 196, of the reports of the American Bar Association, which resolution is set out at page 3 of said print of the Protocol on Uniformity of Powers of Attorney which are to be utilized abroad.

The Pan American Union then appointed its Commission of Legal Experts in pursuance of the Montevideo Conference resolution, which Commission consisted of four Latin American jurists and David E. Grant, an able and experienced attorney of New York City.

The final protocol on powers of attorney was the outcome of the deliberations of the said Commission of Legal Experts based upon the report submitted by the American Bar Association and assisted by the observations of a number of Latin American governments on tentative drafts transmitted to them for that purpose in the course of the years 1935 and 1936.

It is apparent that citizens and corporations of the United States have experienced difficulties in the technical interpretation of powers of attorney in a number of the other American republics. See the said letter dated June 13th, 1942.

As far as I am aware no complaints have been made by residents of Manitoba relative to difficulties experienced in the matter of powers of attorney in the transaction of business, etc., with persons in Latin American republics.

The question before us as set out in said letter dated June 13th, 1942, is

as to whether there may be advantage for Canada to sign with the other American States an agreement along the lines of the said Protocol on Uniformity of Powers of Attorney which are to be utilized abroad.

As under the constitution of Canada such a matter requires sanction by the provinces before action can be taken by the National Government at Ottawa, Manitoba as one of the nine provinces of Canada has been asked to express its views, etc.

In view of what is stated above, in my opinion this whole matter is one pre-eminently for consideration first by representatives from the Provinces and the Dominion in conference. Hence in my opinion the matter now before us should first be considered by the Commissioners on Uniformity of Legislation in Canada.

I will take steps to have this whole matter discussed if possible this year at the Conference of Commissioners on Uniformity of Legislation in Canada which Conference will be held towards the end of August at Windsor in Ontario.

After the said Commissioners on Uniformity of Legislation in Canada have considered this matter the same will receive further consideration on behalf of the Government of Manitoba.

Yours truly,

JAMES MCLLENAGHEN,
Attorney-General.

GOVERNMENT HOUSE
WINNIPEG

15th June, 1942.

Dear Sir:

I am in receipt of a letter from the Under Secretary of State of Canada requesting me to lay before the Government of the Province a Protocol on Uniformity of Powers of Attorney, signed by the President of the United States, which is under consideration for adoption in Canada. As the matter dealt with is a legal matter, it would doubtless be referred by the Government to you for consideration and I am, therefore, forwarding it directly to you.

I enclose a copy of the Under Secretary's letter of the 13th explaining his purpose and also the enclosed publication of the Government of the United States setting out and explaining the terms of the Protocol referred to.

Would you be good enough to look into this matter and take it up with the Executive Council and advise me as to what reply I should make.

Yours very truly,

R. F. McWILLIAMS,
Lieutenant-Governor.

The Honourable James McLenaghan, K.C.
Attorney-General,
Legislative Building.

(CONFIDENTIAL)

77th Congress
2d Session

SENATE

Executive
APROTOCOL ON UNIFORMITY OF POWERS
OF ATTORNEY, WHICH ARE TO
BE UTILIZED ABROAD

MESSAGE

from

THE PRESIDENT OF THE UNITED STATES

Transmitting

A PROTOCOL ON UNIFORMITY OF POWERS OF ATTORNEY
WHICH ARE TO BE UTILIZED ABROAD, SIGNED FOR
THE UNITED STATES ON OCTOBER 3, 1941.

March 5, 1942.—Protocol was read the first time and referred to the Committee on Foreign Relations and together with the message and the accompanying papers was ordered to be printed in confidence for the use of the Senate.

THE WHITE HOUSE, March 5, 1942.

TO THE SENATE OF THE UNITED STATES:

To the end that I may receive the advice and consent of the Senate to ratification thereof, I transmit herewith a protocol on uniformity of powers of attorney which are to be utilized abroad, opened at the Pan American Union on February 17, 1940, to the signature of States members of the Union, which under my authority was signed for the United States of America, ad referendum, by the Secretary of State on October 3, 1941.

I transmit also a report by the Acting Secretary of State regarding the protocol, to which I invite the attention of the Senate.

FRANKLIN D. ROOSEVELT.

UNIFORMITY OF POWERS OF ATTORNEY.
DEPARTMENT OF STATE.

Washington, March 3, 1942.

The President,
The White House:

The Undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to ratification, if his judgment approve thereof, a protocol on uniformity of powers of attorney which are to be utilized abroad. This protocol was drafted by a committee of experts appointed by the governing board of the Pan American Union pursuant to a resolution (No. XLVIII) of the Seventh International Conference of American States, held at Montevideo, December 3-26, 1933, which is quoted as a part of the preamble of the protocol. The protocol was opened at the Pan American Union on February 17, 1940, to the signature of the states members of the Union in accordance with a resolution of January 3, 1940, of the governing board of the Union. It is a companion protocol to the protocol governing recognition of the juridical personality of foreign companies to the ratification of which the Senate gave its advice and consent on June 12, 1941, and in respect of which the subsequent procedure necessary to bring the protocol into force and make public the act that it had been brought into force was completed by the issuance of the President's proclamation on August 21, 1941.

By virtue of the authority vested in the Secretary of State, by the President's full power, the Secretary signed the protocol on uniformity of powers of attorney which are to be utilized abroad for and in the name of the United States of America ad referendum, on October 3, 1941, as was permitted by its article XII which provides that the protocol would become operative as respects each high contracting party on the date of signature by such party, except that each state desiring to do so might sign the protocol ad referendum in which case the protocol could not take effect with respect to such state until after the deposit of its instrument of ratification.

The protocol on uniformity of powers of attorney which are to be utilized abroad has been signed also for the following countries on the dates set forth after their names: Venezuela, February 10, 1940, with a modification; Panama, April 10, 1940, ad referendum; El Salvador, May 21, 1940, ad referendum; Colombia, May 25, 1940, ad referendum, with a reservation; Nicaragua,

May 27, 1940, ad referendum; Brazil, August 6, 1940; Bolivia, September 26, 1940, ad referendum, with a clarification.

Although the representative of El Salvador signed the protocol on uniformity of powers of attorney to be utilized abroad ad referendum without any reservation, two reservations were made by El Salvador in its instrument of ratification deposited with the Pan American Union on February 6, 1941. Venezuela deposited its ratification with the Pan American Union on November 3, 1941, including in it the modification made by the Venezuelan representative on the occasion of signature.

Article XIII of the protocol provides that any state desiring to approve the protocol with modifications may indicate when signing it the form in which the instrument will be given effect within its territory. It is believed that the modification, reservations, and clarifications which have been made are within the privilege accorded by article XIII and are not of a character to make the protocol as modified by them, in respect of Venezuela, Colombia, El Salvador, and Bolivia, respectively, unacceptable to the United States.

As El Salvador and Venezuela have ratified the protocol with their accompanying reservations and modification the protocol is already in effect as respects those two countries as well as Brazil which signed it without any modification or reservation. So far as the Department is informed Bolivia, Colombia, Nicaragua, and Panama have not deposited instruments of ratification as would be required because the signatures of their plenipotentiaries were made ad referendum.

On August 31, 1934, at its annual meeting in Milwaukee the American Bar Association adopted the following resolution regarding a report and a draft of a uniform law on powers of attorney in Latin-American countries:

"WHEREAS, the Seventh International Conference of American States, held at Montevideo in 1933, recommended to the Pan American Union to prepare and draft a uniform law for powers of attorney in Latin-American countries, and

"WHEREAS, the American Bar Association is especially interested in the work of the Pan American Union, and

"WHEREAS, a committee appointed by the Section of International and Comparative Law of the American Bar Association has submitted a report containing a draft of such uniform legislation; now therefore be it

"RESOLVED, that the report and the draft of uniform legislation recommended by the Section be approved and that the

report as printed and laid before the Section be forwarded to the Pan American Union with the recommendation that it be adopted by the committee of the Pan American Union for submission to the governments of the member countries of the Union."

The Department of Commerce and the Department of Justice have considered the protocol as opened for signature and have concurred with this Department in the view that the United States may appropriately become a party to it. The protocol as opened for signature has been endorsed by members of the Committee of the American Bar Association on the simplification and Uniformity of the Laws Governing Powers of Attorneys Among Countries of the Pan American Union, and by the attorneys for a number of American corporations having important business interests in other countries of the Americas.

Article I of the protocol sets forth rules to which powers of attorney must conform by providing that the attesting official shall certify to the identity and legal capacity of the person executing the instrument; to the authority of a representative executing a power of attorney in the name of a third person and that such representation is legal according to documents exhibited; and in addition, in the case of a power of attorney executed in the name of a juridical person, to the due organization, home office and legal existence of the juridical person and that the purposes for which the instrument is granted are within the scope of its objects or activities.

In addition to laying down the rules to which powers of attorney must conform the principal purposes of the protocol are to place the burden of proof on the party challenging the power of attorney (art. II); to recognize the validity of general powers of attorney to consummate administrative acts (art. IV); to provide that powers of attorney executed in one country in conformity with the protocol, and legalized in accordance with the special rules governing legalization, shall be given full faith and credit in the other countries (art. V); and to permit representation of any person, who may intervene or become a party to a suit, by a volunteer pending due substantiation of the volunteer's authority (art. VIII).

Citizens and corporations of the United States have experienced considerable difficulties in the technical interpretation of powers of attorney in a number of other American republics. In those countries a legally acceptable power of attorney is required in nearly all instances wherein any party acts as agent for or on behalf of a principal. The execution of a power of attorney in

other American republics is usually characterized by many more formalities and its exercise is usually governed by rules far more stringent than obtain in the United States. Insistence upon technical perfection in powers of attorney has been carried to such extremes in some of the American republics that cases in courts have been delayed for years by objections and exceptions to powers of attorney. According to information received by the Department of State, unless a claim involves more than \$1,000 an American corporation often will abandon it rather than make an attempt to collect it in the courts. It is thought that these difficulties encountered by American citizens and corporations will be greatly reduced, if not altogether removed, by the operation of the protocol in those American republics which shall give it effect.

Article XII of the protocol provides that the protocol shall remain operative indefinitely, but that any party thereto may terminate its own obligations thereunder 3 months after it has given to the Pan American Union notice of such intention.

Respectfully submitted,

SUMNER WELLES,
Acting Secretary of State.

THE ENGLISH TEXT OF PROTOCOL ON UNIFORMITY
OF POWERS OF ATTORNEY WHICH ARE
TO BE UTILIZED ABROAD,

The Seventh International Conference of American States approved the following resolution (No. XLVIII):

“The Seventh International Conference of American States, resolves:

“1. That the Governing Board of the Pan American Union shall appoint a Commission of five experts, to draft a project for simplification and uniformity of powers of attorney and the juridical personality of foreign companies, if such uniformity is possible. If such uniformity is not possible, the Commission shall suggest the most adequate procedure for reducing to a minimum both the number of different systems of legislation on these subjects and the reservations made to the several conventions.

“2. The report should be issued in 1934, and be given to the Governing Board of the Pan American Union in order

that it may submit it to the consideration of all the Governments, members of the Pan American Union, for the purposes indicated.”

The committee of experts appointed by the Governing Board of the Pan American Union pursuant to the above resolution prepared a draft of uniform legislation governing powers of attorney to be utilized abroad, which was submitted by the Governing Board to the governments, members of the Pan American Union, and revised in accordance with the observations of the said governments.

A number of the governments of the American Republics have indicated that they are prepared to subscribe to the principles of the said draft, and to give them conventional expression, in the following terms:

ARTICLE I

Powers of attorney granted in the countries, comprising the Pan American Union, for utilization abroad, shall conform to the following rules:

1. If the power of attorney is executed by or on behalf of a natural person, the attesting official (notary, registrar, clerk of court, judge or any other official upon whom the law of the respective country confers such functions) shall certify from his own knowledge to the identity of the appearing party and to his legal capacity to execute the instrument.

2. If the power of attorney is executed in the name of a third person, or if it is delegated or if there is a substitution by the agent, the attesting official, in addition to certifying, in regard to the representative who executes the power of attorney, or delegates or makes a substitution, to the requirements mentioned in the foregoing paragraph, shall also certify that such representative has in fact the authority to represent the person in whose name he appears, and that this representation is legal according to such authentic documents as for this purpose are exhibited to said attesting official and which the latter shall mention specifically, giving their dates, and their origin or source.

3. If the power of attorney is executed in the name of a juridical person, in addition to the certification referred to in the foregoing paragraphs, the attesting official shall certify, with respect to the juridical person in whose name the power is executed, to its due organization, its home office, its present

legal existence, and that the purposes for which the instrument is granted are within the scope of the objects or activities of the juridical person; which declarations shall be based on the documents which for that purpose are presented to the official, such as the instrument of organization, by-laws, resolutions of the board of directors or other governing body, and such other legal documents as shall substantiate the authority conferred. The attesting official shall specifically mention these documents, giving their dates and their origin.

ARTICLE II

The certification made by the attesting official pursuant to the provisions of the foregoing article, shall not be impugned except by proof to the contrary produced by the person challenging its accuracy.

For this purpose, it shall not be necessary to allege falsity of the document if the objection is founded only on an erroneous legal construction or interpretation made by the official in his certification.

ARTICLE III

It shall be unnecessary for the grantee of a power of attorney to signify therein his acceptance of the mandate: such acceptance being conclusively presumed by the grantee's acting under the power.

ARTICLE IV

Special powers of attorney to authorize acts of ownership granted in any of the countries of the Pan American Union, for use in another member country, must specify in concrete terms the nature of the powers conferred, to enable the grantee to exercise all the rights necessary for the proper execution of the power with respect to property as well as to the taking of all necessary steps before the tribunals or administrative authorities in defense thereof.

General powers of attorney for the administration of property shall be sufficient, if expressly granted with that general character, to empower the grantee to consummate all manner of administrative acts, including the prosecution and defense of lawsuits and administrative and judicial proceedings, in connection with the administration of the property.

General powers of attorney for lawsuits, collections or administrative or judicial proceedings, when so worded as to indicate that they confer all general powers and all such special powers as,

according to the law, ordinarily require a special clause, shall be deemed to be granted without any limitation or restriction whatever.

The provisions of this article shall have the character of a special rule which shall prevail over such general rules to the contrary as the legislation of the respective country may establish.

ARTICLE V

Powers of attorney granted in any of the member countries of the Pan American Union, which are executed in conformity with the rules of this protocol, shall be given full faith and credit, provided, however, that they are legalized in accordance with the special rules governing legalization.

ARTICLE VI

Powers of attorney granted abroad and in a foreign language may be translated into the language of the country of their destination and the translation incorporated as part of the text of the instrument thereof. In such case, the translation, so authorized by the grantor, shall be deemed accurate in every particular. The translation of the power of attorney may also be made in the country where the power is to be utilized, in accordance with the local usage or pertinent laws of such a country.

ARTICLE VII

Powers granted in a foreign country do not require as a prerequisite their registration or protocolization thereof in designated offices. However, this rule will not prevail when the registration or protocolization of such instruments is required by the law as a special formality in specific cases.

ARTICLE VIII

Any person who may, pursuant to the pertinent legislation, intervene or become a party in a judicial or administrative proceeding for the defense of his interests, may be represented by a volunteer, on condition, however, that such representative shall furnish the necessary legal authority in writing, or that, pending the due substantiation of his authority, such representative shall furnish bond, at the discretion of the competent tribunal or administrative authority, to respond for the costs or damages which his action may occasion.

ARTICLE IX

In the case of powers of attorney, executed in any of the countries of the Pan American Union in accordance with the foregoing provisions, to be utilized in any other member country of the Union, notaries duly commissioned as such under the laws of their respective countries shall be deemed to have authority to exercise functions and powers equivalent to those accorded to native notaries by the laws and regulations of (name of country), without prejudice, however, to the necessity of protocolization of the instrument in the cases referred to in article VII.

ARTICLE X

What has been said in the foregoing articles with respect to notaries, shall apply with equal force to the authorities or officials that exercise notarial functions under the laws of their respective countries.

ARTICLE XI

The original of the present protocol in Spanish, Portugese, English and French, under the present date shall be deposited in the Pan American Union and opened for signature by the States, members of the Pan American Union.

ARTICLE XII

The present protocol is operative as respects each High Contracting party on the date of signature by such party. It shall be open for signature on behalf of any of the States, members of the Pan American Union, and shall remain operative indefinitely but any party may terminate its own obligations hereunder three months after it has given to the Pan American Union notice of such intention.

Notwithstanding the stipulations of the foregoing paragraph any State desiring to do so may sign the present Protocol Ad Referendum, which protocol in this case, shall not take effect, with respect to such State, until after the deposit of the instrument of ratification, in conformity with its constitutional procedure.

ARTICLE XIII

Any State desiring to approve the present Protocol with modifications may indicate, when signing the Protocol, the form in which the instrument will be given effect within its territory.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Protocol on behalf of their respective governments, and affix thereto their seals on the dates appearing opposite their signatures.

The foregoing document has been deposited on this date with the Pan American Union and opened to the signature of the States, members of the Pan American Union, in accordance with the resolution of January 3, 1940, of the Governing Board of the Pan American Union.

L. S. ROWE,
Director General of the Pan American Union.

Washington, D. C., February 17, 1940.

(TRANSLATION)

FOR VENEZUELA:

The Representative of Venezuela signs the present Protocol with the following modification of section 1 of the first article:

"1. If the power of attorney is executed by or on behalf of a natural person, the attesting official (notary, registrar, clerk of court, judge or any other official upon whom the law of the respective country confers such function) shall certify that he knows the person executing the instrument and that he has the legal capacity to execute it, according to the documents he has produced."

(S) DIOGENES ESCALANTE February 29, 1940. (SEAL)

FOR PANAMA:

(S) JORGE E. BOYD ad referendum April 10, 1940. (SEAL)

FOR EL SALVADOR:

(S) HECTOR DAVID CASTRO ad referendum May 21, 1940,
(SEAL)

(The Salvadoran instrument of ratification was deposited with the Pan American Union on February 6, 1941. Contains the following "modifying reservations":

"(a) Article IX, as respects its application in El Salvador, shall be considered as reading as follows:

“Article IX. Powers of attorney executed in any of the countries of the Pan American Union in accordance with the foregoing provisions and in conformity with the laws of the country of origin to be utilized in any other country of the Union shall be considered as having been executed before a competent notary of the country in which they may be utilized, without prejudice, however, to the necessity of protocolization of the instrument in the cases referred to in Article VII.

“(b) The reservation is made to Article VIII that unauthorized action by the attorney, as plaintiff or defendant, cannot be admitted in judicial or administrative matters for which Salvadoran laws require that representation be accredited by a special power of attorney.”)

FOR COLOMBIA:

“The Plenipotentiary of Colombia signs the Protocol on the Legal Regime of Powers of Attorney ad referendum to approval by the National Congress, making the reservation that Colombian legislation set forth in Article 2590 of the Civil Code, provides that notaries are responsible only for the form and not for the substance of the acts and contracts which they authenticate.”

(S) GABRIEL TURBEY May 25, 1940. (SEAL)

FOR NICARAGUA:

(S) LEON DE BAYLE ad referendum May 27, 1940. (SEAL)

FOR BRAZIL:

(S) CARLOS MARTINS PEREIRA E SOUSA September 6, 1940
(SEAL)

FOR BOLIVIA:

“The Plenipotentiary of Bolivia signs the present Protocol with the following clarification of Article I, Section 2:

“For the correct application of Article I, Section 2, of the Protocol on Uniformity of the Legal Regime of Powers of Attorney in the territory of the Republic of Bolivia it is necessary that the notary or official charged with the authentication of documents insert in the Powers of Attorney which are executed by delegation or by substitution the integral text of the original powers of Attorney and of all those documents which prove the legal capacity of the person conferring the power of Attorney.”

(S) LUIS GUACHALIA ad referendum September 26, 1940,
(SEAL)

FOR THE UNITED STATES OF AMERICA:

(S) CORDELL HULL ad referendum October 3, 1941, (SEAL)

I hereby certify that the foregoing document is a true and faithful copy of the original, with the signatures affixed thereto up to the present date, of the Protocol on Uniformity of Powers of Attorney which are to be utilized abroad, deposited in the Pan American Union and opened for signature by the States, members of the Pan American Union, on February 17, 1940.

PEDRO DE ALBA,

Secretary of the Governing Board of the Pan American Union.
Washington, D.C., October 7, 1941.

(SEAL)