

N° 697.

ÉTATS-UNIS D'AMÉRIQUE
ET DANEMARK

Convention concernant la réglementation du trafic des boissons alcooliques, signée à Washington le 29 mai 1924.

UNITED STATES OF AMERICA
AND DENMARK

Convention respecting the regulation of liquor traffic, signed at Washington, May 29, 1924.

TEXTE DANOIS. — DANISH TEXT.

No. 697. — TRAKTAT¹ MELLEM DE AMERIKANSKE FORENEDE STATER OG DANMARK, INDEHOLDENDE VISSER BESTEMMELSER, VEDRØRENDE TRANSPORT AF SPIRITUØSE DRIKKE, UNDERTEGNET I WASHINGTON DEN 29 MAJ 1924.

Textes officiels anglais et danois communiqués par le Ministre de Danemark à Berne. L'enregistrement de cette convention a eu lieu le 19 août 1924.

DA HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND OG DE AMERIKANSKE FORENEDE STATERS PRÆSIDENT ønsker at undgå enhver Vanskelighed, som maatte kunne opstaa mellem Danmark og de amerikanske Forenede Stater, som Følge af de i de amerikanske Forenede Stater gældende Love angaaende spirituøse Drikke, har de med dette Formaal for Øje besluttet at indgå en Traktat og har udnævnt til deres Befuldmægtigede :

HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND :

Hr. Kai HELMER-PETERSEN, Hans Majestæts Chargé d'Affaires i Washington, og

PRÆSIDENTEN FOR DE AMERIKANSKE FORENEDE STATER :

Hr. Charles EVANS HUGHES, de amerikanske Forenede Staters Statssekretær ;

hvilke efter at have meddelt deres respektive Fuldmagter, der befandtes i behørig Form, er kommet overens om følgende Artikler :

Artikel 1.

Begge de høje kontraherende Parter fastholder — uden at give nærværende Traktat nogen præjudicerende Virkning — deres Rettigheder og Krav med Hensyn til Udstrækningen af deres territoriale Jurisdiktion.

Artikel 2.

1. Hans Majestæt Kongen af Danmark og Island samtykker i ikke at ville rejse nogen Indvending mod, at Myndigheder i de amerikanske Forenede Stater, dets Territorier eller Besiddelser, gaar ombord i private Fartøjer under dansk Flag udenfor Søterritoriets Grænser for at rette Forespørgsler til de ombordværende og undersøge Skibspapirerne med det Formaal at bringe paa det rene, om Fartøjet eller de ombordværende gør Forsøg paa at indføre eller har indført spirituøse Drikke til de amerikanske Forenede Stater, dets Territorier eller Besiddelser, i Strid med de dér gældende Love. Saafremt saadanne Forespørgsler eller Undersøgelser giver rimelig Grund til Mistanke, kan en Ransøgning af Fartøjet indledes.

¹ L'échange des ratifications a eu lieu à Washington le 25 juillet 1924.

No. 697. — CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND DENMARK, RESPECTING THE REGULATION OF LIQUOR TRAFFIC, SIGNED AT WASHINGTON, MAY 29, 1924.

Danish and English official texts communicated by the Danish Minister at Berne. The registration of this Convention took place August 19, 1924.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and THE PRESIDENT OF THE UNITED STATES OF AMERICA, being desirous of avoiding any difficulties which might arise between Denmark and the United States in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

Mr. Kai HELMER-PETERSEN, His Majesty's Chargé d'Affaires at Washington ; and

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Charles EVANS HUGHES, Secretary of State of the United States ;

who, having communicated their full powers found in good and due form, have agreed as follows :

Article 1.

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this Agreement, with respect to the extent of their territorial jurisdiction.

Article 2.

(1) His Majesty the King of Denmark and Iceland agrees that he will raise no objection to the boarding of private vessels under the Danish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

¹ The exchange of ratifications took place at Washington, July 25, 1924.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavouring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

Article 3.

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Danish vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Article 4.

Any claim by a Danish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article 2 of this Treaty, or on the ground that it has not been given the benefit of Article 3, shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention¹ for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this Agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent, on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

¹ British and Foreign State Papers, Vol. 100, page 298.

Article 5.

This Treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the Treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Treaty, and to the provision that, if such modifications are not agreed upon before the close of the period of one year, the Treaty shall lapse.

Article 6.

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Treaty, the said Treaty shall automatically lapse, and, on such lapse or whenever this Treaty shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Treaty not been concluded.

The present Convention shall be duly ratified by His Majesty the King of Denmark and Iceland and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate in the Danish and English languages and have thereunto affixed their seals.

Done at the City of Washington, this twenty-ninth day of May in the year of our Lord one thousand nine hundred and twenty-four.

L. S. (Sign.) HELMER-PETERSEN.

L. S. (Sign.) CHARLES EVANS HUGHES.

Pour copie conforme :

Copenhagen, le 14 août 1924.

Georg COHN,

Chef du Service danois de la Société des Nations.

¹ TRADUCTION. — TRANSLATION.

No. 697. — CONVENTION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE DANEMARK, CONCERNANT LA RÉGLEMENTATION DU TRAFIC DES BOISSONS ALCOOLIQUES, SIGNÉE A WASHINGTON LE 29 MAI 1924.

SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE et LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE, désireux d'éviter toutes difficultés qui pourraient surgir entre le Danemark et les Etats-Unis au sujet des lois en vigueur aux Etats-Unis sur les boissons alcooliques, ont décidé de conclure une Convention à cet effet et ont désigné comme plénipotentiaires :

SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE :

M. Kai HELMER-PETERSEN, son Chargé d'Affaires à Washington ;

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE :

Mr. Charles EVANS HUGHES, Secrétaire d'Etat des Etats-Unis ;

lesquels, après avoir échangé leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, sont convenus de ce qui suit :

Article 1.

Les Hautes Parties contractantes conservent respectivement leurs droits et revendications, sans qu'il soit porté préjudice, en raison du présent Accord, à l'étendue de leur juridiction territoriale.

Article 2.

1. Sa Majesté le Roi de Danemark et d'Islande convient de ne soulever aucune objection à ce que les autorités des Etats-Unis, de leurs territoires ou possessions arraisonnent, hors des eaux territoriales, les navires et bateaux privés naviguant sous pavillon danois, afin de pouvoir poser des questions au personnel à bord et examiner les papiers de bord, en vue de s'assurer si le navire ou le personnel à bord essaie d'importer, ou s'il a importé, des boissons alcooliques aux Etats-Unis ou dans leurs territoires ou possessions, en violation des lois qui y sont en vigueur. Lorsque ces questions et cet examen donneront lieu à des suspicions légitimes, il pourra être procédé à la visite du navire.

2. S'il y a lieu, raisonnablement, de croire que le navire a commis, commet ou essaie de commettre une infraction aux lois des Etats-Unis, de leurs territoires ou possessions, interdisant l'importation des boissons alcooliques, le navire peut être saisi et conduit à un port des Etats-Unis, de leurs territoires ou possessions, afin d'être mis en adjudication, conformément auxdites lois.

3. Les droits conférés par le présent article ne pourront être exercés à une distance de la côte des Etats-Unis, de leurs territoires ou possessions, supérieure à la distance que peut franchir en une heure le navire soupçonné de la tentative délictueuse. Toutefois, au cas où les spiritueux sont destinés à être importés aux Etats-Unis, dans leurs territoires ou possessions, par un navire autre

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.