

Convention between the United States and Denmark for the prevention of smuggling of intoxicating liquors. Signed at Washington, May 29, 1924; ratification advised by the Senate, June 3, 1924; ratified by Denmark, July 8, 1924; ratified by the President, July 11, 1924; ratifications exchanged at Washington, July 25, 1924; proclaimed, July 25, 1924.

May 29, 1924.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Convention between the United States of America and Denmark to aid in the prevention of the smuggling of intoxicating liquors into the United States was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-ninth day of May, one thousand nine hundred and twenty-four, the original of which Convention, being in the English and Danish languages, is word for word as follows:

Convention with Denmark to prevent smuggling of intoxicating liquors into United States.
Preamble.

The President of the United States of America and His Majesty the King of Denmark and Iceland being desirous of avoiding any difficulties which might arise between the United States and Denmark 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:

Da de amerikanske Forenede Staters Praesident og Hans Majestaet Kongen of Danmark og Island ønsker at undgaa enhver Vanskelighed som maatte kunne opstaa mellem de amerikanske Forenede Stater og Danmark, som Følge af de i de amerikanske Forenede Stater gaeldene Love angaaende spirituose Drikke, har de med dette Formaal for Øje besluttet at indgaa en Traktat og har udnaevnt til deres Befuldmægtigede:

Contracting Powers.

The President of the United States of America, Mr. Charles Evans Hughes, Secretary of State of the United States; and

Praesidenten for de amerikanske Forenede Stater: Hr. Charles Evans Hughes, de amerikanske Forenede Staters Statssekretaer, og Hans Majestaet Kongen af Danmark og Island: Hr. Kai Helmer-Petersen, Hans Majestaets Chargé d'Affaires i Washington,

Plenipotentiaries.

His Majesty the King of Denmark and Iceland, Mr. Kai Helmer-Petersen, His Majesty's Chargé d'Affaires at Washington,

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

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

ARTICLE I.

ARTIKEL I.

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.

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

Territorial jurisdiction retained.

ARTICLE II.

ARTIKEL II.

Boarding of private Danish vessels outside limits, for inquiry, etc., not objected to.

(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 endeavoring 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.

Search of vessel on reasonable ground for suspicion.

Seizure of vessel believed to be violating American prohibition laws.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense 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.

Distance from coast limited for boarding, etc., vessels.

(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 endeavoring 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.

Extension if liquor conveyed by other vessel.

(1) Hans Majestaet 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 Graenser for at rette Forespørgsler til de ombordvaerende og undersøge Skibspapirerne med det Formaal at bringe paa det rene, om Fartøjet eller der ombordvaerende 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. Saafrømt saadanne Forespørgsler eller Undersøgelser giver rimelig Grund til Mistanke, kan en Ransgning af Fartøjet indledes.

(2) Hvis der foreligger rimelig Grund til at antage, at Fartøjet har begaaet eller er i Faerd med at begaa eller forsøger at begaa en Overtraedelse af de i de amerikanske Forenede Stater, dets Territorier eller Besiddelser gældende Love mod Indførsel af spirituøse Drikke, kan Fartøjet beslaglægges og indbringes til en Havn i de amerikanske Forenede Stater, dets Territorier eller Besiddelser, til Retsforfølgning i Medfør af saadanne Love.

(3) De ifølge denne Artikel indrømmede Beføjelser skal ikke kunne udøves i større Afstand fra de amerikanske Forenede Staters, dets Territoriers eller Besiddelsers Kyst, end det for Forsøg paa Overtraedelse mistaenkte Fartøj kan tilbagelægge i een Time. I saadanne Tilfaelde, i hvilke Alkohol agtes transporteret til de amerikanske Forenede Stater, dets Territorier eller Besiddelser, af et andet Fartøj end det, der er blevet bordet og ransaget, skal det vaere Hastigheden af dette andet Fartøj og ikke Hastigheden af det bordede Fartøj, der skal vaere afgørende for den Afstand fra Kysten, indenfor hvilken Beføjelserne i Medfør af denne Artikel kan udøves.

ARTICLE III.

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 IV.

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 II of this Treaty or on the ground that it has not been given the benefit of Article III 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 Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October

ARTIKEL III.

Straf eller Konfiskation i Medfør af de amerikanske Forenede Staters Love skal ikke bringes til Anvendelse overfor spirituøse Drikke eller Fartøjer eller Personer som Følge af Transport af saadanne Drikke, naar disse er opført som Skibsforraad eller som Ladning bestemt for en Havn udenfor de amerikanske Forenede Stater, dets Territorier eller Besiddelser, ombord paa danske Fartøjer paa Rejse til eller fra Havne i de amerikanske Forenede Stater, dets Territorier eller Besiddelser, eller gennem disses Søterritorier, og saadan Transport skal vaere underkastet de nu gaeldende Love med Hensyn til Transit af spirituøse Drikke gennem Panama Kanalen, forudsat at de spirituøse Drikke til Stadighed skal opbevares under Segl, saalaaenge Fartøjet, paa hvilket de transporteres, forbliver indenfor naevnte Søterritorier, og forudsat, at ingen Del af saadanne spirituøse Drikke skal paa noget Tidspunkt eller paa noget Sted afskibes indenfor de amerikanske Forenede Stater, dets Territorier eller Besiddelser.

ARTIKEL IV.

Ethvert Krav fra et dansk Fartøj paa Erstatning paa Grund af at det har lidt Tab eller Skade som Følge af urigtig eller ubegrundet Udøvelse af de ved denne Traktats Artikel II indrømmede Beføjelser eller paa Grund af, at det ikke har nydt godt af Bestemmelserne i Artikel III, skal henvises til faelles Behandling af to Personer, af hvilke hver af de høje kontraherende Parter udnaevner een.

De i en saadan faelles Betaenkning indeholdte Indstillinger skal bringes til Udførelse. Hvis der ikke kan opnaas Enighed om en faelles Betaenkning, skal Kravet henvises til den staaende Voldgiftsdomstol i Haag omhandlet i Konventionen om fredelig Bilaegelse af internationale Stridigheder, afsluttet i Haag den 18' Okto-

Liquors listed as sea stores, or cargo for a foreign port, not subjected to penalty, etc.

To be kept under seal while in American waters.

Action on claims for loss, etc.

Reference to Permanent Court of Arbitration.

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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.

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Payment of awards.

Expenses, etc.

ber 1907. Voldgriftdomstolen skal sammensættes i Overensstemmelse med Artikel 87 (Kapitel IV) og med Artikel 59 (Kapitel III) i nævnte Konvention. Forhandlingerne skal finde Sted i Overensstemmelse med Bestemmelserne i Kapitel IV i nævnte Konvention og Bestemmelserne i dens Kapitel III (med særlig Hensyntagen til Artiklerne 70 og 74, men med Undtagelse af Artiklerne 53 og 54) i den Udstrækning, som Domstolen maatte finde dem anvendelige paa og i Overensstemmelse med nærværende Traktat. Alle Pengebeløb, som maatte blive tilkendt af Domstolen paa Grundlag af fremsatte Krav, vil vaere at betale i Løbet af atten Maaneder efter den endelige Tilkendelse uden Renter og uden Fradrag bortset fra nedennaevnte Bestemmelser. Hver Regering skal baere sine egne Omkostninger. Domstolens Udgifter skal afholdes ved en procentvis Afkortning i de af samme tilkendte Pengebeløb til en Sats af 5 pro cent af nævnte Beløb eller til en saadan lavere Sats, som de to Regeringer maatte enes om; eventuelt Underskud skal dækkes af de to Regeringer med Halvdelen hver.

ARTICLE V.

Duration, and exchange of ratifications. 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.

Notice of proposed modifications. 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.

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

Continued from year to year if no modification proposed. If no notice is given on either side of the desire to propose modifications, the Treaty shall remain in force for another year,

ARTIKEL V.

Denne Traktat vil vaere at ratificere og skal forblive i Kraft for et Tidsrum af eet Aar fra Datoen for Ratifikationsinstrumenternes Udveksling at regne.

Tre Maaneder forinden Udløbet af nævnte Tidsrum af eet Aar kan hver af de høje kontraherende Parter tilkendegive Ønske om at foreslaa Aendringer i Traktatens Bestemmelser.

Saaframt Enighed om saadanne Aendringer ikke er blevet opnaaet inden Udløbet af den ovennaevnte Eet-Aars Frist, bortfalder Traktaten.

Saaframt ingen Tilkendegivelse af Ønske om at foreslaa Aendringer er fremkommet fra nogen af Siderne, skal Traktaten

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 VI.

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 the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark and Iceland; 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 English and Danish languages and have thereunto affixed their seals.

Done at the city of Washington this twenty-ninth day of May one thousand nine hundred and twenty-four.

[SEAL.] CHARLES EVANS HUGHES
[SEAL.] HELMER PETERSEN.

AND WHEREAS the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-fifth day of July, one thousand nine hundred and twenty-four;

forblive i Kraft for endnu eet Aar, og saa fremdeles automatisk, dog saaledes at hver Part indenfor hvert saadant eetaarigt Tidsrum kan, som foran bestemt, tre Maaneder før Traktatens Udløb foreslaa Aendringer i samme, og saaledes at Traktaten bortfalder, saafremt Enighed om saadanne Aendringer ikke opnaas forinden Udløbet af Eet-Aars Perioden.

ARTIKEL VI.

I det Tilfaelde, at nogen af de høje kontraherende Parter enten ved Domstolenes eller ved Lovgivningsmagtens Beslutninger forhindres i at gennemføre Bestemmelserne i naervaerende Traktat fuldtud, skal Traktaten automatisk bortfalde, og i Tilfaelde af saadant Bortfald, eller iøvrigt naarsomhelst denne Traktat ophører at være i Kraft, skal hver af de høje kontraherende Parter nyde alle Rettigheder, som den vilde have besiddet, hvis denne Traktat ikke var blevet indgaaet.

Naervaerende Traktat skal behørigt ratificeres af de amerikanske Forenede Staters Praesident med Senatets Raad og Samtykke og af Hans Majestaet Kongen af Danmark og Island, og Ratifikations instrumenterne skal udveksles i Washington snarest muligt.

Til Bekraeftelse derpaa har de respektive Befuldmægtigede undertegnet og med Segl forsynet naervaerende Traktat, der er udfaerdiget i to Eksemplarer i det engelske og det danske Sprog.

Sket i Washington den Ni og Tyvende Mai Nitten Hundrede og Fire og Tyve.

Treaty to lapse if effect thereof prevented by judicial decision or legislative action.

Exchange of ratifications.

Signatures.

Ratifications exchanged.

Proclamation.

NOW, THEREFORE, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington, this twenty-fifth day of July, in the year of our Lord one thousand nine hundred and [SEAL.] twenty-four, and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:

JOSEPH C. GREW

Acting Secretary of State.