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CONFIDENTIAL

Lease to the United States of America by His
Majesty's Government in the United Kingdom
of certain areas of land and water in Bermuda

His Majesty's Government in the United Kingdom, being desirous at this time to execute in part the declarations made on its behalf by his Excellency The Right Honorable The Marquess of Lothian, C.H., British Ambassador Extraordinary and Plenipotentiary, in his communication of September 2, 1940, to the Government of the United States of America, a copy of which is hereto appended and made a part hereof, do by these presents to that end, make and execute the following:

His Majesty's Government hereby lease to the United States of America for the period of ninety-nine years from the date on which possession thereof shall be formally transferred the following areas of land and water situated in Bermuda:

Reference: Ordnance Survey Map, Sheets 1 and 2, 1898-9, scale six inches equals one mile, (enclosure (B) and (C). H.O. 27.

- (1) Long Bird Island, including adjoining islands in Ferry Reach, and causeway to mainland south of Mullet Bay, the entire area described containing approximately eighty acres.
- (2) Beginning on the shoreline of Stocks Harbor at a point about seven hundred eighty feet northeast of the northern tip of Long Bird Island; thence east along the shoreline to Stokes Point; thence generally west along road (exclusive) about sixteen hundred fifty feet to road junction; thence south along road (exclusive) to Swing Bridge about six hundred seventy-five feet; thence north of west about thirteen hundred twenty-five feet to property line; thence southwest about six hundred sixty feet to road between Ferry Point and St. George (exclusive);

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thence southwest about three hundred sixty-five feet to property line; thence southeast about six hundred feet along property line to shoreline of Richardson's Bay; thence along shoreline to point of beginning, the entire tract containing approximately forty acres; provided, that the buildings and grounds of the Biological Institute shall be excluded from the parcel.

- (3) Beginning at Stocks Point on the shoreline of St. George's Harbor; thence generally east and south along the shoreline to the western edge of Higgs Bay; thence due south about one hundred seventy-five feet to road between Stocks Point and St. David's lighthouse; thence generally east along said road (exclusive) to road junction about three hundred forty feet southeast of Burcher's Point; thence generally southeast along road (exclusive) to a point about one hundred fifty feet northwest of its terminus on Ruth's Bay; thence east about seven hundred twenty-five feet to the shoreline south of Cove Point; thence south along the shoreline to Ruth's Point; thence generally west along the shoreline to point of beginning; provided, that Cave Island, Sandy Island, Little Round Island, Jones Island, Round Island, Long Island, Grace's Island, Westcott Island, and adjacent unnamed islands in Castle Harbor shall be included, the entire area described containing approximately two hundred sixty acres; and provided further, that the highway rights-of-way between Stocks Point and Higgs Bay shall be excluded.
- (4) All the islands and cays at the entrance to Castle Harbor between Ruth's Point on St. David's Island and Castle Point on Hamilton Island, containing a total of approximately one hundred fifteen acres.
- (5) Morgan and Tucker's Islands, and the immediately adjacent cays, in Great Sound, containing a total of approximately fifty acres.
- (6) The exact metes and bounds of the above described areas shall be established by survey.

The grant of the foregoing areas of land and water shall include the following:

- (a) The right, power, and authority to use, fill, and occupy the waters adjacent to said areas including specifically the waters of Ferry Reach and Castle Harbor

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and to improve and deepen the entrances thereto and the anchorages thereof and generally to do any and all things necessary to fit the premises for use as naval and air bases.

(b) The right, power, and authority to substitute a drawbridge for highway and tramway use between St. George's Island and Coney Island on the western entrance to Ferry Reach and to render this entrance useable to vessels and seaplanes entering Castle Harbor, including such alteration to the southwest causeway leading to Long^{Island} as may be considered desirable or necessary.

(c) The right, power, and authority to use, fill and occupy the waters of Morgan and Tucker's Islands and the immediately adjacent cays, to do any and all things necessary to fit the premises for use as a seaplane base and to operate seaplanes in Great Sound.

(d) The right, power, and authority to operate motor transport on the highways connecting the several United States areas which border on Castle Harbor.

(e) Exclusive rights, power, authority, and control within the aforesaid areas and within the territorial waters and air spaces adjacent to or in the vicinity of such areas except as hereinafter otherwise provided.

(f) The right, power, and authority to assume military control and conduct military operations within any part of Bermuda and surrounding waters and air space to the extent which may become necessary or convenient for the protection of the property, instrumentalities, and activities of the United States of America or otherwise to safeguard its national interests.

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(g) The right, power, and authority to control the anchorage, moorings, movements, communications, and operations of whatever character of all ships within the limits of the areas leased, and the territorial waters adjacent to or in the vicinity of such areas, to such extent as may be found necessary or convenient in the use, control, and defense of such areas.

(h) The right, power, and authority to control the anchorage, moorings, takeoffs, flights, landings, movements, and operation of all aircraft within the limits of the areas leased, and within the territorial waters and air spaces adjacent to or in the vicinity of such areas, to such extent as may be found necessary or convenient in the use, control, and defense of such areas.

(i) The right, power, and authority to regulate and control all external and internal communications of whatever nature from, to, and within the areas leased.

(j) The right, power, and authority to employ and use all commercial or public utilities, services, and facilities, all roads, highways, bridges, viaducts, and similar channels of transportation to the same extent and under the same conditions as His Majesty's Government.

(k) The right, power, and authority to install, maintain, and operate at such sites as may be necessary or convenient, armament, underwater defenses, including mines, nets, booms, sound detection, and other similar devices; control stations ashore, beacons, dispensary and first aid stations, lights, warning or detecting devices, and military

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police, to such extent as may be found necessary or convenient in the use, control, and protection of the areas leased, including specifically the entrances to Castle Harbor.

(l) The right, power, and authority to acquire by supplementary lease from His Majesty's Government for the unexpired period of this lease, without consideration other than just compensation to private owners if any, additional areas, sites, locations, and rights-of-way for roads, causeways, bridges, powerlines, watermains, sewers and similar facilities to such extent as may be found necessary or convenient for the establishment, maintenance, use and protection of naval and air bases in the aforesaid leased areas.

(m) The right, power, and authority to use all public lands, areas, sites, forts, docks, piers, quays, berths, shops, repair facilities, arsenals, magazines, and hospitals to the extent which may become necessary or convenient for the protection of the property, instrumentalities, and activities of the United States, or otherwise to safeguard its national interests without compensation other than reimbursement of any additional cost directly resulting from such use.

(n) The privilege of importing free from all dues, imposts, excises, tolls, customs, levies, or assessments of any nature whatever, all ships, boats, aircraft, arms, machinery, supplies, materials, equipment, clothing, household furnishings, provisions, goods, wares, merchandise and articles similar to the aforesaid, consigned to or destined

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for any activity of the United States of America, its military, naval, or civil personnel and their families, contractors and their families, subject to the condition that articles so imported shall not be further sold or transferred to other interests in Bermuda.

(c) The right, power, and authority to remove all improvements placed upon the leased areas at any time before the expiration or termination of this lease or of any renewal thereof or within a reasonable time thereafter.

The United States of America shall be under no obligation to improve the leased areas in whole or in part for use as naval or air bases, nor to exercise any right, power, or authority herein granted; and if it shall make such improvements or exercise any such right, power, or authority it shall nevertheless have the privilege of abandoning any part or all of the foregoing at any time without consent of His Majesty's Government and without incurring any obligation by reason of such abandonment.

The United States of America shall be under no obligation or responsibility for the civil administration or defense of Bermuda or any part thereof, or for the maintenance of military or naval forces within or without the leased areas.

Crimes and misdemeanors committed within the leased areas during the occupation and use thereof by the United States of America shall be punishable either by the United States or the colonial authorities in accordance with their respective laws, dependent upon which shall first acquire

jurisdiction of the person of the offender; except that either government may on request deliver the offender to the other for trial; that in all cases the colonial government shall bring to trial all offenders turned over to it by the United States upon request of the colonial authorities or otherwise, and that all offenders in the service of the United States, civil or military, shall on demand be apprehended and delivered to the government of the United States for trial whether or not the offense with which charged was committed within or without the leased areas; Provided, that the colonial authorities shall not arrest any person or serve any process, civil or criminal, within the leased areas except upon application previously made to the commanding officer and approved by him: Provided further, that colonial laws of a regulatory nature, or which may otherwise interfere with the use of the leased premises by the United States, shall not be regarded as applicable within such areas.

His Majesty's Government undertake to deliver possession of all lands and facilities, including such as may be privately owned within the leased areas hereinbefore provided for, on such date as may be determined upon by the United States of America: Provided, that the United States of America shall pay to His Majesty's Government such sum or sums as may be mutually agreed upon to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of naval or air bases in the leased areas.