

May 27, 1930.

Convention between the United States of America and Chile for prevention of smuggling of intoxicating liquors. Signed at Washington, May 27, 1930; ratification advised by the Senate, June 28, 1930; ratified by the President, July 21, 1930; ratified by Chile, October 2, 1930; ratifications exchanged at Washington, November 25, 1930; proclaimed, November 26, 1930.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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

WHEREAS a Convention between the United States of America and the Republic of Chile to aid in the prevention of the smuggling of alcoholic beverages into the United States was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-seventh day of May, one thousand nine hundred and thirty, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

Contracting Powers.

The President of the United States of America and the President of the Republic of Chile, being desirous of avoiding any difficulties which might arise between the Governments of the two countries 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:

Plenipotentiaries.

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States of America; and

The President of the Republic of Chile: His Excellency Señor Don Carlos G. Dávila, Ambassador Extraordinary and Plenipotentiary of Chile in Washington;

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

El Presidente de los Estados Unidos de América y el Presidente de la República de Chile, deseosos de evitar cualesquiera dificultad que pudiera surgir entre los gobiernos de los dos países con motivo de las leyes vigentes en los Estados Unidos de América en materia de bebidas alcohólicas, han decidido celebrar un Convenio con ese objeto, y han nombrado como sus Plenipotenciarios respectivos:

El Presidente de los Estados Unidos de América: Al Señor Henry L. Stimson, Secretario de Estado de los Estados Unidos de América; y

El Presidente de la República de Chile: A Su Excelencia Señor Don Carlos G. Dávila, Embajador Extraordinario y Plenipotenciario de Chile en Washington;

Quienes habiéndose comunicado sus plenos poderes, encontrándolos en buena y debida forma, han convenido en lo siguiente:

ARTICLE I

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

ARTÍCULO I

Las Altas Partes Contratantes se reservan, respectivamente, sus títulos y derechos, no obstante las estipulaciones de la presente Convención, con respecto a la extensión de su jurisdicción territorial.

Territorial jurisdiction retained.

ARTICLE II

(1) The Chilean Government agree that they will raise no objection to the boarding of private vessels under the Chilean 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.

(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.

(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

ARTÍCULO II

1) El Gobierno de Chile conviene en no hacer objeción alguna porque se aborden los buques privados de bandera chilena fuera de los límites de las aguas territoriales por las Autoridades de los Estados Unidos, sus territorios o posesiones, a fin de que se puedan dirigir preguntas a las personas que se encuentran a bordo y examinar los documentos del buque con el objeto de establecer si el barco o los que estén a bordo de él están tratando de importar o han importado bebidas alcohólicas en los Estados Unidos, sus territorios o posesiones con infracción de las leyes en ellos vigentes. Cuando de dichas preguntas y examen resulten motivos razonables para sospecha, podrá procederse al registro del buque.

2) Si hubiere motivos razonables para creer que el buque ha cometido, está cometiendo o trata de cometer una infracción de las leyes de los Estados Unidos, sus territorios o posesiones, que prohíben la importación de bebidas alcohólicas, el barco podrá ser apresado y llevado a un puerto de los Estados Unidos, sus territorios o posesiones para ser juzgado conforme a dichas leyes.

3) Los derechos conferidos por este artículo no serán ejercitados a mayor distancia de las costas de los Estados Unidos, sus territorios o posesiones, de la que pueda atravesar en una hora el buque sospechoso que trata de cometer la infracción. En los casos, no obstante, en que los licores se traten de introducir en los Estados Unidos, sus territorios o posesiones, por un buque distinto al que haya sido visitado

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

Search, if reasonable ground for suspicion.

Seizure of vessel believed to be violating American prohibition laws.

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

Extension, if liquor conveyed by other vessel.

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 III

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

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 Chilean 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.

To be kept under seal while in American waters.

ARTICLE IV

Action on claims for losses, etc.

Ante, p. 2853.

Any claim by a Chilean vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this convention 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.

Reference to Permanent Court of Arbitration.

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

y registrado, será la velocidad del primero de dichos buques y no la del buque visitado la que determinará la distancia de la costa dentro de la cual podrá ejercitarse el derecho conferido por este artículo.

ARTÍCULO III

No están sujetos a penas ni comiso alguno, conforme a las leyes de los Estados Unidos, ni los licores alcohólicos ni los buques o personas por razón del transporte de dichos licores cuando estos sean declarados como provisiones del buque o carga destinada a otro puerto que no sea de los Estados Unidos, sus territorios o posesiones, a bordo de buques chilenos que viajen de o para puertos de los Estados Unidos, sus territorios o posesiones, o que pasen por sus aguas territoriales, y dicho porteo se efectuará como dispone en la actualidad la ley con respecto al tránsito de dichos licores a través del Canal de Panamá, siempre que los referidos licores se mantengan continuamente bajo sello mientras el buque en que son transportados permanezca dentro de dichas aguas territoriales, y que ninguna parte de los licores se descargue en ningún tiempo o lugar de los Estados Unidos, sus territorios o posesiones.

ARTÍCULO IV

Las reclamaciones que se interpongan por los buques chilenos para que se les indemnice fundándolas en que han sufrido pérdidas o perjuicios por el ejercicio impropio o arbitrario de los derechos conferidos por el Artículo II de este Convenio o a causa de no haberseles concedido los beneficios del Artículo III, serán sometidos a la consideración conjunta de dos personas, una de las cuales será nombrada por cada Alta Parte Contratante.

Las recomendaciones contenidas en dichos informes conjuntos serán ejecutivas. Si no pudiere llegarse a un acuerdo sobre el informe conjunto, la reclama-

Permanent Court of Arbitration at The Hague described in the Convention 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 from 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.

ARTICLE V

This Convention 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 Convention.

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

ción será referida al Tribunal Permanente de Arbitraje de La Haya creado por la Convención para el Arreglo Pacífico de las Disputas Internacionales firmada en La Haya, el 18 de Octubre de 1907. El Tribunal de Arbitraje se constituirá de acuerdo con el Artículo 87 (Capítulo IV) y con el Artículo 59 (Capítulo III) de dicha convención. El procedimiento se regulará por las disposiciones del Capítulo IV de dicha Convención y del Capítulo III de la misma (teniéndose especialmente en cuenta los artículos 70 y 74 y exceptuando los artículos 53 y 54) que el Tribunal considere aplicables y que sean compatibles con las disposiciones de este Convenio.

Las sumas de dinero que se manden pagar por el Tribunal a causa de cualquiera reclamación, serán pagadas dentro de los 18 meses siguientes a la fecha del laudo final, sin interés ni deducciones, salvo en lo que más adelante se especifica.

Cada Gobierno sufragará sus propios gastos. Los gastos del Tribunal serán sufragados por una deducción proporcional del importe de las sumas adjudicadas por él, a razón del 5 por ciento de dichas sumas, o a un tipo más bajo, según se convenga entre los dos Gobiernos; el déficit, si lo hubiere, se sufragará por partes iguales por los dos Gobiernos.

ARTÍCULO V

Este Convenio será sujeto a ratificación y permanecerá en vigor durante un año a contar de la fecha del canje de las ratificaciones.

Tres meses antes del vencimiento de dicho plazo de un año, cualquiera de las Altas Partes Contratantes podrá dar aviso de su intención de proponer modificaciones a los términos del Convenio.

Si dichas modificaciones no se acordaren antes del vencimiento del plazo de un año arriba mencionado, el Convenio caducará.

Vol. 36, p. 2221.

Vol. 36, pp. 2233, 2228.

Payment of awards.

Expenses.

Exchange of ratifications and duration.

Notice of proposed modifications.

Convention to lapse if modifications not agreed upon.

Continuance, if no modification proposed.

If no notice is given on either side of the desire to propose modifications, the Convention 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 convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the convention shall lapse.

Si ninguna de las partes diere aviso de su intención de proponer modificaciones, el Convenio continuará en vigor durante otro año, y así en lo sucesivo automáticamente, aunque sujeto siempre, respecto a cada plazo de un año, al derecho de cada una de las partes de proponer modificaciones al Convenio según se dispone más arriba, tres meses antes de su vencimiento, y a la estipulación de que si dichas modificaciones no se acordaren antes de la terminación del plazo de un año, el Convenio caducará.

ARTICLE VI

ARTÍCULO VI

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

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 convention the said convention shall automatically lapse, and, on such lapse or whenever this convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this convention not been concluded.

En caso de que cualquiera de las Altas Partes Contratantes se viere impedida por sentencia judicial o resolución legislativa, de dar pleno cumplimiento a las disposiciones del presente Convenio, este caducará automáticamente, y en tal caso de caducidad o cuando quiera que este Convenio deje de regir, cada una de las Altas Partes Contratantes disfrutará de todos los derechos que habría poseído si el Convenio no se hubiere celebrado.

Exchange of ratifications.

The present convention shall be duly ratified by the High Contracting Parties in accordance with their respective constitutional methods; and the ratifications shall be exchanged at Washington as soon as possible.

El presente Convenio será debidamente ratificado por las Altas Partes Contratantes, de acuerdo con sus respectivos métodos constitucionales y las ratificaciones se canjearán en la ciudad de Washington, tan pronto como sea posible.

Signatures.

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

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado el presente Convenio en duplicado en los idiomas inglés y español y puestos sus sellos respectivos.

Done at the city of Washington this twenty-seventh day of May, nineteen hundred and thirty.

Hecho en la ciudad de Washington, a los veinte y siete días de mayo de mil novecientos treinta.

HENRY L STIMSON [SEAL]

CARLOS G DÁVILA [SEAL]

Ratifications exchanged.

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 November, one thousand nine hundred and thirty;

NOW, THEREFORE, be it known that I, Herbert Hoover, 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 of America and the citizens thereof.

Proclamation.

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

DONE at the city of Washington this twenty-sixth day of November in the year of our Lord one thousand nine hundred and [SEAL] thirty, and of the Independence of the United States of America the one hundred and fifty-fifth.

HERBERT HOOVER

By the President:

H L STIMSON

Secretary of State.