

SUPPRESSION OF SMUGGLING

Convention signed at Washington April 25, 1928

Senate advice and consent to ratification May 25, 1928

Ratified by the President of the United States June 11, 1928

Ratified by Greece January 8, 1929

Ratifications exchanged at Washington February 18, 1929

Proclaimed by the President of the United States February 18, 1929

Entered into force February 18, 1929

45 Stat. 2736; Treaty Series 772

The United States of America and Greece, being desirous of avoiding any difficulties which might arise between them 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:

The President of the United States of America: Frank B. Kellogg, Secretary of State of the United States, and

The President of the Hellenic Republic: Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece at Washington,

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

ARTICLE 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.

ARTICLE II

The President of the Hellenic Republic agrees that Greece will raise no objection to the boarding of private vessels under the Greek 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 which shall have given ground for such suspicion, may be effected.

ARTICLE III

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 the pertinent provisions of law.

ARTICLE IV

The boarding referred to in Article II shall not be made 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 the former vessel and not the speed of the vessel boarded, which shall determine the distance from the coast within which the action referred to in Article II may be taken.

ARTICLE V

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 Greek 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 VI

Any claim preferred in behalf of a Greek 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 convention or on the ground that it has not been given the benefit of Article V shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties and whose decision shall be given effect if made in common accord.

When the said persons shall fail to agree, the claim shall be referred to an umpire selected by the two Governments; should the Governments fail to agree on the choice of an umpire, the claim shall be referred to the Permanent Court of Arbitration at The Hague, maintained under the Convention for the Pacific Settlement of International Disputes, signed at The Hague October 18, 1907.¹ The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and Article 59 (Chapter III) of that Convention. The proceedings shall be regulated by the provisions in the said Chapters III and IV (special regard being had to Articles 70 and 74, but excepting Articles 53 and 54) which the Tribunal may consider to be applicable and to be consistent with the provisions of this Convention. The 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.

ARTICLE VII

This Convention shall be ratified by the High Contracting Parties. It shall come into force on the day of the exchange of ratifications which shall take place at Washington as soon as possible and shall remain in force for one year.

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 an agreement in regard to such modifications has not been reached before the expiration of the year, the Convention shall lapse at the end of said period.

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 the expiration of the said year, modifications in the Convention that they may deem expedient, and to the provision that if an agreement in regard to such modifications has not been reached before the expiration of the year, the Convention shall lapse at the end of said period.

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

¹ TS 536, *ante*, vol. 1, p. 577.

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.

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

Done at the city of Washington this twenty-fifth day of April, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

CH. SIMOPOULOS [SEAL]