

Chapter II

BILATERAL TREATIES

- 1) CONVENTION ¹ BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN RESPECTING FISHERIES, BOUNDARY AND THE RESTORATION OF SLAVES, CONCLUDED 20 OCTOBER 1818 ²

Article I. Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; Provided however, that the American fishermen shall be admitted to enter such bays and harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

¹ *Treaties and Conventions between the United States of America and other Powers, 1776-1909, vol. I, pp. 631 et seq.*

² Ratified.

2) TRAITÉ ¹ DE COMMERCE, DE NAVIGATION ET D'AMITIÉ ENTRE LA RUSSIE, LA SUÈDE ET LA NORVÈGE, SIGNÉ LE 8 MAI 1838 ²

Article 1^{er}. Les bâtiments suédois et norvégiens, ainsi que les bâtiments russes et finlandais, seront traités dans les ports respectifs des deux hautes puissances contractantes, tant à leur entrée qu'à leur sortie, à l'égal des nationaux pour les droits de port, de tonnage, de fanaux, de pilotage et de sauvetage, ainsi que pour tout autre droit ou imposition payable, soit à la couronne, soit aux villes ou à des établissements particuliers quelconques, à quel titre et sous quel dénomination que ce soit. Il est convenu que ces dispositions s'étendent aux droits de navigation par les canaux de Gothie et de Trollhatta.

Les dispositions ci-dessus sont applicables indistinctement à toutes les embarcations et à tous les bâtiments marchands chargés ou sur leur lest, quelles qu'en soient la capacité et la construction.

3) CONVENTION BETWEEN GREAT BRITAIN AND FRANCE, FOR DEFINING AND REGULATING THE LIMITS OF THE EXCLUSIVE RIGHT OF THE OYSTER AND OTHER FISHERY ON THE COASTS OF GREAT BRITAIN AND OF FRANCE, SIGNED AT PARIS, 2 AUGUST 1839 ^{3 4}

Article 1. ⁵ It is agreed, that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present Convention, and signed by the respective Plenipotentiaries, shall be acknowledged by the High Contracting Parties, as defining the limits between which and the French shore, the oyster fishery shall be reserved exclusively to French subjects; and these lines are as follows, that is to say:

(See treaty no. 3 (b) below.)

Article 2. The oyster fishery within 3 miles of the island of Jersey, calculated from low-water mark, shall be reserved exclusively to British subjects.

Article 3. The oyster fishery outside of the limits within which that fishery is exclusively reserved to British and French subjects, respectively, as stipulated in the preceding articles, shall be common to the subjects of both countries.

Article 4. Between sunset and the ensuing sunrise, the subjects of both countries, respectively, shall be prohibited from dredging for oysters between the coast of Jersey and the coast of France, from *Cape Carteret* to *Point Meinga*.

Article 5. Inasmuch as the law of France requires that all French fishing-boats shall be marked and numbered, it is hereby agreed that all British fishing-boats dredging for oysters between Jersey and the coast of France, shall also be marked and numbered.

¹ Martens, *Nouveau Recueil général de Traités*, t. XV, p. 580 et suiv.

² Ratifié.

³ *British and Foreign State Papers*, 1838-1839, vol. 27, pp. 983 et seq.; French text: *ibid*.

⁴ Ratified.

⁵ Paragraphs 2 and following of this article have been modified by the Agreement of 20 December 1928 (see *infra*, Treaty No. 3(b)).

Article 6. All British boats, employed in the said oyster fishery, shall be registered at the office of the Inspector of Fisheries in the island of Jersey; and the entry of each boat on the register shall state the number, description, and tonnage of such boat, and also the name of its owner. This entry must be repeated every year, on or before the commencement of the fishing season.

Article 7. The right of shelter in the islands of Chausey shall be granted to English fishermen on account of damage, or of evident bad weather.

Article 8. Whenever the fishing-boats of either of the two nations shall be carried within the limits established for the fishery of the other country, by contrary winds, by strong tides, or by any other cause independent of the will of the master and crew; or whenever they shall have passed within those limits in working back to regain their fishing-ground, the master shall be bound immediately to hoist a blue flag of 2 feet long, and 3 feet broad, and to keep that flag at the mast-head, so long as they shall remain within the said limits.

The cruisers of each nation shall exercise their judgment as to the causes of such trespassings; and when they shall be satisfied that the said fishing-boats have neither dredged nor fished within the limits above-mentioned, the aforesaid cruisers shall not detain either the boats or the crews, nor use any measures of severity towards the latter.

Article 9. The subjects of Her Britannick Majesty shall enjoy the exclusive right of fishery within the distance of 3 miles from low water mark, along the whole extent of the coasts of the British Islands; and the subjects of the King of the French shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark, along the whole extent of the coasts of France; it being understood, that upon that part of the coast of France which lies between *Cape Carteret* and *Point Meinga*, French subjects shall enjoy the exclusive right of all kinds of fishery within the limits assigned in Article 1 of this Convention, for the French oyster fishery.

It is equally agreed, that the distance of 3 miles fixed as the general limit for the exclusive right of fishery upon the coasts of the 2 countries, shall, with respect to bays, the mouths of which do not exceed 10 miles in width, be measured from a straight line drawn from headland to headland.

Article 10. It is agreed and understood, that the miles mentioned in the present Convention, are geographical miles, whereof 60 make a degree of latitude.

(a) REGULATIONS¹ FOR THE GUIDANCE OF THE FISHERMEN OF GREAT BRITAIN AND OF FRANCE, IN THE SEAS LYING BETWEEN THE COASTS OF THE TWO COUNTRIES, SIGNED AT LONDON, 24 MAY 1843²

Article 1. British and French subjects fishing in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland, and those of the Kingdom of France, shall conform to the following regulations.

¹ *Ibid.*, 1842-1843, vol. 31, pp. 165 *et seq.*; French text, *ibid.*

² Prepared in pursuance of the Provisions of the 11th Article of the Convention concluded at Paris on 2 August 1839 (see *supra*). These Regulations have been approved by the Declaration between Great Britain and France signed at London 23 June 1843 (*British and Foreign State Papers*, 1842-1843, vol. 31, pp. 190-191).

Article 2. The limits, within which the general right of fishery is exclusively reserved to the subjects of the 2 kingdoms respectively, are fixed, (with the exception of those in Granville Bay) at 3 miles distance from low water-mark.

With respect to bays, the mouths of which do not exceed 10 miles in width, the 3-mile distance is measured from a straight line drawn from headland to headland.

Article 3. The miles mentioned in the present regulations are geographical miles, of which 60 make a degree of latitude.

*Article 4*¹. The fishery limits of Granville Bay, established upon special principles, are defined in the 1st Article of the Convention of August 2nd, 1839, as follows:

The lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the Convention, are acknowledged as defining the limits between which and the French shore, the oyster fishery shall be reserved exclusively to French subjects; and these lines are as follows, that is to say:

. . .

(See Treaty No. 3 (*b*) below.)

. . .

Article 5. It is forbidden to British fishermen to set their nets, or to fish in any manner whatsoever, within the French limits; and it is equally forbidden to French fishermen to set their nets, or to fish in any manner whatsoever within the British limits.

. . .

Article 85. The fishing boats of the one country shall not approach nearer to any part of the coasts of the other country, than the limit of 3 miles, specified in Article IX of the Convention signed at Paris on the 2nd of August, 1839, except under the following circumstances:

1. When driven by stress of weather, or by evident damage, to seek shelter in the harbours, or within the fishery limits of the other country.

2. When carried within the limits established for the fishery of the other country, by contrary winds, by strong tides, or by any other cause independent of the will of the master and crew.

3. When obliged, by contrary winds or tide, to beat up in order to reach their fishing ground; and when, from the same cause of contrary wind or tide, they could not, if they remained outside, be able to hold on their course to their fishing ground.

4. When, during the herring fishing season, the herring fishing boats of the one country shall find it expedient to anchor under shelter of the coasts of the other country, in order to await a favourable opportunity for proceeding to their lawful fishery outside of the limits defined by Article IX of the Convention of August 2, 1839.

Article 86. Whenever, in any of the cases of exception, specified in the preceding Article, the fishing boats of either nation shall have occasion to

¹ Paragraphs 3 and following of this article have been modified by the Agreement of 20 December 1928 (see *infra*, treaty No. 3(*b*)).

sail or anchor within the limits defined by the Convention of August 2nd, 1839, the masters of such boats shall immediately hoist a blue flag, 2 feet high and 3 feet long, and shall keep this flag flying at the mast-head so long as they shall remain within the said limits. Consequently, this flag shall not be hauled down until the boats are actually outside of those limits.

These boats, when within the aforesaid limits, are not only prohibited from fishing themselves, but are also forbidden to send their small boats to fish, even outside of the limits in question. They must all (with the exception of herring boats which may be waiting, as they have the privilege of doing, for a favourable opportunity to proceed to their lawful fishery) return outside of the said limits, so soon as the causes shall have ceased which obliged them to come in under the cases of exception specified.

It is further agreed, conformably to the tenor of the present regulations, that the fishing boats of the one country shall not use the ports of the other country for the greater convenience of their fishery operations, either in proceeding from thence to their lawful fishery in the seas common to both, or in returning thereunto after fishing; it being understood, however, that this stipulation does not in any manner impair the right of putting into port in the cases of exception specified in Article 85.

(b) AGREEMENT¹ BETWEEN HIS MAJESTY'S GOVERNMENTS IN THE UNITED KINGDOM AND THE IRISH FREE STATE AND THE FRENCH GOVERNMENT, REGARDING THE LIMITS OF FRENCH FISHERIES IN GRANVILLE BAY, SIGNED AT LONDON, 20 DECEMBER 1928²

Considering that since the time of conclusion of the Anglo-French Convention of the 2nd August, 1839, and the Regulations of the 24th May, 1843, concerning the fisheries in the waters situated between the coast of France and the coasts of Great Britain and Northern Ireland and of the Irish Free State changes have occurred in the condition of the places in which are situated the marks used to define the limiting line of the zone reserved for French fishers in Granville Bay.

Considering that, in consequence, it is necessary to redefine the bearings employed to determine the various salient points of this limiting line.

Have agreed to substitute for article 1 (paragraphs 2 and following) of the Convention of the 2nd August, 1839, and for article 4 (paragraphs 3 and following) of the Regulations of the 24th May, 1843, the subjoined text:

“The first line runs in a true north direction starting from the point A situated 3 miles from low-water mark, Meinga point being situated south of it, as far as the point B, the marks for which are Meinga point bearing south, Chausey lighthouse in line with the semaphore and Montmartin belfry north 78° east;

“The second line runs from the said point B in the direction north 61° east as far as the point C situated in the vicinity of the Ardentes buoy and defined by the three following bearings:

“Montmartin belfry north 83° east, Chausey semaphore in line with the Enseigne black-and-white tower, and Roc light-house (at Granville) in line with the Canuettes tower (in the Chausey isles);

¹ League of Nations, *Treaty Series*, vol. 86, pp. 431 *et seq.*

² Entered into force 20 January 1929.

“ Starting from the point C, the third line runs in the direction north 83° east, heading for Montmartin belfry, as far as the point D defined by the following bearings: the Etat tower in line with that of the Huguenans, Coutances cathedral in line with Rouquet tower, and Chausey chapel in line with the right side of the Sollière;

“ The fourth line runs from the point D along the bearing formed by the Etat tower in line with that of the Huguenans until it reaches the intersection E (the Marié shoal buoy, on which is the letter E) of that line by the bearing Agon belfry in line with Coutances belfry;

“ The fifth line follows the line of bearing Agon belfry in line with Coutances belfry, starting from the point E, as far as the point F, indicated by a buoy marked ‘ F Internationale ’ and defined by the following bearings: Coutances belfry in line with Agon belfry, Pirou belfry in line with Senéquet lighthouse, and Champeaux point in line with Point du Roc;

“ The sixth line, starting from the point F, runs true north as far as the point G, of which the marks are: Blainville belfry in line with Senéquet lighthouse and the Bœufs black-and-red tower bearing west;

“ The seventh line runs from the point G in the direction north 53° east, heading for Pirou belfry, as far as the point H, defined by the bearings Pirou belfry bearing north 53° east, Senéquet lighthouse bearing south, and Carteret lighthouse bearing north 21.5° west;

“ The eighth line runs from the point H in the direction north 22° west, heading for the seaward extremity of Cape Carteret, as far as the point I, defined by the following bearings: Pirou belfry in line with St. Germain semaphore, the house on the top of Rond Nez point (Jersey) in line with the summit of Maîtresse Isle in the Ecréhous group, and Port Bail belfry bearing north 62° east;

“ The ninth line runs from the point I in the direction north 55° west as far as the point K (the Trois Grunes buoy), of which the marks are Mount Orgueil Castle (Jersey) in line with the Vieille des Ecréhous rock and the summit of Cape Carteret in line with the semaphore. ”

The bearings specified in the present article are to be taken as referring to the true meridian and not to the magnetic meridian.

The present declaration shall come into force on the 20th January, 1929.

It shall be incorporated with the said articles of the Convention of the 2nd August 1839, and of the Regulations of the 24th May 1843, enacted to carry that Convention into effect.

- c) AGREEMENT ¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC REGARDING RIGHTS OF FISHERY IN AREAS OF THE ECRÉHOS AND MINQUIERS, SIGNED AT LONDON, 30 JANUARY 1951 ²

Article I. Subject to the provisions of Articles II, III and IV of the present Agreement, the 1839 Convention shall, as between the Contracting

¹ *United Nations Treaty Series*, vol. 121 (1952), p. 98. French text: *ibid.*, p. 99.

² Came into force on 24 September 1951.

Parties, be interpreted as conferring on British nationals and French nationals equal rights of fishery in the whole area between the limit of three miles calculated from low-water mark on the coast of the island of Jersey and the limit within which the exclusive right of fishing is reserved to French nationals by the 1839 Convention as redefined by the Declaration between the United Kingdom and the Irish Free State and France regarding the limits of French Fisheries in Granville Bay signed on 20th December, 1928.

Article II. (a) The Contracting Party, which is held to have sovereignty over the Maitresse Ile in the Ecrehos group, shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone A) having a radius of one-third of a mile and centred on the beacon situated in the middle of that island, subject to the exceptions set out in paragraph (b) of this Article.

(b)-(i) The whole of the two isolated rocks which lie between the Colombier and the Maitresse Ile shall be included within Zone A.

(ii) The whole of the island of Marmotier together with the rocks at the southernmost extremity thereof, the isolated rock which lies to the south-westward of the island and the whole of the Bigorne Bank shall be excluded from Zone A.

Article III. (a) The Contracting Party, which is held to have sovereignty over the Maitresse Ile in the Minquiers group, shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone B) having a radius of one half mile and centred on the point where the flagstaff situated on the northern part of the island stood on 24th July, 1950, subject to the exceptions set out in paragraph (b) of this Article.

(b)-(i) The whole of the group of rocks known as the "Rocher du Sud" (but not the "Rocher du Sud Bas") shall be included within Zone B.

(ii) The whole of the Red Fourchi Bank shall be excluded from Zone B.

Article IV. (a) If it is held that the United Kingdom has sovereignty over the Pipette rocks, the Government of the United Kingdom shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone C) having a radius of one half mile and centred on the Pipette Beacon erected on the rock which on French chart No. 4599 bears the mark 13.3. It is, however, agreed that Zone C shall include the whole of the group of rocks known as "La Carrée".

(b) If it is held that France has sovereignty over the rocks known as the Maisons, the Government of the French Republic shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone D) having a radius of one half mile and centred on the Maisons Beacon erected on the rock which on French chart No. 4599 bears the mark 20. It is, however, agreed that Zone D shall include the whole of the group of rocks known as "La Vision".

Article V. (a) In the present Agreement, the word "mile" means a sea-mile equal to one minute of latitude.

(b) For the purpose of the application of Articles II, III and IV, the area of the rocks and banks, to be included in or excluded from Zones A, B, C and D, shall be the area which is uncovered at the lowest low-water.

(c) The limits of Zones A, B, C and D shall be as shown on the two charts annexed to the present Agreement. If there should be any discrepancy between the limits as shown on the charts and as described in Articles II, III and IV, the limits shown on the charts shall prevail.

Article VI. (a). Concessions granted in accordance with the present Agreement shall—

(i) Cover areas adjoining land which is above water at all states of the tide;

(ii) Be clearly defined as regards the area to be covered, which, where practicable, shall be clearly marked;

(iii) Be used *bona fide* for the purposes of fishing, or breeding or conserving fish, including crustaceans and shell-fish.

(b) Such concessions shall be granted by the Government of the United Kingdom to British nationals only and by the Government of the French Republic to French nationals only.

(c) The nationals of one Contracting Party shall be prohibited from fishing within the limits of any concession granted by the other. Such prohibition shall apply to all types of fishing, including oyster fishing, within the limits of the concession.

(d) The Contracting Party granting a concession shall give notice thereof to the other Contracting Party and the prohibition mentioned in paragraph (c) of this Article shall take effect three months after receipt of the notification by the latter.

(e) Concessions granted in accordance with the present Agreement shall not interfere with—

(i) Freedom of access for boats belonging to nationals of either Contracting Party to the anchorage on the north side of the Maitresse Ile in the Ecrehos and the anchorage on the east side of the Maitresse Ile in the Minquiers;

(ii) Freedom of access for such boats to the disembarkation points at those anchorages.

Article VII. For the purposes of the present Agreement:

(a) The expression “British nationals” means—

(i) Physical persons who are British subjects or British-protected persons, and

(ii) Juridical persons incorporated under the laws in force in the United Kingdom or in any territory for whose international relations the Government of the United Kingdom is responsible.

(b) The expression “French nationals” means, physical or juridical persons who are nationals of the French Republic or of countries or territories for whose international relations the French Republic is responsible.

4) TREATY¹ OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND MEXICO, SIGNED AT GUADALUPE HIDALGO, 2 FEBRUARY 1848²

*Article 5.*³ The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell*"; of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and

¹ *Treaties and Conventions between the United States and Other Powers, 1706-1909, vol. 1, pp. 1107 et seq.*

² Ratified.

³ This article was amended by Article 1 of the treaty of 30 December 1853 (see *infra*, Treaty No. 5).

shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

5) TREATY ¹ BETWEEN MEXICO AND THE UNITED STATES, 30 DECEMBER 1853 ²

Article 1. The Mexican Republic agrees to designate the following as her true limits with the United States for the future, Retaining the same dividing line between the two California's, as already defined and established according to the 5th Article of the Treaty of Guadalupe Hidalgo, the limits between the Two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande as provided in the fifth article of the Treaty of Guadalupe Hidalgo, thence as defined in the said article, up the middle of that river to the point where the parallel of 31°47' north latitude crosses the same, thence due west one hundred miles, thence south to the parallel of 31°20' north latitude, thence along the said parallel of 31°20' to the 111th meridian of longitude west of Greenwich, thence in a straight line to a point on the Colorado river twenty English miles below the junction of the Gila and Colorado rivers, thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the Treaty each of the two Governments shall nominate one Commissioner to the end that, by common consent, the two thus nominated having met in the City of Paso del Norte, three months after the exchange of the ratifications of this Treaty may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the Mixed Commission according to the Treaty of Guadalupe keeping a Journal and making proper plans of their operations. For this purpose if they should Judge it necessary. The contracting Parties shall be at liberty each to unite to its respective Commissioner Scientific or other assistants, such as Astronomers and Surveyors whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the Commissioners may fix, their consent in this particular being considered decisive and an integral part of this Treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the Parties contracting.

The dividing line thus established shall in all time be faithfully respected by the two Governments without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the Law of Nations, and in accordance with the Constitution of each country respectively.

¹ Miller, *Treaties and Other International Acts of the United States of America*, 1852-1855, vol. 6, Documents 152-172, pp. 292 *et seq.*

² Ratified.

In consequence, the stipulation in the 5th Article of the Treaty of Guadalupe upon the Boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

6) TREATY¹ OF FRIENDSHIP, COMMERCE, NAVIGATION AND EXTRADITION BETWEEN PORTUGAL AND BOLIVIA, SIGNED AT LA PAZ, 10 MAY 1879²

Article 5. There shall be full and perfect liberty of commerce and navigation between the subjects of His Majesty the King of Portugal and the citizens of the Republic of Bolivia.

Portuguese subjects shall freely enter, together with their ships and cargoes, any rivers, canals, ports, inlets, and any other places that are already, or may hereafter be, opened to foreign trade on the part of the Government of the Republic of Bolivia, both on their sea-coast and in their navigable rivers; and the citizens of the Republic of Bolivia shall likewise freely enter, together with their ships and cargoes, any rivers, canals, ports, inlets, and any other places in the territories of Portugal, in which foreign trade is already or may hereafter be allowed.

Article 8. Portuguese ships on their entrance into or departure from the ports of the Republic of Bolivia, and Bolivian ships on their entrance into or departure from the ports of the Kingdom of Portugal, shall not be subject to any other or higher tonnage, lighthouse, port, quarantine dues (or of any other kind), being incidental on the hull or gear of ships, than those paid under similar circumstances by vessels under the national flag.

Article 13. The subjects or citizens of the two States who may be compelled to seek refuge or asylum with their ships in any rivers, ports, or places within the territory of the other, by reason of storms or of persecution by pirates or enemies, or in consequence of any damage to the hulls or gear of their vessels, or on account of their running short of water, coal, or provisions, shall be favourably received, and the assistance and protection of which they may stand in need shall be rendered unto them in order to repair their vessels and to take in provisions, so as to enable them to proceed on their voyage without any obstacle or hindrance, and without being called upon to pay any duties or taxes.

Should the vessel, however, after being duly repaired, and after the removal of any obstacles which may have prevented her going to sea, stay in port more than 48 hours, she shall be liable to pay the port dues and other imposts, as imposed by the laws and regulations in force.

Article 14. Vessels of war are exempt from the payment of any transit or ports dues, their course cannot be delayed under any pretext, and they shall enjoy at all places and ports, where communication with the shore is

¹ *British and Foreign State Papers*, 1878-1879, vol. 70, pp. 858 *et seq.*

² Ratified.

allowed, all the other exemptions, honours, and favours which are generally in use among civilized nations; nevertheless they shall be bound to comply with the regulations in force in the two countries.

Article 15. The two High Contracting Parties, being desirous of promoting and facilitating steam navigation between the ports of the two countries, will accord to the Portuguese and Bolivian lines of steamers engaged in the conveyance of passengers and cargo between their respective ports, any favours, privileges, and immunities which they may have already or may hereafter accord to any other line of steam navigation, with the exception of any special subventions granted to any Company on special grounds.

Article 16. The coasting navigation is not comprised in the stipulations of this Treaty, but it will be subject, where it may be allowed, to the special laws and regulations in force in the respective countries.

. . .

7) TRAITÉ ¹ DE NAVIGATION ENTRE LA FRANCE, LA SUÈDE ET LA NORVÈGE, SIGNED À PARIS, LE 30 DÉCEMBRE 1881 ²

Article 1^{er}. Il y aura pleine et entière liberté de commerce et de navigation entre les nationaux des Hautes Parties contractantes; ils ne payeront pas, à raison de leur commerce ou de leur industrie, dans les ports, villes ou lieux quelconques des États respectifs, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, de droits, taxes ou impôts, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui se percevront sur les nationaux; et les privilèges, immunités ou autres faveurs quelconques dont jouissent, en matière de commerce, d'industrie ou de navigation, les nationaux de l'un des États contractants, seront communs à ceux de l'autre.

Article 2. Les navires français, chargés ou non, ainsi que leurs cargaisons, en Suède ou en Norvège, et les navires suédois et norvégiens, chargés ou non, ainsi que leurs cargaisons, en France ou en Algérie, à leur arrivée d'un port quelconque et quel que soit le lieu d'origine ou de destination de leurs cargaisons, jouiront, sous tous les rapports, à l'entrée, pendant leur séjour et à la sortie, du même traitement que les navires nationaux et leurs cargaisons.

Il est fait exception à la disposition qui précède pour le cabotage, dont le régime demeure soumis aux lois respectives des Pays contractants.

Il est, d'ailleurs, convenu que les navires des nations respectives naviguant au cabotage seront traités, de part et d'autre, sur le même pied que les navires des nations les plus favorisées.

Article 3. Seront complètement affranchis des droits de tonnage et d'expédition dans les ports respectifs:

1. Les navires qui, entrés sur lest, de quelque lieu que ce soit, en sortiront sur lest;
2. Les navires qui, passant d'un port de l'un des États respectifs dans un ou plusieurs ports du même État, soit pour y déposer tout ou partie de leur cargaison, soit pour y composer ou pour y compléter leur chargement, justifieront avoir déjà acquitté ces droits;

¹ Martens, *Nouveau Recueil général de Traités*, 2e série, t. IX, p. 193 et suiv.

² Ratifié.

3. Les navires qui, entrés avec chargement dans un port, soit volontairement, soit en relâche forcée, en sortiront sans avoir fait aucune opération de commerce.

Ne seront pas considérés, en cas de relâche forcée, comme opération de commerce: le débarquement et le rechargement des marchandises pour la réparation du navire, le transbordement sur un autre navire, en cas d'in-navigabilité du premier, les dépenses nécessaires au ravitaillement des équipages et la vente des marchandises avariées, lorsque l'administration des douanes en aura donné l'autorisation.

Article 4. Les deux Hautes Parties contractantes se réservent la faculté de prélever, dans leurs ports respectifs, sur les navires de l'autre Puissance, ainsi que sur les marchandises composant la cargaison de ces navires, des taxes spéciales affectées au besoin d'un service local.

Il est entendu que les taxes dont il s'agit devront, dans tous les cas, être appliquées également aux navires des Hautes Parties contractantes ou à leurs cargaisons.

En ce qui concerne le placement des navires, leur chargement ou leur déchargement dans les ports, havres, rades ou bassins, et généralement pour toutes les formalités ou dispositions quelconques auxquelles peuvent être soumis les navires de commerce, leurs équipages et leurs cargaisons, il ne sera accordé aux navires nationaux, dans les États respectifs, aucun privilège, ni aucune faveur, qui ne le soit également aux navires de l'autre Puissance, la volonté des Hautes Parties contractantes étant que, sous ce rapport, les bâtiments français et les bâtiments suédois et norvégiens soient traités sur le pied d'une parfaite égalité.

Note. Les dispositions des articles 2, 3 et 4 de ce traité sont identiques à celles des articles 11 (par. 2 et 3), 12, 13 et 14 du traité de commerce et de navigation entre le Portugal, la Suède et la Norvège, conclu le 10 avril 1885 (Martens, *Nouveau Recueil général de Traités*, 2^e série, t. XIV, p. 70). Ce traité a été ratifié.

8) TRAITÉ¹ DE COMMERCE ET DE NAVIGATION ENTRE L'ESPAGNE ET LA FRANCE SUIVI DE PLUSIEURS TARIFS ET D'UNE DÉCLARATION, SIGNÉ À PARIS, LE 6 FÉVRIER 1882²

Article 2. Les ressortissants de chacune des deux Hautes Parties contractantes auront réciproquement, au même titre que les nationaux, la faculté d'entrer avec leurs navires et chargements dans tous les ports et rivières des États, provinces et possessions de l'autre; de voyager, de résider, de s'établir partout où ils le jugeront convenable pour leurs intérêts . . .

Article 28. Les paquebots chargés d'un service postal et appartenant à des compagnies subventionnées par l'un des deux États ne pourront être, dans les ports de l'autre, détournés de leur destination ni être sujet à saisie-arrêt, embargo ou arrêt de prince.

¹ *Ibid.*, p. 139 et suiv.

² Ratifié.

Article 29. Les dispositions du présent Traité ne s'appliquent pas au régime du cabotage ni au régime de la pêche.

Chacune des deux Hautes Parties contractantes réserve pour ses nationaux exclusivement l'exercice de la pêche dans ses eaux territoriales.

. . .

Note. Les dispositions des articles 21, 23 et 26 de ce traité sont identiques à celles des articles 2 (par. 1), 3 et 4 (par. 3) du traité n° 7 mentionné plus haut.

9) TREATY¹ OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN GERMANY AND MEXICO, SIGNED AT MEXICO, 5 DECEMBER 1882²

. . .

Article 2. There shall likewise be reciprocal freedom of commerce and navigation between the Contracting Parties. The subjects and citizens of each shall, in the territory of the other, have liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers to which the subjects and citizens of the most favoured nation are now or may hereafter be permitted to come. In the aforesaid place, as in all others, they shall be permitted to remain and reside, to occupy and hire houses and warehouses for the purposes of their commerce, whether wholesale or retail, and generally to enjoy the same rights, privileges, and immunities as are or may be enjoyed by the subjects and citizens of the most favoured nation, on condition of course that they submit to the Laws and Regulations of the country in which they are residing.

Article 3. The ships of war of one of the Contracting Parties shall have free and secure access in the territory of the other to all such places, ports, and rivers as are now or may hereafter be opened to the ships of war of the most favoured nation, and they shall there be treated on the same footing as the latter.

Article 4. Merchant-vessels, belonging to one of the Contracting Parties, shall, so long as they submit to the Laws and Regulations existing in the territory of the other, be permitted to carry cargo for one or more ports of such territory, and to take on board cargo there, without being called upon to pay other or higher duties, or to submit to other formalities, than the merchant-vessels of the most favoured nation are now called upon, or may hereafter be called upon, to pay or submit to.

It is to be understood that this provision does not extend to the coasting trade, which, in the respective territories of the Contracting Parties, is reserved for national vessels. But should either of the parties eventually extend the coasting trade, either partially or entirely, to one or more nations, it shall be competent for the other party to claim for its subjects or citizens whatever concessions and privileges may in this respect be extended to the subjects and citizens of the most favoured nation, so long as such other party on its side grants reciprocity in return for what it asks.

¹ *British and Foreign State Papers*, vol. 73, 1881-1882, pp. 709 *et seq.*

² Ratified.

Article 5. On entering, leaving, or remaining in the territory or ports of one of the Contracting Parties, the vessels of the other shall not be required to pay other or higher duties, or imposts levied in behalf of public functionaries, for tonnage, harbour, pilotage, lighthouse, quarantine, and salvage dues, nor any general or local dues of whatever denomination, other than those which are imposed or may hereafter be imposed on the vessels of the most favoured nation.

The registered burden of a vessel shall, as regards tonnage dues, be taken as a basis for calculating them.

With respect to the application of this and other Articles of the present Treaty, it is to be understood that, when reference is made to the ports of either of the two Contracting Parties, such ports are intended as are or may hereafter be opened for import and export trade.

Article 6. Steam-vessels belonging to either of the Contracting Parties, which perform periodical voyages between the two countries, shall in respect of arrival, dispatch, and sailing enjoy the same facilities as are or may hereafter be granted to the steam-vessels of the most favoured nation.

. . .

Article 8. In all that relates to the police of ports, to the loading and unloading of vessels, and to the custody of goods and other effects, the subjects and citizens of the Contracting Parties shall be subject to the Laws and Regulations in force in the respective territories. With regard to Mexican ports it is to be understood that by these Laws and Regulations those are intended which have already been or may hereafter be issued by the Federal Government, as well as all such enactments of local authorities as refer to sanitary matters.

The two Contracting Parties agree to consider as the limit of maritime jurisdiction on their coasts, the distance of 3 "sea leagues", reckoned from low-water mark. Nevertheless, this stipulation shall not have effect except as regards the coast-guard and Custom-house service, and the measures for preventing contraband trade. As regards all other questions of international law it shall have no application. It is, however, to be understood that the aforesaid extension of maritime jurisdiction shall not be made applicable by one of the Contracting Parties as against the vessels of the other, unless that party shall treat in the same manner the vessels of all other nations with which it may have Treaties of Commerce and Navigation.

. . .

Article 12. If a vessel belonging to the subjects or citizens of one of the Contracting Parties should strand or be wrecked, or suffer damages on the coasts or within the jurisdiction of the other, there shall be extended to her the same amount of protection and assistance as is given under similar circumstances to national vessels. The cargo, if necessary, may be unloaded, precautionary measures being taken for the prevention of fraud, but no duties or charges of any kind shall be imposed on the goods and effects saved from the wreck, unless intended for consumption in the country.

. . .

10) TRAITÉ ¹ DE NAVIGATION ENTRE L'ESPAGNE, LA SUÈDE ET LA NORVÈGE,
SIGNÉ À MADRID, LE 15 MARS 1883 ²

Article 3. Seront complètement affranchis des droits de navigation, de port, de tonnage et d'expédition dans les ports respectifs:

1. Les navires qui, entrés sur lest de quelque lieu que ce soit, en repartiront sur lest;

2. Les navires qui, passant d'un port de l'un des États dans un ou plusieurs ports du même État, soit pour y déposer toute ou partie de leur cargaison, soit pour y composer ou compléter leur chargement, justifieront avoir déjà acquitté ces droits.

De même, tout bâtiment espagnol et tout bâtiment suédois ou norvégien qui sera obligé d'entrer par relâche forcée dans un des ports de l'une ou de l'autre des Hautes Parties contractantes, y sera exempt de tout droit de port ou de navigation perçu ou à percevoir au profit de l'État, si les causes qui ont rendu la relâche nécessaire, sont valables et évidentes, et pourvu qu'ils ne fassent dans le port de relâche aucune opération de commerce en chargeant ou déchargeant des marchandises; bien entendu cependant que les chargements ou déchargements qui auraient pour motif les travaux de réparation du navire ou la subsistance de l'équipage, ne seront point considérés comme des opérations de commerce qui donnent lieu au paiement des droits.

Article 4. En cas de naufrage dans un endroit appartenant à l'une ou à l'autre des Hautes Parties contractantes, toutes les opérations relatives au sauvetage des bâtiments naufragés, échoués ou abandonnés, seront dirigées par les consuls dans les États respectifs. Ces bâtiments, leurs parties ou leurs débris, leurs agrès et tous les objets qui leur appartiendront, ainsi que tous les effets et marchandises qui auront été sauvés, ou leur produit, s'ils ont été vendus, comme aussi tous les papiers qui auront été trouvés à bord, seront consignés au consul ou vice-consul respectif dans le district où le naufrage aura eu lieu. Les autorités locales respectives interviendront pour maintenir l'ordre, garantir les intérêts des personnes employées au sauvetage, si elles sont étrangères aux équipages des bâtiments susdits, et assurer l'exécution des dispositions qui devront être prises pour l'entrée et pour la sortie des marchandises sauvées.

Elles devront de même, en l'absence ou jusqu'à l'arrivée des agents consulaires, prendre toutes les mesures pour la protection des individus et la conservation des objets sauvés.

Article 5. Il ne sera exigé soit du consul, soit des propriétaires ou de ceux qui y ont droit, que le paiement des dépenses faites pour la conservation de la propriété; les droits de sauvetage et les frais de quarantaine seront les mêmes que ceux qui seraient également payés dans le même cas par un navire national.

Les marchandises sauvées ne seront soumises à aucun droit ou frais de douane, jusqu'au moment de leur admission pour la consommation intérieure.

¹ Martens, *Nouveau Recueil général de Traités*, 3e série, t. IV, p. 784 et suiv.

² Ratifié.

Dans le cas d'une réclamation légale quelconque par rapport au naufrage, aux marchandises, et aux effets naufragés, le tribunal compétent du pays où le naufrage a eu lieu sera appelé à en décider.

Article 10. Les paquebots chargés d'un service postal et appartenant à des compagnies subventionnées par l'un des États contractants ne peuvent être, dans les ports de l'autre, détournés de leur destination, ni être sujets à saisie-arrêt, embargo ou arrêt de prince.

Toutefois, en ce qui concerne l'application du présent article, les Hautes Parties contractantes conviennent de prendre, d'un commun accord, les dispositions nécessaires pour assurer vis-à-vis de l'administration la garantie des compagnies subventionnées relativement aux responsabilités qui pourraient être encourues tant par les capitaines de leurs paquebots que par lesdites compagnies elles-mêmes.

Note. Les dispositions des articles 2 et 6 de ce traité sont identiques à celles des articles 2 (par. 1) et 4 (par. 1 et 3) du traité n° 7 (*supra*) ainsi qu'à celles de l'article 29 du traité n° 8 (*supra*).

11) TRAITÉ¹ D'AMITIÉ, DE COMMERCE ET DE NAVIGATION ENTRE L'ARGENTINE, LA NORVÈGE ET LA SUÈDE, SIGNÉ À VIENNE, LE 17 JUILLET 1885²

Article 2 . . .

Les citoyens et sujets des Parties contractantes pourront, en toute liberté et sûreté, se rendre avec leurs navires et cargaisons dans tous les parages, ports, et rivières de l'un ou l'autre État où il est ou serait permis d'arriver aux nationaux et aux navires et cargaisons de tout autre pays étranger. Ils pourront pénétrer sur les mêmes points, séjourner et résider dans une partie quelconque de ces territoires, y louer et y occuper des maisons et magasins pour leur résidence et leur commerce; trafiquer en produits de toute nature et en marchandises de toute sorte en se soumettant aux lois et règlements du pays, et ils jouiront en toute chose et toujours sur la même réserve de la protection la plus complète et de la plus entière sécurité.

De la même manière, les navires de guerre, les bâtiments marchands, les malles et les paquebots des Parties contractantes pourront entrer en pleine liberté et sûreté dans tous les ports, fleuves, et lieux dont l'accès est permis ou sera permis à l'avenir aux navires de guerre et aux paquebots de toute autre nation; ils pourront y pénétrer, jeter l'ancre, y séjourner et faire des réparations en s'assujettissant aux lois et usages du pays.

Article 5. Ne seront perçus dans aucun port de l'une des Parties contractantes, sur les bâtiments de l'autre, d'autres ni de plus forts droits de tonnage,

¹ *British and Foreign State Papers*, vol. 82, 1889-1890, p. 963 et suiv.

² Ratifié.

de phare, de port, de pilotage, de sauvetage, ou autres taxes locales, que ceux qui sont payés pour les navires nationaux.

. . .

Article 9. En tout ce qui a rapport à la police des ports, au chargement et déchargement des navires, aux mesures de sûreté pour les marchandises, valeurs, et effets divers, à l'acquisition et à la manière de disposer de la propriété, de quelle classe et dénomination qu'elle soit, par vente, donation, permutation, testament, ou par tout autre moyen quelconque, ainsi qu'à l'administration de la justice, les citoyens et sujets des Parties contractantes jouiront réciproquement des mêmes droits, privilèges, et prérogatives que les citoyens ou sujets de la nation la plus favorisée, et ils ne seront passibles, en aucun des cas susmentionnés et sous la réserve toujours de s'assujettir aux lois et règlements du pays, de droits plus forts que ceux auxquels sont soumis les citoyens ou sujets nationaux.

. . .

- 12) TRAITÉ ¹ D'AMITIÉ, DE COMMERCE ET DE NAVIGATION ENTRE LE MEXIQUE, LA SUÈDE ET LA NORVÈGE, SIGNÉ À MEXICO LE 29 JUILLET 1885 (MODIFIÉ PAR PROTOCOLE SIGNÉ À BRUXELLES, LE 15 DÉCEMBRE 1885) ²

. . .

Article 7 . . .

Les deux Parties contractantes conviennent de considérer comme limite des mers territoriales de leurs côtes respectives pour tout ce qui se rapporte à l'application des règlements de douane et aux mesures prises pour empêcher la contrebande, une distance de trois lieues marines comptées depuis la ligne de la marée basse. Pour ce qui se rapporte à d'autres matières de droit international maritime, il est entendu que la dite extension des mers territoriales ne pourra être appliquée par l'une des Parties contractantes aux navires de l'autre, à moins de l'appliquer également aux navires des autres nations avec lesquelles Elle aurait des traités de commerce et de navigation.

Il est stipulé, en outre, que les navires marchands des Parties contractantes se soumettront respectivement à la juridiction du pays dans les ports, rades, baies, anses, et eaux territoriales duquel ils se trouvent, pour ce qui concerne les crimes, délits ou infractions commis à bord par un individu qui n'appartient pas à l'équipage, ou contre un individu qui n'y appartient pas, ou bien par les gens de l'équipage entre eux, dans le cas où la tranquillité du port aurait été troublée.

En dehors de ces circonstances, les fautes de discipline, les délits et les crimes commis à bord seront jugés exclusivement par l'État auquel appartient le navire, sans que les autorités locales aient à s'ingérer dans ces affaires, à moins cependant qu'on ne leur demande aide et protection.

. . .

Article 14. Les navires de guerre de chacune des Parties contractantes seront libres d'entrer sans obstacle dans les ports, rivières et localités de

¹ Martens, *Nouveau Recueil général de Traités*, 2e série, t. XIII, p. 681 et suiv.

² Les ratifications ont été échangées.

l'autre, où l'entrée est permise ou serait permise à l'avenir aux navires de guerre de toute autre nation.

Il est entendu, néanmoins, que cette stipulation n'autorise pas le séjour d'escadres de l'une des Parties contractantes dans les eaux de l'autre, sans permission spéciale, qui pourra être accordée ou refusée selon qu'il sera jugé convenable.

Il est également convenu que l'on considérera les navires de guerre de chacune des Hautes Parties contractantes comme étant exempts de la juridiction de l'autre, lors même qu'ils se trouveraient dans ses eaux territoriales, mais ils sont obligés de respecter les ordonnances locales des ports, les règlements fiscaux et les mesures de police sanitaire.

Note. Les dispositions des articles 3, 4 et 7 (par. 1) de ce traité sont identiques à celles des articles 4, 5 et 8 (par. 1) du traité n° 9 mentionné plus haut.

13) TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND THE ORIENTAL REPUBLIC OF THE URUGUAY, SIGNED AT MONTEVIDEO, 13 NOVEMBER 1885²

Article 3. British ships and their cargoes shall, in Uruguay and Uruguayan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power shall be extended immediately and unconditionally to the other Party.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to the law of Uruguay are to be deemed Uruguayan vessels, shall, for the purpose of this Treaty, be respectively deemed British, or Uruguayan vessels.

The coasting trade is excepted from the stipulations of the present Treaty, and remains subject to the respective laws of the two countries.

Article 12. Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage, without paying any dues other than such as would be payable in a similar case by a vessel of the most favoured nation . . .

¹ *British and Foreign State Papers*, vol. 76, 1884-1885, pp. 146 *et seq.*

² Ratified.

- 14) TRAITÉ ¹ D'AMITIÉ, DE COMMERCE ET DE NAVIGATION ENTRE LA FRANCE
ET LE MEXIQUE, SIGNÉ À MEXICO LE 27 NOVEMBRE 1886 ²

. . .

Article 15 . . .

Les parties contractantes sont convenues de considérer comme limite de la souveraineté territoriale sur leurs côtes respectives la distance de 20 kilomètres à compter de la ligne de la marée la plus basse.

Toutefois, cette règle sera seulement appliquée pour l'exercice du contrôle de la douane, pour l'exécution des ordonnances de la douane, et pour les prescriptions contre la contrebande, et ne sera, par contre, nullement appliquée dans toutes les autres questions de droit maritime international. Il est également entendu que chacune des parties contractantes ne fera application de ladite étendue de la limite de la souveraineté aux navires de l'autre partie contractante que si cette partie contractante en agit de même envers les navires des autres nations avec lesquelles elle a des traités de commerce et de navigation.

Article 16. Les navires français venant dans les ports des États-Unis du Mexique et les navires mexicains venant dans les ports de France avec chargement ou sur lest, ne payeront d'autres ni de plus forts droits de tonnage, de port, de phare, de pilotage, de quarantaine ou autres affectant la coque du navire, que ceux auxquels sont ou seraient assujettis les navires de la nation la plus favorisée.

En ce qui concerne le traitement local, le placement des navires, leur chargement ou déchargement, ainsi que les charges quelconques dans les ports, bassins, docks, rades, havres et rivières des deux pays, et généralement toutes les formalités ou dispositions auxquelles peuvent être soumis les navires de commerce, leurs équipages et leurs cargaisons, les privilèges, faveurs ou avantages qui sont ou seraient accordés aux bâtiments de la nation la plus favorisée, ainsi qu'aux marchandises importées ou exportées par ces bâtiments, seront également accordées aux navires de l'autre pays, ainsi qu'aux marchandises importées ou exportées par ces navires.

. . .

Note. Les paragraphes 1 et 2 de l'article 15 de ce traité sont identiques au paragraphe 1^{er} de l'article 8 du traité n° 9 mentionné plus haut.

- 15) TREATY ³ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN
MEXICO AND THE REPUBLIC OF THE EQUATOR, SIGNED AT WASHINGTON,
10 JULY 1888 ⁴

. . .

Article 2. Mexican citizens in Equator, and citizens of Equator in Mexico, shall enjoy the same rights and privileges enjoyed by the citizens or subjects of the most favoured nation, subject to the same conditions with regard to the following points:

. . .

¹ Martens, *Nouveau Recueil général de Traités*, 2e série, t. XV, p. 840 et suiv.

² Ratifié.

³ *British and Foreign State Papers*, vol. 79, 1887-1888, pp. 144 et seq.

⁴ Ratified.

3. Payment of import, export, and transit duties, and port dues, such as lighthouse, tonnage, anchorage, pilotage, &c.

4. To trade and sail freely with their respective ships, in the cities, ports, rivers, or other places of the respective countries.

. . . .

Article 8. The ships of war of each of the two Republics shall enjoy the same honours, advantages, privileges, and exemptions as are enjoyed by the ships of war of the most favoured nation, but remaining subject to the same rules and conditions.

Article 9. The Contracting Parties agree to consider as limit of the territorial jurisdiction on their respective coasts the distance of 20 kilom., reckoned from low-water mark.

. . . .

16) TREATY ¹ OF FRIENDSHIP AND COMMERCE BETWEEN MEXICO AND JAPAN, SIGNED AT WASHINGTON, 30 OCTOBER 1888 ²

. . . .

Article 6. No other or higher duties or charges on account of tonnage, light or harbor dues, pilotage, quarantine, salvage in case of damage, or any other local charges shall be imposed in any of the ports of the United Mexican States on vessels of Japan, or in any of the ports of Japan on Mexican vessels, than are or may hereafter be payable in like cases in the same ports, on vessels of the most favored nation.

Article 8. Japanese subjects as well as Japanese vessels resorting to Mexico or to the territorial waters thereof, shall, so long as they remain, be subject to the laws of the United Mexican States and to the jurisdiction of the Mexican Courts; and in the same manner citizens of the United Mexican States, or Mexican vessels, resorting to Japan, and to her territorial waters, shall be subject to the laws of Japan and to the jurisdiction of His Imperial Majesty's Courts.

. . . .

17) TREATY ³ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND MEXICO, SIGNED AT MEXICO, 27 NOVEMBER 1888 ⁴

. . . .

Article 4. British ships and their cargoes shall, in Mexico, and Mexican vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as ships and cargoes of the most favoured nation.

. . . .

The two Contracting Parties agree to consider as a limit of their territorial waters on their respective coasts, the distance of 3 marine leagues,

¹ Martens, *Nouveau Recueil Général de Traités*, deuxième série, tome XVIII, pp. 755 et suivantes.

² Ratified.

³ *British and Foreign State Papers*, vol. 79, 1887-1888, pp. 25 et seq.

⁴ Ratified.

reckoned from the line of low-water mark. Nevertheless, this stipulation shall have no effect, excepting in what may relate to the observance and application of the Customhouse Regulations and the measures for preventing smuggling, and cannot be extended to other questions of civil or criminal jurisdiction, or of international maritime law.

Article 12. Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

Note. The provisions of articles 4 (para. 2, 3 and 4) of this treaty are similar to the provisions of articles 3 (para. 2, 3 and 4) of treaty no. 13 above.

18) COMMERCIAL CONVENTION ¹ BETWEEN GREAT BRITAIN AND EGYPT,
SIGNED AT CAIRO, 29 OCTOBER 1889 ²

Article 12. Each of the two Contracting Governments has the right to put into force any Regulations required for the working of their services, and for the suppression of fraud, as well as any measures dictated by reasons of public health or security, on condition that such Regulations are equally applied to the ships and subjects of all other nations.

Such Regulations, including the supervision of ships and the searching for or pursuit of contraband goods, as well as the fines and other penalties therein made applicable in case of false declaration, smuggling or attempting to smuggle, fraud or attempts to defraud, or any infringement of the Regulations, shall, together with the measures that may be taken in regard to public health or security, be applicable in either of the two countries to the natives of the other under the same conditions as to natives of the country itself.

If, however, the Egyptian authorities should desire to search the dwelling-house of a British subject, or a British ship anchored in an Egyptian port, a duplicate of the search-warrant shall be sent to the British Consular authority, who may at once take part if he thinks proper to do so, without the formality in question delaying the search, and no such search shall be made except between sunrise and sunset.

It is understood, however, that the preceding stipulation shall not apply to cases in which the search is to be made in a warehouse or depot, or on board a ship which may have remained in an Egyptian port, for any reason whatsoever, more than 21 days. In such cases notification to the British Consular authority will not be necessary.

¹ *Ibid.*, vol. 81, 1888-1889, pp. 1274 *et seq.*

² In accordance with Article 16, this Convention came into force 1 January 1890.

It is further understood that the Egyptian Government may, without notification to the British Consular authorities, put guards on board any British ship in an Egyptian port or traversing the Suez Canal.

In cases of suspicion of smuggling, the Egyptian customs officers may board and seize any British ship of less than 200 tons burthen at anchor outside an Egyptian port, or sailing within 10 kilom. of the shore. Ships of less than 200 tons burthen may, moreover, be boarded and seized beyond the 10 kilom. limit, if the pursuit shall have been commenced within such limit.

Except in the cases provided for in paragraphs 3 and 4 of this Article, no British ship exceeding 200 tons burthen shall be boarded or seized by the Egyptian customs officers.

Note. The provisions of article 5 of this treaty are similar to the provisions of article 3 (paras. 1, 2, 4 and 5) of treaty no. 13 above.

The provisions of articles 5 and 12 of this treaty are similar to the provisions of articles 5 and 12 of the Conventions concluded by Egypt with: Austria-Hungary, 16 August 1890 (*British and Foreign State Papers*, vol. 82, p. 1109); Belgium, 24 June 1891 (*ibid.*, vol. 84, p. 147); and Italy, 1 February 1892 (*ibid.*, vol. 84, p. 158). All these treaties have been ratified.

19) TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF MEXICO AND THE DOMINICAN REPUBLIC, SIGNED AT MEXICO, 29 MARCH 1890²

Article 15 . . .

The Contracting Parties agree to consider as the limit of the territorial jurisdiction on their respective coasts the distance of 20 kilom., counted from the line of lowest tide. Nevertheless, this rule shall only be applied for the carrying out of the custom-house inspection, the observance of the Custom-house Regulations, and the prevention of smuggling; but on no account shall it apply to the other questions of international maritime law.

It is equally understood that each one of the Contracting Parties shall not apply the said extension of the limit of jurisdiction to the ships of the other Contracting Party, except when this Contracting Power proceeds in the same manner with the ships of the other nations with which it has Treaties of Commerce and Navigation.

Article 16. Mexican ships which go to the ports of the Dominican Republic, and Dominican ships which come to the ports of the United States of Mexico, with cargoes or in ballast, shall not pay other or higher charges for tonnage, port, lighthouse, pilotage, quarantine, or other dues which affect the hull of the ship, than those which are or may be imposed on the ships of the most favoured nation.

In all that concerns local treatment, the mooring of ships, their loading and discharging, as also the contributions or imposts of whatever kind, in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, and, generally, in regard to all the formalities or dispositions to which

¹ *Ibid.*, 1889-1890, vol. 82, pp. 689 *et seq.*

² Ratified.

merchant-ships, their crews and cargoes, may be subjected, the privileges, favours, and advantages which are or may be conceded to the ships of the most favoured nation, and to the merchandise imported or exported by these ships, shall be equally conceded to the ships of the other country and to the merchandise imported or exported by their ships.

Article 17. Complete exemption from tonnage, port, and clearance dues, but not from pilotage dues, shall be granted to—

1. Ships which, having entered in ballast, from whatever place they may come, leave in ballast also;
2. Ships which, proceeding from a port of one of the two countries to another, or to various ports of the same country, whether to discharge there the whole or part of their cargo, or to arrange for or to complete the same, prove that they have already paid these dues;
3. Steamers engaged in the mail service and in carrying passengers and their luggage, providing they do not engage in trading operations of any kind;
4. Ships which, having entered a port with cargo, whether voluntarily or through stress of weather, leave the same without having engaged in trading operations.

Nevertheless, with regard to the ships mentioned in the preceding paragraphs, the captains shall be obliged to present to the custom-house within 36 hours, counted from their admission in free *pratique*, a bond, approved by the said custom-house, to guarantee, together with the captain, the payment of tonnage, port, and clearance dues, in case the ships above mentioned should engage in any trading operations.

The following, in cases of vessels putting into port through stress of weather, shall not be considered as trading operations: the discharging and re-embarkation of goods for repairs to the ship, or its disinfection when in quarantine; the transshipment of the same to another ship from the inability of the first to proceed on its voyage; the necessary expenditure for taking in fresh provisions for the crew; and the sale of damaged goods, where the Custom-house authorities have given the proper authorisation.

. . . .

Article 19. The provisions of the present Treaty are not applicable to the coasting trade, the regulation of which continues dependent on the respective laws of the two Contracting States.

. . . .

Article 24. The ships of war of each of the two Powers shall be allowed to enter, remain in, and repair damages in those ports of the other the entrance to which may be permitted to those of the most favoured nation; they shall be subject while there to the same regulations, and shall enjoy the same honours, advantages, privileges, and exemptions which may be conceded to the latter.

. . . .

20) TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN AUSTRIA-HUNGARY AND COREA, WITH TRADE REGULATIONS AND PROTOCOL, SIGNED AT TOKIO, 23 JUNE 1892²

Article 8. — 1. The ships of war of each of the High Contracting Parties shall be at liberty to visit all the ports of the other. They shall enjoy every facility for procuring supplies of all kinds, or for making repairs, and shall not be subject to trade and harbour regulations, nor be liable to the payment of duties or port charges of any kind.

2. When ships of war of His Imperial and Royal Apostolic Majesty visit unopened ports in Corea, the officers and men may land, but shall not proceed into the interior unless they are provided with passports.

3. Supplies of all kinds for the use of His Imperial and Royal Apostolic Majesty's navy may be landed at the open ports of Corea and stored in the custody of Austro-Hungarian officers without the payment of any duty; but if any such supplies are sold, the purchaser shall pay the proper duty to the Corean authorities.

4. The Corean Government will afford all the facilities in their power to ships of His Imperial and Royal Apostolic Majesty's navy which may be engaged in making surveys in Corean waters.

21) CONVENTION COMMERCIALE³ ENTRE L'ALLEMAGNE ET L'ÉGYPTE, SIGNÉE À ALEXANDRIE, LE 19 JUILLET 1892⁴

Article 1^{er}. Il y aura liberté réciproque de commerce et de navigation entre l'Allemagne et l'Égypte.

Les ressortissants de l'Empire d'Allemagne en Égypte et les Égyptiens en Allemagne pourront librement entrer avec leurs navires et cargaisons dans tous les endroits et ports dont l'entrée est ou sera permise aux ressortissants de la nation la plus favorisée, et ils jouiront réciproquement, en ce qui concerne le commerce et la navigation, des mêmes droits, privilèges, libertés, faveurs, immunités et franchises dont jouissent ou pourraient jouir les ressortissants de la nation la plus favorisée, sans qu'ils aient à payer de taxes ou droits plus élevés que ceux auxquels ces derniers sont assujettis.

Article 5. Quel que soit le port de départ des navires et quel que soit le lieu d'origine ou de destination de leur cargaison, les navires allemands en Égypte et les navires égyptiens en Allemagne jouiront, sous tous les rapports, du même traitement que les navires nationaux et les navires de la nation la plus favorisée.

Cette stipulation s'applique aux règlements locaux, aux taxes et à tous les autres droits similaires perçus à titre rémunérateur dans les ports, bassins,

¹ *Ibid.*, vol. 84, 1891-1892, pp. 120 *et seq.*

² Ratified.

³ *Ibid.*, p. 168 *et suiv.*

⁴ Entrée en vigueur le 1^{er} avril 1893, conformément à l'article 26.

docks, rades et havres des pays contractants, au pilotage, et, en général, à tout ce qui concerne la navigation.

Tout bâtiment considéré comme allemand par la loi allemande et tout bâtiment considéré comme égyptien par la loi égyptienne sera reconnu comme tel par les Parties contractantes.

Le cabotage ainsi que la navigation intérieure sont exclus des stipulations précédentes et restent soumis aux lois respectives des pays contractants. Mais dans le cas où l'une des Parties contractantes concéderait le cabotage, soit en entier, soit en partie, à une ou plusieurs autres nations, il sera loisible à l'autre partie de réclamer pour ses ressortissants les droits et avantages accordés à cet égard aux ressortissants de la nation la plus favorisée, à condition d'accorder la réciprocité pour ce qu'elle réclame.

. . .

Article 16 . . .

Les employés de la douane ne peuvent procéder en aucun cas à la visite et à la perquisition des bâtiments de commerce sans en avoir donné au préalable connaissance aux Consuls impériaux pour donner aux autorités consulaires la faculté d'y assister. Cette notification devra être communiquée aux fonctionnaires Consulaires à temps, et en mentionnant l'heure où l'on procédera à ces formalités.

Dans le cas où la perquisition doit être faite à bord d'un navire qui aurait séjourné pour une raison quelconque dans un port égyptien plus de vingt et un jours, il ne sera pas nécessaire d'en donner, au préalable, connaissance aux autorités consulaires.

. . .

Article 20. En cas de soupçons de contrebande, les agents des douanes égyptiennes pourront aborder et saisir tout navire d'un tonnage de moins de 200 tonneaux, dans un rayon de 10 kilomètres de la côte en dehors des eaux d'un port égyptien; de plus, tout navire allemand de moins de 200 tonneaux pourra être arrêté et saisi au-delà de cette distance si la poursuite a été commencée dans un rayon de 10 kilomètres du littoral.

Procès-verbal du fait sera dressé avec le capitaine, et copie de ce procès-verbal sera, sans délai, communiquée au Consulat impérial.

Il est entendu que le Gouvernement égyptien pourra, sans notification aux autorités consulaires allemandes, placer des gardes à bord de tout navire allemand dans un port égyptien ou transitant par le canal de Suez: cette mesure ne devra néanmoins causer ni frais ni retard aux bâtiments auxquels elle est appliquée.

. . .

Note. Des dispositions identiques se trouvent dans les traités conclus par l'Égypte avec: la Grèce; 9/21 mars 1895, articles 1^{er}, 5, 16, 19 (*British and Foreign State Papers*, vol. 87, p. 410); la France, 26 novembre 1902, articles 1, 5, 16, 20 (*ibid.*, vol. 97, p. 892); la Grèce, 22 mai/4 juin 1906, articles 1^{er}, 5, 16, 19 (*ibid.*, vol. 99, p. 1044); l'Italie, 14 juillet 1906, articles 1^{er}, 5, 16, 20 (*ibid.*, vol. 100, p. 867), et la Russie, 28 février/13 mars 1909, articles 1^{er}, 5, 6, 20 (*ibid.*, vol. 102, p. 976). Tous ces traités ont été ratifiés.

22) TREATY ¹ OF COMMERCE AND NAVIGATION BETWEEN PORTUGAL AND SPAIN, SIGNED AT MADRID, 27 MARCH 1893 ²

Article 19. The coast and fishery police service in both countries will be subject to the provisions contained in the Regulations (Appendix No. 6 to this Treaty).

Article 20. Either of the two High Contracting Parties will be at liberty to levy on the merchant-vessels of the other Power and on the respective cargoes any dues, as they may deem expedient, for any harbour works or Customs services. In no case, however, will the dues payable by the ships of either country in the ports of the other be higher than those paid by national vessels.

APPENDIX NO. 6. REGULATIONS FOR THE POLICE SERVICE OF THE COAST AND FISHERIES

Section 1. Provisions applicable to the Waters under the respective jurisdiction of either Country

Article 1. The following provisions will regulate the police service of the coast and fisheries in the jurisdictional waters of Portugal and Spain:

Article 2. The limit within which the general right of fishery is exclusively reserved in favour of fishermen, subject to the respective jurisdictions of the two countries, is fixed at 6 miles, reckoned from outside the low-water line of the lowest tides.

As regards bays the aperture of which is not more than 10 miles, the 6 miles may be reckoned from a straight line drawn from one point to the other.

The miles referred to are geographical miles, 60 to a degree of latitude.

Article 3. Either of the two States will have the right to regulate the fisheries on its maritime coasts respectively within the distance of 6 miles from the same, within which limit native fishermen will alone be allowed to fish.

The two States agree that the use of "parelhas", "muletas", or of other apparatus of a harmful effect, shall be prohibited within the distance of 12 miles, and either State will be at liberty to detain any offenders until the judicial record of the act shall have been drawn up; such offenders must, however, be delivered up within the term of eight days to the proper authority of the neighbouring country, in order that they may be subjected to the penalties imposed by the Laws and Regulations of their own country.

Article 4. For the intents and purposes of these Regulations the division of the territorial waters in the adjacent maritime zones of the two countries will be determined as follows:

(a) At the mouth of the Guadiana by a middle line drawn between the two meridians, respectively suggested by the Spanish and Portuguese Commissions, to which the demarcation of those waters was intrusted in 1887.

¹ *Ibid.*, vol. 85, 1892-1893, pp. 416 *et seq.*

² Ratified.

(b) At the mouth of the Minho, by the parallel of latitude agreed to by the said Commissions.

Article 5. The fisheries in the boundary Rivers Minho and Guadiana will continue, as heretofore, to be carried out in common by the Portuguese and Spaniards, in accordance with the provisions and regulations which may be agreed upon; for the River Minho, by the Captain of the Port of Caminha and the Marine Adjutant of Guardia; and for the River Guadiana, by the Captain of the Port of Villa Real de San Antonio and by the Adjutant of Marine of Ayamonte, and sanctioned by the respective Governments.

Article 6. The fishing vessels of either of the two countries must not approach any point of the coast of the other country at a less distance than that of 6 miles, as laid down in Article 2, except under the following circumstances, which shall be considered as cases of *force majeure*:

(1) When on account of bad weather, or of any manifest damage, they are forced to seek shelter in the ports of the other country outside the fishery limits of their own country.

(2) When carried within the limits set apart for the fishery of the other country by contrary winds, by strong currents, or by any other cause independent of the wish of the master of the vessel.

(3) When compelled to tack on account of an adverse wind in order to reach their fishing-ground, and when, in consequence of the same cause, *i.e.*, of contrary winds or tides, they are unable, without entering the zone, to proceed on their course in order to reach their fishing-ground or to return to port.

“Parellhas” and “muletas”, or other vessels making use for fishing of any harmful apparatus, are not allowed to tack within the zone reserved for each country.

(4) When it shall be absolutely necessary to enter the nearest port of the other country in order to obtain supplies.

The presence within the jurisdictional waters of either country of any floating apparatus or drag-nets belonging to fishermen of the other country shall likewise not be looked upon as a violation of the rule set forth in this Article, in the event of the same having been carried there by currents or winds; nevertheless, the owners are bound to remove them as quickly as possible.

Article 7. Whenever, on account of any of the exceptional circumstances mentioned in the preceding Article, the fishing-vessels of either nation require to navigate within the limits defined in Articles 2 and 4, they are bound to reduce sail, if circumstances allow it, and also to hoist a conventional signal.

This signal will consist of a red burgee with a yellow point for the Spanish vessels, and of a white one with a blue point for Portuguese vessels; the dimensions of this burgee will be 0.50 metre in length, and 0.15 metre in breadth.

Whenever, on account of bad weather, of manifest damage, or of the need to take in supplies, vessels are compelled to seek for shelter in port, they will at once give notice to the local maritime authority, who will examine the matter as to the circumstances of their stay.

Should that authority consider that there is a reasonable cause for their stay, the fishing-vessels will be entitled to all the facilities accorded to the vessels of the country in which they are, whether as regards procuring

supplies or for the sale of fish, on payment of the proper amount of dues, as also as regards sanitary measures.

The Customs officers shall have the right to visit the vessels as laid down in the Customs Regulations, before anything whatever is landed.

While these vessels remain within the limits above mentioned under no pretext whatever are they to fish, and they must depart from within the said limits as soon as the exceptional circumstances which gave rise to their entrance will admit of it.

Article 8. The commanding officers of any cruisers or coastguard vessels of both nations, as well as all other agents or police officers of fisheries, will inquire into infractions of the Regulations issued which may be committed within the respective fishing limits, and should they find that such infractions are not justified, they will be at liberty to detain the vessels in fault, or to cause them to be detained, and will convey them, or cause them to be conveyed, to a port of the country to which the offenders belong, in order that they may be tried before the Courts competent to take cognizance of the matter.

Section 2. Provisions applicable to the Waters adjacent to the Coasts of both Countries outside the 6-mile Zone

Article 17. Vessels are forbidden, on reaching their fishing-ground, to take up a position or to cast their fishing apparatus so as to cause harm, or to hinder in any way the vessels which may be already fishing there.

Article 18. Fishing-vessels are forbidden to anchor, from sunset to sunrise, where floating nets have been cast, except in case of any accident, or of *force majeure*, which must be duly proved.

Article 25. It is forbidden to make use of any instrument, apparatus, or material exclusively intended and serving for the purpose of destroying nets. The presence of such utensils or materials on board is prohibited and punishable, and either nation is bound to adopt the necessary measures in order to prevent the shipment of such articles.

The use of dynamite or any other explosive material is likewise prohibited

Article 26. The supervision and fiscal control as to compliance with the rules concerning lights, signals, muster-rolls, fishing licences, and other ships' papers, the marking and numbering of vessels engaged in the fishing trade and of the fishing appliances, and with the subject-matter of the preceding Articles, exclusively appertain to the agents of the country to which the fishermen belong. Nevertheless, the officials charged with the supervision and police of the fishing trade in both countries will be at liberty to report to the authorities of the other country any infractions that may come to their knowledge on the part of the fishermen of that other country.

Article 27. The competent vessels for recording any infractions of the rules laid down as to the place to be taken up by fishing-vessels on the fishing-ground, and generally for all things relating to these operations, and especially as regards any acts that may cause damage, irrespective of the nationality of the fishermen guilty of the same, are the cruising vessels of the two States; consequently, the commanding officers of those vessels will

inquire into any infractions committed by the fishing-vessels of the two nations, and will draw up a summary account or record of the case, and should it be of such a grave nature, and should they think it necessary to do so, they will take the delinquents and their vessels to the nearest port of their own country, in order that the case as well as the damage, if any, may be proved there, both by the declarations of the parties interested and by the evidence of any persons witnesses to the fact.

The summary account or record must be signed by two witnesses and by the offender; but should he refuse to sign, a declaration to that effect must be substituted: it will be drawn up in the language of the country to which the cruiser belongs, but the witnesses, as well as the offender, may insert in the same any declarations in their own language.

Article 28. In case the infraction should not have been of a grave nature, but should, nevertheless, have caused damage to any fisherman, the commanding officers of the cruisers may reconcile at sea the parties interested and may settle the amount of compensation, if the parties agree. In such a case, if one of the parties is unable to pay at once, the commanding officers will cause a declaration to be drawn up and signed in duplicate, with reference to the mode of payment of the compensation; one of these documents shall be kept on board the cruiser, and the other will be handed over to the master and creditor, in order that, if needful, he may make use of it before the Courts of Justice of the debtor.

Should both parties not agree, the commanding officers will proceed in accordance with the provisions of Article 27.

Article 29. Whenever the fishermen of either country shall proceed to acts of violence against those of the other country, or may have wilfully caused damage or losses, the Courts of the country to which the vessels of the offenders belong will be competent to try the case.

Section 3. General Rules

Article 30. Any fishing-vessel, or any part of its tackle or rigging, apparatus, nets, buoys, or floating-buoys, as well as any fishing appliances, found or picked up at sea, within or out of the jurisdictional waters, must be forwarded to the Naval Commandant if the article is sent to Spain, or to the Captain of the Port if sent to Portugal. The Naval Commandant or the Captain of the Port, as the case may be, will deliver up the article saved to the owners or to their representatives.

Article 31. The proper authorities, according to the law of either country, will fix the amount of compensation to be paid by the owners to the salvors. This compensation, which may in no case exceed one-fourth of the value of the articles saved on the occasion, will be paid by the owners.

Article 32. Any articles saved in the 6-mile coast zone will become the property of the nation having jurisdiction there should they not be claimed, or if there should be insufficient evidence to prove the right of ownership.

Any articles picked up on the high seas will become the property of the country of the salvors in the event of its being impossible to discover the owners.

Article 33. All penal proceedings arising out of offences or transgressions referred to in these Regulations will lapse at the expiration of six months from the date of the commission of the offence. Penal proceedings, however,

having reference to acts of violence or to any damages caused wilfully, are excepted from this rule, and come within the scope of the general law of the respective States.

Article 34. The 6-mile zone, as laid down in article 2, is solely applicable for the purposes of these Regulations.

Article 35. The supervision and police of the fisheries will be carried on by means of the ships of war of both countries.

Article 36. Any resistance to the orders of the officials charged with the supervision and police of the fisheries, or of their delegates, and any disobedience to any orders or demands necessary to enforce such supervision and police control, will be punishable as resistance to and disobedience of the authorities of the country to which the offenders belong.

FINAL PROTOCOL

VI. *With reference to Appendix No. 6*

To Article 4 a. It is expressly declared that the maritime line of the Guadiana shall be fixed by common agreement within the term set forth in the notes exchanged on this date between the two Plenipotentiaries, on the basis that the middle line, starting from the centre of the line of the mouth of the river, will descend in the direction of the junction of the "thalwegs" of the two bars, so that both Portugal and Spain will be able to navigate in their own waters. From this point it will follow a course to the south-west, for a distance of 6 to 12 miles, until it reaches the last of the meridians proposed by the Spanish Commissioners, and thence to the extreme point of the zones.

23) TRAITÉ ¹ DE COMMERCE ET DE NAVIGATION ENTRE LE MEXIQUE ET LE SALVADOR, SIGNÉ À MEXICO LE 24 AVRIL 1893 ²

Article 15. . . .

Les bâtiments marchands de l'une des Parties contractantes, dès le moment de leur entrée dans les eaux territoriales de l'autre, sont soumis à la juridiction locale en tout ce qui ne concerne pas les actes de discipline intérieure ou les délits de l'équipage, toutes les fois que ceux-ci ne troublent pas la tranquillité du port. Il leur est interdit de donner asile aux individus prévenus de crimes ou de délits commis à leur bord; autrement, les autorités territoriales pourraient procéder à l'arrestation des délinquants, en observant toutes les formalités prescrites, en pareil cas, par les lois du pays.

Les navires de guerre de chacune des Hautes Parties contractantes pourront entrer et séjourner à leur gré dans les ports, rivières de l'autre, ouverts actuellement ou à l'avenir au stationnement des navires de guerre de la nation la plus favorisée; ils jouiront des exemptions et faveurs accordées à celle-ci.

Toutefois, le stationnement des escadres de l'une des parties, dans les eaux territoriales de l'autre, n'aura lieu qu'en vertu d'une autorisation

¹ Martens, *Nouveau Recueil général de Traités*, 2e série, t. XX, p. 864 et suiv.

² Ratifié.

qui pourra être accordée ou refusée, sauf les exceptions indiquées au paragraphe 2 de l'article 22.

. . .

Article 20. Tout citoyen de l'une des Hautes Parties contractantes forcé par le gros temps ou tout autre motif à chercher un refuge avec son bâtiment sur un des points de la côte de l'autre, devra être accueilli avec humanité, recevoir l'aide nécessaire au sauvetage de son navire et de sa cargaison, et être mis en état de se rendre au port le plus voisin, sous réserve, toutefois, du droit du sauveteur, de prendre toutes les mesures nécessaires pour prévenir la contrebande.

Tout bâtiment de l'une des Parties contractantes pourra, sur le territoire de l'autre, compléter son équipage et engager les matelots indispensables à la continuation de son voyage.

En cas de naufrage, d'échouage ou d'avarie, survenu à un bâtiment de l'une des Parties contractantes dans les eaux territoriales de l'autre, on lui accordera la même aide et protection qu'à un bâtiment national, dans des circonstances analogues.

La présente clause est applicable aux navires de guerre.

Les autorités locales sont tenues de donner aide et protection aux personnes et produits sauvés, en prenant les mesures nécessaires pour prévenir la contrebande, mais sans exiger aucun droit, sauf pour les marchandises destinées à la consommation intérieure.

Article 21. Il est convenu entre les deux Hautes Parties contractantes que la limite de juridiction dans les eaux territoriales s'étend à 20 kilomètres à compter de la laisse de basse mer; cette clause n'est applicable qu'à l'exercice du droit de police, à l'exécution des ordonnances des douanes, des mesures tendant à prévenir la contrebande, et à tout ce qui concerne la sécurité du Pays; elle ne pourra jamais être invoquée dans toutes les autres questions de droit international maritime.

Article 22. En cas de guerre entre l'une des Parties contractantes et une tierce Puissance, l'autre Partie conservera toute sa liberté d'action pour venir en aide à un des belligérants ou observer les règles des neutres; elle aura le droit, sans sortir de la neutralité, de surveiller ses frontières avec les forces militaires suffisantes pour garantir l'ordre public et les intérêts menacés par les hostilités.

De même, afin de prévenir la contrebande par mer entre les côtes et ports des Parties contractantes, particulièrement à des époques de trouble, et pour accorder à ses nationaux la protection nécessitée par l'état de guerre, chacune d'elles aura le droit, avec l'autorisation de l'autre d'envoyer des navires de guerre dans les eaux territoriales de l'autre Partie. Cette autorisation sera réglée par les principes du droit des gens. Ces bâtiments pourront entrer et séjourner dans les ports, rades, baies, rivières, anses, îles et caps, procéder au radoub, faire des vivres et se mettre en état de continuer leur route; en un mot, ils jouiront, au sens le plus large, du droit d'asile et de refuge reconnu en des cas semblables par le droit des gens. Ils devront toutefois se conformer aux lois et règlements locaux.

. . .

Les navires de guerre de chacune des Hautes Parties contractantes sont exempts du contrôle et de la juridiction de l'autre, même s'ils se trouvent

dans ses eaux territoriales; mais ils doivent se conformer aux ordonnances locales des ports, aux lois fiscales et aux mesures de police sanitaire.

- 24) TRAITÉ ¹ DE COMMERCE ET DE NAVIGATION ENTRE LE JAPON, LA SUÈDE ET LA NORVÈGE, SIGNÉ À STOCKHOLM LE 2 MAI 1896 ², SUIVI D'UN PROTOCOLE ADDITIONNEL ³ SIGNÉ À SAINT-PÉTERSBOURG LE 1^{er} MAI 1897

Article 11. Tout vaisseau de guerre ou navire de commerce de l'une ou de l'autre des Hautes Parties contractantes qui serait forcé par un mauvais temps ou par suite de tout autre danger de s'abriter dans un port quelconque de l'autre, aura la liberté de s'y faire réparer, de s'y procurer toutes les provisions nécessaires, et de reprendre la mer, sans payer d'autres charges que celles qui seraient payées par les navires nationaux. Dans le cas, cependant, où le capitaine du navire de commerce se trouverait dans la nécessité de vendre une partie de sa cargaison pour payer les frais, il sera obligé de se conformer aux règlements et tarifs du lieu où il aurait relâché.

Si un vaisseau de guerre ou un navire de commerce de l'une des Parties contractantes a échoué ou naufragé sur les côtes de l'autre, les Autorités locales en informeront le Consul général, le Consul, le Vice-Consul ou l'Agent consulaire du lieu de l'accident, et s'il n'y existe pas de ces officiers consulaires, elles en informeront le Consul général, le Consul, le Vice-Consul ou l'Agent consulaire du district le plus voisin.

Toutes les opérations relatives au sauvetage des navires japonais naufragés ou échoués dans les eaux territoriales de Sa Majesté le Roi de Suède et de Norvège auront lieu conformément aux lois, ordonnances et règlements de la Suède et de la Norvège et, réciproquement, toutes les mesures de sauvetage relatives aux navires suédois et norvégiens naufragés ou échoués dans les eaux territoriales de Sa Majesté l'Empereur du Japon auront lieu conformément aux lois, ordonnances et règlements du Japon.

- 25) TREATY ⁴ OF COMMERCE AND NAVIGATION BETWEEN MEXICO AND THE NETHERLANDS, SIGNED AT MEXICO, 22 SEPTEMBER 1897 ⁵

Article 5. In all that relates to navigation the two High Contracting Parties guarantee reciprocally most-favoured-nation treatment for the vessels and cargoes of the other.

These dispositions do not apply to the privileges granted in the Dutch Colonies to the native States of the Eastern Archipelago.

¹ *Ibid.*, t. XXX, p. 3 et suiv.

² Ratifié.

³ Par le Protocole additionnel les "Hautes Parties contractantes sont convenues que dans le texte du Traité ... l'expression "les deux pays" partout où cette expression se trouve, sera interprétée "les pays" (soit la Suède, la Norvège et le Japon). Il est en outre convenu que l'expression "le Gouvernement de Sa Majesté le Roi de Suède et de Norvège" dans ledit texte sera interprétée "Sa Majesté le Roi de Suède et de Norvège".

⁴ *Ibid.*, tome XXXIII, pp. 185 et seq.

⁵ Ratified.

Article 6. The High Contracting Parties agree to consider, as a limit of their territorial waters on their respective coasts, the distance of 20 kilom. reckoned from the line of low-water mark. Nevertheless this stipulation shall have no effect, except in what may relate to the observance and application of the Custom-house Regulations and the measures for preventing smuggling, and can in no way be extended to other questions of international maritime law.

Article 13. All operations respecting the salvage of Mexican vessels which may be shipwrecked on the coasts of the Netherlands shall be directed by the Mexican Consular officers, and reciprocally the Dutch Consular officers shall direct all the operations relating to the salvage of any vessels of their nation which may be wrecked or stranded on the coasts of Mexico.

The local authorities of the two countries shall only intervene for the purpose of maintaining order, guaranteeing the interests of the salvors if these do not belong to the crew of the shipwrecked vessel, and insuring the execution of the necessary measures for the entry and clearance of the merchandise saved.

During the absence and until the arrival of the Consular officer, the local authorities shall also take the necessary steps for the protection of the shipwrecked persons and the preservation of the cargo.

It is likewise agreed that the merchandise saved shall not be subject to Custom-house duties unless cleared for consumption.

Article 14. The Consular officers of the two countries may cause to be arrested, and may send on board or remit to their country, any officers, seamen or other members of the crew of a war or merchant-vessel of their nation, who may have deserted in one of the ports of the other.

For this purpose, they shall address themselves in writing to the competent local authorities, and prove, by the presentation of the original or a duly certified copy of the ship's register or of the list of the crew, or by other official documents, that the individuals claimed formed part of such crew.

On their demand being proved, they shall be given all possible assistance in searching for and arresting such deserters, who shall be detained and guarded in the public prisons of the country at the request and the expense of the Consular functionaries, until the latter find an opportunity of sending them on.

Nevertheless, if such opportunity does not present itself within the period of two months counted from the day of the arrest, the deserters shall be set at liberty and shall not be re-arrested for the same cause.

It is understood that persons who may be citizens or subjects of the nation in which the request is made, are excepted from the above stipulations.

Should the deserter have committed some offence, he shall not be placed at the disposal of the Consul until the competent Court has given a decision in the matter and until the sentence, if any, has been carried out.

26) TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN MEXICO AND CHINA, SIGNED AT WASHINGTON 14 DECEMBER 1899²

. . .

Article 9. The ships of war of each of the Contracting Parties shall be admitted into the ports of the other, where those vessels of all other nations are allowed to enter, and to be treated as those of the most favoured nation.

They shall have entire liberty to purchase provisions, coal, and the necessary articles for a voyage, as also to get water and have all necessary repairs made.

The ships of war shall be exempt from the payment of all duties, both on their arrival and departure.

The Commanders of Mexican ships of war in China and the local principal authorities shall mutually treat each other on the basis of equality.

. . .

Article 11 . . .

The two Contracting Parties agree upon considering^x a distance of 3 marine leagues, measured from the line of low tide, as the limit of their territorial waters for everything relating to the vigilance and enforcement of the Custom-house Regulations and the necessary measures for the prevention of smuggling. ^x

The vessels of each of the High Contracting Parties which may have been disabled near the coast of the other and may have to seek shelter in a port, shall receive from the local authorities all the assistance which they can render.

The merchandise saved shall not be subject to the payment of duties, unless it shall be landed for the purpose of sale.

Those vessels shall be treated on the same terms as are granted under similar circumstances to those of other countries.

. . .

27) CONVENTION³ BETWEEN GREAT BRITAIN AND DENMARK, FOR REGULATING THE FISHERIES OUTSIDE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FARÖE ISLANDS AND ICELAND, SIGNED AT LONDON, 24 JUNE 1901⁴

. . .

Article 2. The subjects of His Majesty the King of Denmark shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark along the whole extent of the coasts of the said islands, as well as of the dependent islets, rocks, and banks.

As regards bays, the distance of 3 miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed 10 miles.

The present Article shall not prejudice the freedom of navigation or anchorage in territorial waters accorded to fishing boats, provided they

¹ *British and Foreign State Papers*, 1899-1900, vol. 92, pp. 1057 *et seq.*

² Ratified.

³ *Ibid.*, vol. 94, 1900-1901, pp. 29 *et seq.*

⁴ Ratified.

conform to the Danish Police Regulations ruling this matter, amongst others the one stipulating that trawling vessels, while sojourning in territorial waters, shall have their trawling gear stowed away in-board.

Article 3. The miles mentioned in the preceding Article are geographical miles, whereof 60 make a degree of latitude.

28) TREATY ¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM TO FACILITATE THE CONSTRUCTION OF A SHIP CANAL, SIGNED AT WASHINGTON, 18 NOVEMBER 1901 ²

Article III. The United States adopts, as the basis of the neutralization of such ship canal, the following Rules, substantially as embodied in the Convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The Canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this Article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all work necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this Treaty, and in time of war, as in

¹ *Treaties and Conventions between the United States of America and other Powers, 1776-1909, vol. I, pp. 782 et seq.*

² Ratified.

time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

- . . .
- 29) CONVENTION FOR THE CONSTRUCTION OF A SHIP CANAL, CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND PANAMA, 18 NOVEMBER 1903^{1 2}
- . . .

Article II. The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

Article III. The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

. . .

Article V. The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

. . .

¹ *Ibid.*, vol. II, p. 1349.

² Ratified.

Article IX. The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for works pertaining to the Canal.

Article X. The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

. . .

Article XIII. The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

. . .

Article XVI. The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

Article XVII. The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

Article XVIII. The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Article XIX. The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

30) TREATY ¹ OF ARBITRATION, FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE REPUBLICS OF MEXICO AND HONDURAS, SIGNED AT MEXICO, 24 MARCH 1908 ²

Article 16. The merchant-ships of each of the High Contracting Parties shall have the right to carry cargo to one or more ports of the other and to receive cargo in those ports, and may also discharge the whole or a part of their cargo in any of the said ports, and load cargo from, or for, any of the others, provided that the laws so permit, without paying different or higher duties than those paid by the merchant-ships in any other nation.

It is nevertheless agreed that this concession does not apply to the coasting trade, the management of which will remain subject to the respective laws of the Contracting Powers.

Article 17. Mexican vessels which sail to Honduranian ports, and Honduranian vessels which arrive at Mexican ports, with cargo or in ballast, shall be considered, as regards the payment of port, anchorage, tonnage, and light dues, pilotage, damage, salvage, quarantine, and all other dues or charges affecting the hull of the vessel, as ships of the most favoured nation. Similar favour shall be accorded to them in respect to

¹ *British and Foreign State Papers*, vol. 102, 1908, 1909, pp. 655 *et seq.*

² Ratified.

place of anchorage, loading and discharging cargo, embarking or disembarking of their passengers and baggage, in the ports, shipyards, roadsteads, wharves, bays, or rivers of the two countries, as also in respect to the payment of taxes or contributions of whatsoever nature, and in the local treatment of their crews and of their import and export cargoes.

It is nevertheless understood that the citizens of either of the two countries must observe the local laws and regulations relative to the policing of the ports, and render obedience in all matters to those laws and regulations in regard to the customs formalities, or the prevention of smuggling.

For the collection of tonnage dues in the ports of the two contracting countries, the tonnage as shown on the ship's register shall be taken.

Article 18. In the following cases total exemption shall be granted from the payment of tonnage dues, port dues, and fees for clearance, but not from pilotage charges:

1. Mexican or Honduranian vessels coming from any port, which arrive or leave in ballast.

These vessels may enter the coast trade ports, and engage therein in such traffic as the local laws and ordinances permit, subject to the formalities and regulations prescribed by the same.

2. Vessels which touch at two or more ports in the same State, and show proof that they have paid these dues at the first port at which they called.

3. Mail steamers carrying passengers and their baggage, provided that they do not engage in commercial traffic.

4. Vessels with cargo on board which, having entered a port either voluntarily or by stress of circumstances, put to sea again without having engaged in any commercial traffic.

The vessels mentioned in the two last paragraphs shall be obliged, within thirty-six hours after being given *pratique*, to furnish security in sufficient amount to satisfy the Customs authorities that they will not engage in any kind of commercial traffic.

In the case of entering a port through stress of circumstances, the discharge and re-loading of cargo for the purpose of effecting repairs, or for the disinfection of the vessel if placed in quarantine, the transshipment of the cargo to another vessel through inability to proceed on the voyage, the necessary expenditure for revictualling, and the sale of damaged cargo, after obtaining permission from the Customs authorities to that effect, shall not be regarded as engaging in commercial traffic.

. . .

Article 20. If a citizen of one of the High Contracting Parties should be forced by stress of weather, or from any other cause, to take refuge with his vessels at any point on the coasts of the other, he shall have the right to be received with proper humanity, and afforded all such assistance as may be necessary for the salvage of his vessels and their cargo, until placed in such a state as shall admit of the voyage being continued to the next nearest port, the right being reserved to the nation rendering these services to take such precautions as may be deemed necessary for the prevention of smuggling.

Vessels of one of the High Contracting Parties whose crews are undermanned shall be permitted to ship, in the territory of the other, such seamen as they may require for continuing the voyage.

If a vessel belonging to a citizen of either of the two contracting countries should become shipwrecked, run aground, or suffer any damage within the territorial waters of the other, the same aid and protection shall be rendered to it as would, in similar case, be afforded to a native vessel which had suffered shipwreck, had stranded, or had been abandoned. The like treatment shall also be accorded to war-ships.

The respective local authorities must afford every protection to shipwrecked persons and salvaged cargo, whilst taking all precautions for the prevention of smuggling, but not demanding the payment of duties, imposts, or contributions of whatsoever nature, excepting in respect to such goods as may be intended for home consumption.

Article 21. It is agreed between the two High Contracting Parties that the limit of their jurisdiction in the territorial waters adjacent to their respective coast, shall include a distance of 20 kilom. measured from low-water mark; but this rule shall only apply in respect to police supervision, the enforcement of Customs regulations and measures for the prevention of smuggling, and matters concerning the safety of the country, and in no case shall it apply to any other questions of international maritime law.

Note. The provisions of articles 15 and 22 of this treaty are similar to the provisions of articles 15 and 22 of treaty No. 23 above.

. . . .

31) TREATY¹ OF COMMERCE AND NAVIGATION BETWEEN GERMANY AND SWEDEN, SIGNED AT BERLIN, 2 MAY 1911²

. . . .

Article 16. Ships of either of the Parties shall be exempt from tonnage and port dues:

1. If they come from any port whatever in ballast, and leave in the same manner.

2. If they come to more than one port of either country, and can show proof that they have already paid the said charges in a port of that country.

3. If they come to a port, willingly or by stress of circumstances, and leave it again without engaging in any commercial operations.

These exemptions will not apply to lighthouse, pilot, tug, quarantine or other dues payable by native ships, and those belonging to the most favoured nations, in consideration of services rendered in furtherance of navigation and not exceeding such dues.

If the ship is forced to go into a port by stress of circumstances then the following operations are not to be counted as commercial operations: unloading and loading cargo for purposes of repair; transshipment of cargo to another vessel, in cases where the ship is not seaworthy; necessary purchases of provisions for the crew; and sale of injured goods with permission of the Customs authorities.

¹ *Ibid.*, vol. 105, 1912, pp. 659 *et seq.*

² Ratified.

Article 17. If a ship of one of the High Contracting Parties is stranded on the coast of the other, or is shipwrecked, the ship and cargo shall enjoy the same advantages and exemptions as are accorded to native ships or those belonging to the most favoured nation under similar circumstances. The same help and succour shall be given to the captain and crew in respect to their persons and the ship and cargo as to natives.

The High Contracting Parties are agreed that customs duties shall not be payable on goods saved from the wreck unless they are sold for consumption in the country.

Article 18. If seamen or other persons belonging to the ship's crew desert from a ship belonging to one Party in the territory of the other the Consular officers of the former Party can arrest the deserters, and cause them to be sent on board or repatriated. For this purpose they must apply in writing to the competent authority and bring documentary proof that the persons claimed really belong to the ship's crew.

Every assistance in the search for and the arrest of the deserters shall be afforded the said Consular officers. The former shall be retained in custody on the written request and at the charges of the Consular officer until an opportunity arises to put them on board the ship to which they belong or to send them home.

Should, however, no opportunity arise before the lapse of two months reckoned from the day of arrest, or if the cost of keeping them in custody be not regularly defrayed, the persons retained in custody shall be set at liberty, and shall not again be arrested in consequence of the same charge.

If the deserter has committed a criminal offence in the country, the local authority can postpone his surrender until the competent Court has pronounced sentence, and the same has been carried out.

The above provisions do not apply in the case of seamen or other persons who are subjects of the country in which the desertion has taken place.

. . .

- 32) TRAITÉ¹ DE COMMERCE ET DE NAVIGATION ENTRE LA SUÈDE ET LE JAPON, SIGNÉ À STOCKHOLM LE 19 MAI 1911, SUIVI D'UNE CONVENTION DE DOUANE ET D'UN PROCÈS-VERBAL DE SIGNATURE, SIGNÉS À LA DATE DU MÊME JOUR²

. . .

Article 5. Il y aura, entre les territoires des deux Hautes Parties contractantes, liberté réciproque de commerce et de navigation. Les sujets de chacune des Parties contractantes auront, sur le même pied que les sujets et citoyens de la nation la plus favorisée, pleine liberté de se rendre avec leurs navires et leurs cargaisons dans les lieux, ports, et rivières des territoires de l'autre, qui sont ou pourront être ouverts au commerce extérieur; ils sont, toutefois, tenus de se conformer toujours aux lois du pays où ils arrivent.

. . .

Article 10. En tout ce qui concerne le placement des navires, leur chargement et leur déchargement dans les eaux territoriales des Hautes

¹ Martens, *Nouveau Recueil général de Traités*, 3e série, t. VIII, p. 496 et suiv.

² Ratifié.

Parties contractantes, il ne sera accordé par l'une des Parties aux navires nationaux, aucun privilège ni aucune facilité qui ne le soit également, en pareils cas, aux navires de l'autre Pays, la volonté des Parties contractantes étant que, sous ces rapports, les bâtiments respectifs soient traités sur le pied d'une parfaite égalité.

Article 12. Aucun droit de tonnage, de transit, de canal, de port, de pilotage, de phare, de quarantaine ou autres droits ou charges similaires ou analogues, de quelque dénomination que ce soit, levés au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements quelconques, ne seront imposés dans les eaux territoriales de l'un des deux Pays sur les navires de l'autre, sans qu'ils soient également imposés, sous les mêmes conditions, sur les navires nationaux en général ou sur les navires de la nation la plus favorisée. Cette égalité de traitement sera appliquée réciproquement aux navires respectifs, de quelque endroit qu'ils arrivent et quel que soit le lieu de destination.

Article 13. Les navires chargés d'un service postal régulier de l'une des Hautes Parties contractantes, qu'ils appartiennent à l'État ou qu'ils soient subventionnés par lui à cet effet, jouiront dans les eaux territoriales de l'autre, des mêmes facilités, privilèges et immunités que ceux qui sont accordés aux navires similaires de la nation la plus favorisée.

Article 14. Il est fait exception aux dispositions du présent Traité pour le cabotage dont le régime reste soumis aux lois du Japon et de la Suède respectivement. Il s'entend cependant que les sujets et les navires de l'une des deux Parties contractantes jouiront en cette matière sur les territoires de l'autre du traitement accordé à la nation la plus favorisée.

Article 15. Les officiers consulaires compétents de chacune des Hautes Parties contractantes, seront, dans les territoires de l'autre, exclusivement chargés du maintien de l'ordre intérieur des navires marchands de leur nation, et seront seuls compétents pour connaître des différends qui pourraient survenir, soit en mer, soit dans les eaux territoriales de l'autre Partie, entre les capitaines, les officiers et l'équipage, notamment en ce qui concerne le règlement des salaires et l'exécution des contrats. Toutefois, la juridiction appartiendra aux autorités territoriales, dans le cas où il surviendrait, à bord d'un navire marchand de l'une des Parties contractantes dans les eaux territoriales de l'autre, des désordres que les autorités compétentes du lieu jugeraient de nature à troubler ou à pouvoir troubler la paix ou l'ordre dans ces eaux ou à terre.

Article 16. Si un marin déserte d'un navire appartenant à l'une des Hautes Parties contractantes dans les eaux territoriales de l'autre, les autorités locales seront tenues de prêter, dans les limites de la loi, toute l'assistance en leur pouvoir, pour l'arrestation et la remise de ce déserteur, sur la demande qui leur sera adressée, à cet effet, par l'officier consulaire compétent du pays auquel appartient le navire en question, avec l'assurance de rembourser toutes les dépenses y relatives.

Il est entendu que cette stipulation ne s'appliquera pas aux sujets du pays où la désertation aura lieu.

Note. Des dispositions identiques se trouvent dans les traités de commerce et de navigation conclus par le Japon avec: la Norvège, le 16 juin 1911, articles 5, 9, 11, 12, 13, 14 et 15 (Martens, *Nouveau Recueil général de Traités*, 3^e série, t. VIII, p. 602); le Danemark, le 12 février 1912, articles 5, 11, 13, 14, 15, 16 et 17 (*ibid.*, p. 623); l'Autriche-Hongrie, le 28 octobre 1912, articles 5, 13, 15, 16, 17, 18 et 19 (*ibid.*, p. 834). Les dispositions des articles 11, 13, 14 et 15 (par. 1) du traité de commerce et de navigation conclu entre le Japon et l'Allemagne le 24 juin 1911 (*ibid.*, p. 804) sont identiques à celles des articles 10, 12, 13 et 14 (par. 1) du traité en question (traité n° 31). Tous ces traités ont été ratifiés.

- 33) AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, ADOPTING, WITH CERTAIN MODIFICATIONS, THE RULES AND METHOD OF PROCEDURE RECOMMENDED IN THE AWARD OF 7 SEPTEMBER 1910 OF THE NORTH ATLANTIC COAST FISHERIES ARBITRATION, SIGNED AT WASHINGTON, 20 JULY 1912²

Article 2. And whereas the Tribunal of Arbitration in its award decided that—

“ In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast.”

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

“ In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

“ For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

“ For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:

“ For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence

¹ *Treaties and Conventions between the United States and Other Powers, 1910-1923*, vol. III, pp. 2632 *et seq.*

² Ratified.

to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scataray Island to the northeasterly point of Cape Morien.

"Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays."

It is understood that the award does not cover Hudson Bay.

Article 3. It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

34) TREATY¹ BETWEEN GREAT BRITAIN AND NICARAGUA FOR THE REGULATION OF THE TURTLE-FISHING INDUSTRY IN THE TERRITORIAL WATERS OF NICARAGUA AS REGARDS FISHING VESSELS BELONGING TO THE CAYMAN ISLANDERS, SIGNED AT GUATEMALA, 6 MAY 1916²

Article 1. The Government of Nicaragua agree that the fishing and crawling of turtles in Nicaraguan jurisdiction by fishing vessels of the Cayman Islands shall be governed by the following regulations:

(a) Whenever the master of a vessel wishes to engage in the turtle fishery in the territorial waters of Nicaragua on the Atlantic Coast, or when he intends to keep in trawls or tanks in Nicaraguan waters turtles caught by him on the high seas, he shall proceed to any Nicaraguan port where there is a custom-house, where he shall register his entry, besides taking other steps required by law.

(b) After compliance with these formalities, the master shall cause his vessel to be registered at the Customs, and obtain a permit to use her in Nicaraguan waters for the purpose of fishing during the fishing season, obtaining another licence, to be issued also by the Head of the Customs, to crawl turtles within Nicaraguan jurisdiction. For both permits the master shall pay 2 dol. 50 c. (\$2.50) gold in American currency, all other port dues being waived on the condition that the vessel shall not land or take in passengers or cargo in that port. Should she do so, that is to say, should the master land cargo or passengers or *vice versa*, he will have to pay the usual port dues.

(c) These formalities being complied with, a conditional Customs despatch shall be given to the vessel in the port of entry, free of charge, and the document shall state that it will not be valid until it has been viséd by the Customs official, who is to be sent to the cays or places where, with the previous approval of the Government of Nicaragua, the turtles are crawled, at the end of the fishing season.

(d) As soon as the heads of the Customs on the Atlantic Coast receive notice from the masters of fishing vessels, they shall send to the Mosquito cays or to the approved places where the turtles are crawled a Customs official, before whom the masters shall make a written declaration of the number of turtles which each intends to take on board. After the official has ascertained that the number is correct, he shall recover fifty (50) cents American gold from the masters as export duty on each turtle, and shall

¹ *British and Foreign State Papers*, 1916, vol. 110, pp. 528 *et seq.*

² Ratified.

note the fact over his signature on the conditional Customs despatch given in the port of entry. The cost of the maintenance of this official during his stay at the cays, crawls, or tanks shall be defrayed by the masters who, after complying with the requisites enumerated above, shall be at liberty to proceed to their destination, without the necessity of returning to any Nicaraguan Customs port

(e) Vessels leaving the fishing grounds without proper Customs despatch, legalised in conformity with these stipulations, or vessels taking on board turtles or other cargo for export without having made the proper declaration, nor paid in consequence the legal dues, shall be regarded for the purpose of the law as smugglers.

. . .

35) TRAITÉ D'AMITIÉ PROTECTRICE ENTRE LA FRANCE ET LE MONACO, SIGNÉ À PARIS, LE 17 JUILLET 1918 ¹

. . .

Article 4. Le Gouvernement français pourra, soit de sa propre initiative, avec l'agrément du Prince, ou en cas d'urgence après notification, soit sur la demande de son Altesse Sérénissime, faire pénétrer et séjourner sur le territoire et dans les eaux territoriales de la Principauté les forces militaires ou navales nécessaires au maintien de la sécurité des deux pays.

. . .

36) TREATY ² BETWEEN DENMARK AND GERMANY CONCERNING THE SETTLEMENT OF QUESTIONS ARISING OUT OF THE TRANSFER TO DENMARK OF THE SOVEREIGNTY OVER NORTH SLESWIG, SIGNED AT COPENHAGEN, 10 APRIL 1922 ³

Article 1. The following agreements are hereby concluded between Germany and Denmark:

. . .

7. Agreement regarding the regulation of navigation in German-Danish frontier waters.

. . .

9. Agreement regarding common fishery rights in the Flensburg Fjord.

10. Agreement regarding fisheries on the Bredegrund, with final protocol.

. . .

The above agreements, together with the exchange of Notes referred to in No. 18, are attached as annexes to this Treaty, of which they constitute integral portions.

¹ Martens, *Nouveau Recueil Général de Traités*, 3ème Série, Tome XI, p. 313 et s.

² League of Nations, *Treaty Series*, vol. 10, p. 187.

³ Ratified.

7. *Agreement regarding the regulation of navigation in German-Danish frontier waters*

Article 1. Each of the two Contracting Parties grants to the merchant shipping, fishing boats, oyster-fishing boats and pleasure craft and also to the vessels of the Navigation Police, the Fisheries Supervision Authorities, the customs administration and the waterways administration of the other Contracting Party free passage through its territorial waters in the Flensburg Fjord, the Lister Tief and the Højer Tief on condition that the rules of navigation as applied to maritime channels and the special regulations issued by the Government concerned are duly observed.

Article 2. The two Contracting Parties shall inform each other, by means of direct communications to the authorities concerned, of the police and customs regulations in force in their territorial waters within the aforesaid frontier waters and also of any alterations which may subsequently be made in these regulations.

Article 3. In the interests of safety, and in order to facilitate navigation, the two Contracting Parties will come to an agreement with regard to the adoption of similar police regulations applicable to navigation and especially with regard to a common system of signalling.

In the case of wreckage lying on the common frontier within territorial limits, such wreckage shall be removed at the earliest possible moment, and the costs of such removal shall be borne by the country which first of all indicated the position of the wreckage.

Article 4. The authorities of each of the two Contracting Parties shall retain the right to stop and search vessels within their respective territorial waters in accordance with the generally recognized rules of international law.

Nevertheless, those vessels belonging to the other Contracting Party which are mentioned in Article 1, may not be stopped and searched for the purpose of carrying out import and export prohibitions and customs regulations, unless good reasons exist for suspecting an infraction of the above-mentioned prohibitions or regulations. In such cases the competent authorities of the other Contracting Party shall at once be informed directly through the authorities concerned of the stopping and searching of the vessels, and shall be supplied with a statement setting out the grounds of suspicion.

Each of the two Contracting Parties shall, within the frontier waters specified in article 1 over which its sovereignty extends, recognize the customs seal of the other Contracting Party in the case of vessels which are making a continuous voyage to the harbours of the other Contracting Party or are putting to sea from such harbours, and will exempt from customs examination cargoes in such vessels accompanied by the customs officials of the other Contracting Party. If it should subsequently be ascertained that illicit traffic has been carried on with the land or that this immunity has been abused in any other way, the competent authorities of the other Contracting Party are to be informed by communications made direct to the authorities of that Party.

9. *Agreement regarding common fishery rights in the Flensburg Fjord*

Article 1. 1. Nationals of the two States who, on the coming into force of this Agreement, may be domiciled in the Communes lying on the

German and Danish sides of the Fjord, shall have the right to carry on fishing within the Flensburg Fjord, which is bounded on the east by the line Birknack-Kekenis Beacon. Fishermen who take up their residence in these Communes after the above date shall only acquire the right to fish within the territorial limits of the other country after they have carried on fishing in the fjord continuously for one year.

Outside the area specified in paragraph 1, only nationals resident in the two countries shall be entitled to carry on fishing within the territorial waters of their respective States.

2. The following places shall, however, be excluded from the common fisheries:

(a) The Nyböl Nor up to the point at its mouth marked by the two sea marks.

(b) The northern section of Sønderborg Bay, including Höruphav which is bounded by the line Lille Borrishoved (southern point of the Koppels-hoven)—Vesterby—(Vestermark-) Mill on Kegnoes.

(c) The coastal waters along the Kegnoes peninsula within the 10 metre sounding.

. . .

10. *Agreement regarding fisheries on the Bredegrund*

Article 1. German fishermen who reside on the East Coast of Slesvig-Holstein between Flensburg and the village of Stein at the entrance of the Kiel Fjord—both places included—and who have hitherto taken part in the fisheries on the Bredegrund situated in front of the outlet of the Flensburg Fjord shall, during a period of three years after the coming into force of this Agreement, be entitled to fish also in that part of the Bredegrund lying within three nautical miles of the Danish coast which is bounded:

On the West by the line Kegnoes Beacon-Bredegrund Barrel Buoy West (distinctive mark on top, one ball), and its southern extension.

On the East by the line Gammel Pöl Beacon-Bredegrund Buoy East (distinctive mark on top two, perpendicular spars).

On the North by the ten metre sounding on the coast of Alsen.

The total number of such fishermen may, however, not exceed 450.

. . .

37) CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM RESPECTING THE REGULATION OF THE LIQUOR TRAFFIC, SIGNED AT WASHINGTON, 23 JANUARY 1924²

Article 1. The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

Article 2. (1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquires may be addressed to those

¹ *Ibid.*, vol. 27, pp. 182 *et seq.*

² Ratified.

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 instituted.

(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 offence. 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 British 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.

. . .

Note. Similar provisions are to be found in the conventions concluded by the United States with Germany, 19 May 1924, (*League of Nations Treaty Series*, vol. 41, p. 271); Panama, 6 June 1924 (*ibid.*, vol. 138, p. 397; modified, 14 March 1932, *ibid.*, vol. 138, p. 407); Netherlands, 21 August 1924 (*ibid.*, vol. 33, p. 434); Cuba, 4 March 1926 (*ibid.*, vol. 61, p. 369); and Japan, 31 May 1928 (*ibid.*, vol. 101, p. 63).

38) CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND NORWAY, RESPECTING THE REGULATION OF THE LIQUOR TRAFFIC, SIGNED AT WASHINGTON, 24 MAY 1924²

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 jurisdictions.

. . .

¹ *Ibid.*, vol. 26, pp. 45 *et seq.*

² Ratified.

Note. The provisions of articles 2 and 3 of this treaty are similar to those of articles 2 and 3 of Treaty No. 37 above. Provisions similar to articles 1, 2 and 3 of the treaty under reference (No. 38) are to be found in the Conventions concluded by the United States with: Sweden, 22 May 1924 (*League of Nations Treaty Series*, vol. 29, p. 421); Denmark, 29 May 1924 (*ibid.*, vol. 27, p. 361); Italy, 3 June 1924 (*U.S. Treaty Series*, no. 702), France, 30 June 1924 (*League of Nations Treaty Series*, vol. 61, p. 415); Belgium, 9 December 1925 (*ibid.*, vol. 72, p. 171); Spain, 10 February 1926 (*ibid.*, vol. 67, p. 131); Greece, 25 April 1928 (*ibid.*, vol. 91, p. 231); Chile, 27 May 1930 (*ibid.*, vol. 133, p. 141); Poland, 19 June 1930 (*ibid.*, vol. 108, p. 323).

39) CONVENTION¹ DE COMMERCE ET DE NAVIGATION ENTRE LA FINLANDE ET LA HONGRIE, SIGNÉE À HELSINKI (HELSINGFORS), LE 29 MAI 1925²

. . . .

Article 17. Dans les ports et les eaux territoriales des deux pays, les navires hongrois et ceux de la Finlande, leurs équipages, passagers et cargaisons jouiront du traitement accordé à ceux de la nation la plus favorisée, tant en ce qui concerne les taxes générales ou spéciales qu'en ce qui concerne le classement des navires, les facilités pour leur chargement et déchargement, et généralement pour toutes les formalités et dispositions auxquelles peuvent être soumis les navires de commerce, leurs équipages, passagers et cargaisons.

. . . .

40) TREATY³ OF COMMERCE AND NAVIGATION BETWEEN GERMANY AND ITALY, SIGNED AT ROME, 31 OCTOBER 1925⁴

. . . .

Article 25. Vessels of one of the Contracting Parties shall be treated in the ports of the other in every respect like national vessels. This applies also to free access to the port, utilisation of it, and the full use of the arrangements available for vessels and for their commercial operations.

Article 26. As regards tonnage, port, pilotage, lighthouse, quarantine, and similar duties and charges of any kind which may be levied in the name or on behalf of the State, public officials, private individuals, corporations or institutions of any description, the vessels of each of the Contracting Parties shall enjoy in the ports of the other the treatment accorded to national vessels.

Article 27. All vessels which under Italian law are regarded as Italian vessels, and all vessels which under German law are regarded as German vessels, shall be regarded, for the purposes of this Treaty, as Italian and German vessels respectively.

The regulations and provisions of the national legislation concerning the fitting-out, equipment, and conditions of safety of vessels of one of the

¹ *Ibid.*, vol. 48, p. 120 et suiv.

² Ratifié.

³ *Ibid.*, vol. 52, pp. 311 et seq.

⁴ Ratified.

Contracting Parties shall be recognised as valid in the ports of the other, as regards the transport of goods.

. . .

Article 31. As regards the berthing of vessels, their loading and unloading in ports, roadsteads, bays, or docks, and generally in connection with all the formalities and regulations applicable to vessels, their crews and their cargoes, no privilege or favour shall be granted to national vessels or to vessels of a third State which are not also accorded to vessels of the other Party.

These provisions, however, shall be without prejudice to the power of the competent authorities to take such measures as they may think fit for the administration and management of the port, subject to observance of the principle of equality of treatment between the vessels of the two Contracting Parties.

. . .

Article 33. The assimilation of vessels of one of the Contracting Parties and their cargoes to vessels of the other Contracting Party and their cargoes shall not extend to the following:

(a) The application of the special laws on the national mercantile marine, so far as concerns the encouragement of shipbuilding and shipping by means of bounties or other special facilities;

(b) Favours accorded to yacht clubs;

(c) Maritime services in ports, roadsteads and on the coast. Maritime services include towage, pilotage, and assistance and life-saving at sea;

(d) Fishing;

(e) Emigration or the transport of emigrants. The legislation of the two States in the matter shall not be affected.

As regards the coasting trade, each of the Contracting Parties shall be entitled, for its vessels, to all favours and privileges which the other has accorded or may hereafter accord in the matter to a third Power, provided that it accords the same favours and privileges to vessels of the other Party in its territory.

Article 34. Vessels of one of the Contracting Parties which may be forced, owing to bad weather or accident, to take shelter in a port of the other Party, shall be allowed to undertake repairs in that port, to employ all the means necessary for such purpose, and to put to sea again, without being bound to pay dues of any description other than those which would be payable by national vessels in like circumstances. This notwithstanding, should the captain of the vessel undergoing repair find it necessary to dispose of part of the cargo to cover costs, he shall be bound to observe the regulations and tariffs in force in the port in which he has taken shelter.

. . .

- 41) TRAITÉ¹ DE COMMERCE ET DE NAVIGATION ENTRE LA NORVÈGE ET L'UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES, SIGNÉ À MOSCOU, LE 15 DÉCEMBRE 1925²

Article 19. Les navires de chacune des Hautes Parties contractantes seront libres de faire usage, dans les mêmes conditions et en payant les mêmes taxes que les navires nationaux, des canaux maritimes, écluses, bacs, ponts et ponts tournants, des ports et endroits de débarquement, signaux et feux servant à désigner les eaux navigables, du pilotage, des grues et poids publics, magasins et établissements pour le sauvetage et le magasinage de la cargaison et d'autres objets, en tant que ces établissements et institutions sont désignés à l'usage public, soit qu'ils soient administrés par l'État, soit par des particuliers.

Article 31. Les vaisseaux norvégiens dans la mer Blanche, et dans les eaux territoriales de l'Union des Républiques soviétistes socialistes dans l'océan Glacial, jouiront, en ce qui concerne la chasse aux bêtes de mer, sans restrictions ou exemptions quelconques, des mêmes droits qui sont ou seront accordés à un tiers État quelconque.

En ce qui concerne la pêche dans les mêmes régions, les vaisseaux norvégiens jouiront du traitement de la nation la plus favorisée en tant qu'il s'agit de faveurs accordées ou pouvant être accordées par un traité.

PROTOCOLE FINAL

4. (*Ad article 19.*) Il est entendu qu'en ce qui concerne le recours aux services des pilotes, les navires de l'un des deux pays se conformeront aux indications et aux ordres des autorités des ports de l'autre pays sur la même base que les navires d'un tiers pays quelconque.

6. (*Ad article 20.*) Il est entendu que dans des cas séparés un navire de l'une des Hautes Parties contractantes qui a subi une avarie ou un naufrage dans les ports ou dans les eaux territoriales de l'autre Partie et qui a besoin d'assistance, a le droit de faire usage des bateaux de chacune des Hautes Parties contractantes pour le remorquage, le sauvetage et l'assistance maritime.

Cependant, les navires de chacune des Hautes Parties contractantes qui exercent professionnellement le remorquage, le sauvetage et l'assistance maritime ne peuvent stationner dans les ports de l'autre Partie pour y exercer leur profession.

¹ *Ibid.*, vol. 47, p. 10 et suiv.; traduction anglaise: *ibid.*, p. 11 et suiv.

² Ratifié.

42) CONVENTION ¹ DE COMMERCE ET DE NAVIGATION ENTRE LE DANEMARK ET L'ESPAGNE, SIGNÉE À MADRID, LE 2 JANVIER 1928 ²

Article 5. Les dispositions de la présente convention ne s'appliquent pas au régime du cabotage ni au régime de la pêche dans les eaux territoriales de chacune des Hautes Parties contractantes, pour lesquels les ressortissants et navires desdites Parties contractantes jouiront du traitement de la nation la plus favorisée.

43) FISHERY CONVENTION ³ BETWEEN JAPAN AND THE UNION OF SOVIET SOCIALIST REPUBLICS, SIGNED AT MOSCOW, 23 JANUARY 1928 ⁴

Article 1. The Union of Soviet Socialist Republics grants to Japanese subjects, in conformity with the stipulations of the present Convention, the right to catch, to take and to prepare all kinds of fish and aquatic products, except fur-seals and sea-otters, along the coasts of the possessions of the Union of Soviet Socialist Republics in the Japan, Okhotsk and Behring Seas, with the exception of rivers and inlets. The inlets comprised in this exception are enumerated in Article 1 of the Protocol (A) attached to the present Convention.

PROTOCOL (A)

Article 1. The inlets which are the object of the exception contained in Article 1 of the Fishery Convention are as follows:

- (1) St. Lawrence Bay, up to a straight line drawn from Cape Pnaugun to Cape Khargilakh.
- (2) Mechigme Bay.
- (3) Konyam Bay (Penkeguni Bay), up to a straight line drawn from Cape Netchkhonone to Grab Peak.
- (4) Abolechef Bay (Kalagan Bay).
- (5) Roumilet Bay.
- (6) Providence Bay, up to a straight line drawn from Cape Lissovsky to Lysaya Golova.
- (7) Holy Cross Gulf, up to the parallel of Cape Meetchken.
- (8) Anadyr Bay, up to a straight line drawn from Cape St. Basilius to Cape Geka.
- (9) St. Pavla Bay.
- (10) Shliupochnaya Harbour.
- (11) Tuilen Lake.
- (12) Six Feet Lake.
- (13) Northern portion of Baron Korfa Gulf.
- (14) Karaga Harbour.
- (15) Bechevinska Bay.
- (16) Avatcha Bay, up to a straight line drawn from Cape Bezimyanni to Cape Dalni.

¹ *Ibid.*, vol. 71, p. 272 et suiv.; traduction anglaise: *ibid.*, p. 273 et suiv.

² Les ratifications ont été échangées le 1er mars 1928.

³ *Ibid.*, vol. 80, pp. 342 et seq.

⁴ Ratified.

- (17) Gulf of Penjinsk, up to the parallel of Cape Mamet.
- (18) Milkachinsky Bay.
- (19) Iamskaia Bay.
- (20) Aian Bay.
- (21) Grand Duke Constantine Bay.
- (22) St. Nicholas Gulf, up to a straight line drawn from Cape Lamsdorf to Cape Grotø.
- (23) Schastiya Gulf.
- (24) Baikal Gulf, up to a straight line drawn from Cape Tshauno to Cape Vitovta.
- (25) Nuiskii Gulf.
- (26) Nabilskii Gulf.
- (27) Krestovaya Bay.
- (28) Starka Bay.
- (29) Vanina Bay, up to a straight line drawn from Cape Vesseli to Cape Burni.
- (30) Port Soviet, up to a straight line drawn from Cape Milyutina to Cape Putyatina.
- (31) Terne Bay, up to the meridian of Cape Strashni.
- (32) St. Vladimir Bay, up to a straight line drawn from Cape Balusek to Cape Vatovskago.
- (33) Small inlet situated in the north-eastern portion of Preobrazheniya Bay, as far as the meridian of Cape Matveeva.

It goes without saying that the exception in question shall not apply to high seas.

As regards the northern coast of the Okhotsk Sea, from the estuary of the Podkagernaya to Aian Bay, with the exception of Penjinsky Gulf (see No. 17), Milkachinsky Bay (see No. 18), Iamskaia Bay (See No. 19) and Aian Bay (see No. 20), the inlets which are to come within the exception above referred to shall be determined according to the following definition:

Such bays as shall penetrate into the mainland for a distance (measured along the deepest channel) which shall be more than three times the width of the entrance.

Fishing shall, moreover, be barred to Japanese subjects, as to other foreigners, within the following bays not, as a matter of course, including high seas:

- (1) De Castries Bay with Fredericks Bay, up to a straight line drawn from Cape Castries to Cape Kloster Kamp and up to a similar line from Cape Kloster Kamp to Cape Ostri.
- (2) St. Olga Bay, up to a straight line drawn from Cape Manevskago to Cape Shkota.
- (3) Peter the Great Bay, from Cape Povorotni to Cape Gamova, including the islands situated in that bay.
- (4) Posiette Bay, from Cape Gamova to Cape Butakov.

Article 2. In matters concerning the boundaries of rivers in relation to the sea, the two Governments shall follow the principles and usages of the law of nations.

. . . .

- 44) CONVENTION¹ BETWEEN THE FINNISH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS, REGARDING CUSTOMS SUPERVISION IN THE GULF OF FINLAND, SIGNED AT MOSCOW, 13 APRIL 1929²

Note. Articles 1-6 of this Convention and Final Protocol have been published in the *United Nations Legislative Series*, Laws and Regulations on the Régime of the High Seas, vol. I, 1951, p. 163.

- 45) CONVENTION³ BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PROTECTION, PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES OF THE FRASER RIVER SYSTEM, SIGNED AT WASHINGTON, 26 MAY 1930⁴

Note. This Convention has been published in the *United Nations Legislative Series*, Laws and Regulations on the Régime of the High Seas, vol. I, 1951, p. 195.

- 46) CONVENTION⁵ ENTRE L'ITALIE ET LA TURQUIE POUR LA DÉLIMITATION DES EAUX TERRITORIALES ENTRE LES CÔTES D'ANATOLIE ET L'ÎLE DE CASTELLORIZO, SIGNÉE À ANKARA, LE 4 JANVIER 1932⁶

Article 5. Les Hautes Parties contractantes sont également tombées d'accord pour fixer la délimitation des eaux territoriales comme suit:

À l'est:

D'un point situé à moitié distance entre le cap San Stephano (pointe du vent) et le cap Gata;

De là, en ligne droite jusqu'à un point situé à moitié distance entre Psomi et Proussecliss (Prussekli);

De ce point, en ligne droite sur un point situé à moitié distance entre Mavro-Poinis et Proussecliss;

De ce point, en ligne droite sur un point situé à moitié distance entre la pointe Niphitis et le rocher Proussecliss;

De ce dernier point, en ligne droite sur un point situé à moitié distance entre la côte nord-est de l'île d'Hypsili (Stronghyli) et la côte sud-ouest de l'île de Nissi-Tis Dacia;

De ce point, en ligne droite, jusqu'à un point qui se trouve à trois milles au sud de Tugh-Burnu.

Au sud:

De ce dernier point, la ligne passe jusqu'à un point situé à trois milles au sud de la pointe sud Hypsili pour se joindre à la frontière maritime qui ne rentre pas en discussion.

Au nord:

Du point situé à moitié distance entre le cap San Stephano (pointe du vent) et le cap Gata, la ligne va en ligne droite à un point situé à moitié distance entre le cap San Stephano (pointe du vent) et le cap Vathy;

¹ *Ibid.*, vol. 96, pp. 108 *et seq.*

² Ratifié.

³ *Ibid.*, vol. 184, p. 306.

⁴ Ratifié.

⁵ *Ibid.*, vol. 138, p. 244 *et suiv.*; traduction anglaise: *ibid.*, p. 245 *et suiv.*

⁶ Ratifié.

De ce point en ligne droite jusqu'à un point situé à moitié distance entre le cap du Limenari et les rochers Voutzaki (Rocci Vutzaki);

De ce dernier point, jusqu'à un point situé à moitié distance entre l'île Dragonera et les rochers Voutzaki (Rocci Vutzaki);

De ce dernier point, la ligne passe vers le nord jusqu'à un point situé à moitié distance entre le point nord-est de l'île St. Georges (Rho) et le point le plus proche de la côte d'Anatolie au nord du point de l'île;

De ce point, jusqu'à un point situé à moitié distance entre Prassoudi et le point sud-ouest de l'île St. Georges (Rho);

De ce dernier point, la ligne va en ligne droite jusqu'à un point situé à trois milles au sud de l'île de Volo pour se joindre à la frontière maritime qui ne rentre pas en discussion.

La ligne de démarcation, telle qu'elle est décrite dans le présent article, fixée par les Hautes Parties contractantes en vue de déterminer l'appartenance des îles et îlots se trouvant de part et d'autre de cette ligne, rejoint à l'est à un point situé à 3 milles de distance au sud de Tugh Burnu, et à l'ouest à un point situé à 3 milles de distance au sud de l'île de Volo, la frontière maritime générale qui n'est point en discussion entre la Turquie et l'Italie.

Article 6. Les noms des localités susmentionnées sont empruntés aux cartes italienne (624), française (5551) et anglaise (236).

Les Hautes Parties contractantes sont d'accord qu'en cas de divergence entre le texte de la présente Convention et les cartes y annexées c'est le texte qui fera foi.

. . .

47) DECLARATION BETWEEN THE DANISH AND SWEDISH GOVERNMENTS CONCERNING THE BOUNDARIES OF THE SOUND, SIGNED AT STOCKHOLM, 30 JANUARY 1932, AND EXCHANGE OF NOTES ^{1 2}

THE ROYAL DANISH GOVERNMENT and THE ROYAL SWEDISH GOVERNMENT, having carefully considered the question of boundaries in the Sound, (limited in the north by a line from Gilbjergghoved to Kullen, and in the south by a line from the Stevns lighthouse to Falsterbo Point), have found that the line hereinafter described affords a basis for the correct delimitation of the exercise by the two countries of the rights mentioned below:

In the northern part of the Sound, from its northern limit to the site of the Lous Flak light- and soundbuoy (Lat. N. 55°49'36"; long. E. 12°42'42"), the line runs midway between the coast of Zealand and the Swedish mainland (Ven Island being disregarded).

From the site of the Lous Flak light- and soundbuoy, the line runs straight to the site of the Saltholm Flak lightbuoy N.E. (lat. N. 55°41'55"; long. E. 12°51'00"), and thence in a southerly direction following straight lines drawn between the following four points:

- | | | | | |
|----|---------|-----------|----------|-----------|
| 1. | Lat. N. | 55°38'37" | long. E. | 12°53'54" |
| 2. | " " | 55°36'49" | " " | 12°53'04" |
| 3. | " " | 55°32'25" | " " | 12°43'57" |
| 4. | " " | 55°29'19" | " " | 12°43'06" |

¹ *Ibid.*, vol. 127, pp. 62 *et seq.*

² Not subject to ratification.

The line is continued to the southern limit in accordance with rules corresponding to those applicable to the northern part of the Sound, but is made up of straight lines determined by the following points:

4. Lat. N. 55°29'19'', long. E. 12°43'06''
5. „ „ 55°25'52'', „ „ 12°36'49''
6. „ „ 55°20'12'', „ „ 12°38'42''

The geographical co-ordinates of the above-mentioned points refer to the attached chart on which the line is marked.

The two Governments agree that the line in question shall form the boundary in the Sound between the territorial waters of the two countries, as far as those territorial waters extend in accordance with the rules in force in this respect.

The Danish and Swedish Governments undertake to refrain in the Sound, even outside territorial waters, from erecting lighthouses, seamarks, or fixed installations of any kind whatever, to the east and west respectively of the said line, which shall also form the boundary for their right to mark and salvage wrecks and to take any other measures for the safety of navigation and the like. Fixed seamarks or other installations which may have been previously erected by Denmark on the east or by Sweden on the west of the said line shall be removed by the State to which they belong, after negotiation between the competent Danish and Swedish authorities and within a period of six months from the date of signing the present Declaration.

This Declaration involves no change in the existing rules regarding pilotage in the Sound (cf. Declaration of August 14, 1873, with the Annex of October 12, 1911), or in the regulations applicable to fishing in the navigable waterways adjacent to Denmark and Sweden (cf. Convention of July 14, 1899, and Declaration of October 5, 1907).

EXCHANGE OF NOTES

I

THE SWEDISH MINISTER FOR FOREIGN AFFAIRS TO THE DANISH CHARGÉ
D'AFFAIRES AT STOCKHOLM

STOCKHOLM, January 30, 1932

SIR,

In connection with the Declaration signed to-day regarding the boundaries in the Sound, I have the honour to state that the Swedish Government recognises that it is bound to keep the passage through the Sound at Flintrännan and east of Ven Island open to all Danish vessels, including both merchant ships and warships, which shall be entitled to pass freely through the said waterway without paying any dues whatever (with the exception of the charge for voluntary pilotage), and which in all other respects may not be treated less favourably than Swedish vessels or the vessels of any other country whatever.

In making the above statement on behalf of the Royal Swedish Government, I have the honour to add that nothing therein shall be interpreted as being contrary to the obligations which may be imposed on Sweden as a Member of the League of Nations, or prevent Sweden from taking such temporary defensive measures as she may find necessary in the event of international military complications in which she becomes involved.

The Swedish Government further recognises the Danish Government's right to fix the boundaries of the roadstead of Copenhagen in the same manner as heretofore and to treat the said waters as Danish inland waters.

I have the honour, etc.

II

THE DANISH CHARGÉ D'AFFAIRES AT STOCKHOLM TO THE SWEDISH MINISTER FOR FOREIGN AFFAIRS

STOCKHOLM, January 30, 1932

YOUR EXCELLENCY,

I have the honour hereby to acknowledge the receipt of your note of to-day's date, in which Your Excellency informs me, in connection with the Declaration signed this day regarding the boundaries in the Sound, that the Royal Swedish Government recognises that it is bound to keep the passage through the Sound at Flintrännen and east of Ven Island open to all Danish vessels, including both merchant ships and warships, which shall be entitled to pass freely through the said waterway without paying any dues whatever (with the exception of the charge for voluntary pilotage), and which in all other respects may not be treated less favourably than Swedish vessels or the vessels of any other country whatever.

In making the above statement on behalf of the Royal Swedish Government, Your Excellency added that nothing therein shall be interpreted as being contrary to the obligations which may be imposed on Sweden as a Member of the League of Nations, or prevent Sweden from taking such temporary defensive measures as she may find necessary in the event of international military complications in which she becomes involved.

The Royal Swedish Government further recognises the Royal Danish Government's right to fix the boundaries of the roadstead of Copenhagen in the same manner as heretofore, and to treat the said waters as Danish inland waters.

I have the honour, etc.

- 48) CONVENTION¹ BETWEEN DENMARK AND SWEDEN WITH REGARD TO FISHING IN THE WATERS BORDERING ON THE TWO COUNTRIES, SIGNED AT STOCKHOLM, 31 DECEMBER 1932²

Article 1. The present Convention shall apply to the following waters:

The Kattegat, bounded to the north by a straight line drawn from the most northerly point of the Skaw to the Vinga lighthouse and thence to the nearest point on the coast of Hisingen, and to the south by straight lines drawn from Hasenøre to Gniben and from Gilbjerg Hoved to Kullen lighthouse;

The Sound, between a line from Gilbjerg Hoved to Kullen lighthouse on the north and a line drawn from Stevn lighthouse to Falsterbo lighthouse to the south;

The Baltic, in respect of the waters along the coast from Falsterbo lighthouse to Simrishamn lighthouse and the waters around Bornholm and the Kristiansø group of islands.

¹ *Ibid.*, vol. 139, pp. 215 *et seq.*

² Came into force, 22 June 1933.

Article 2. 1. Each of the Contracting States shall authorise fishermen to fish in their respective coastal waters to the extent specified below. This authorisation shall not in any way imply that the Contracting States abandon their respective points of view regarding the general principles for calculating the extent of their territorial waters.

2. In the Kattegat, the fishermen of each country shall be entitled to fish up to a distance of three minutes latitude from the coast of the other country or from the most outlying islets and rocks which are not constantly submerged.

As regards bays, the fishermen of both countries shall be entitled to fish up to a distance of three minutes latitude from a straight line drawn across the bay in the part nearest the opening where the width is not greater than ten minutes latitude. Off Laholm bay, however, this distance shall be calculated from a straight line drawn from the Tylö lighthouse to Hallands Väderö lighthouse.

3. In the Sound, fishing may be carried on everywhere by the fishermen of either country, with the restriction that off the coast within a depth of seven metres fishermen of the other country may not fish except for herring with nets and in the months of July, August, September and October with lines. Only "Naering" ("Nårding") may be used as drift nets for herring fishing.

Article 3. The fishermen of either country shall be permitted, without prejudice to special rights and provided they observe the existing Customs regulations and other similar provisions, to navigate freely and anchor at any point in the waters referred to in the present Convention; nevertheless from July 1 to October 31 inclusive fishing boats anchored in the Sound shall raise their anchors if there is any danger of the tackle of fishermen using drift nets drifting foul of the anchored boats or their moorings.

Article 6. Articles 4 and 5 shall not apply to the fishing areas reserved by each country exclusively for its own fishermen.

Article 9. Supervision of the observance of the provisions of the present Convention shall be exercised in common by both countries; nevertheless supervision by one country may not extend to the fishing areas reserved to the other country, and outside the fishing zones reserved to the respective countries it may be exercised over the fishermen of the other country only to the extent of noting infringements and duly reporting them.

FINAL PROTOCOL

When signing the Convention concluded . . . between Denmark and Sweden, regarding fishing conditions in the waters bordering on Denmark and Sweden, the undersigned Plenipotentiaries have made the following declaration on behalf of their Governments:

It is agreed between the two Contracting States that:

(1) The expression "fishermen" in the Convention shall be taken to mean all persons who in virtue of the Danish or Swedish legislation currently

in force regarding salt-water fishing (fishing at sea) are entitled to engage in fishing;

(2) (*ad* Article 2) Efforts must in principle be made to prohibit fishing with seine nets within the seven-metre limit in the Sound.

. . .

- 49) CONVENTION¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND FINLAND CONCERNING THE SUPPRESSION OF THE ILLICIT IMPORTATION OF ALCOHOLIC LIQUORS INTO FINLAND, SIGNED AT LONDON, 13 OCTOBER 1933²

Article 1. 1. The High Contracting Parties declare that it is their firm intention to uphold the principle:

(a) That three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters;

. . .

Note. Articles 1-4 of this Convention have been published in the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 167.

- 50) ACCORD³ ENTRE LA SUÈDE ET LA FINLANDE CONCERNANT L'ORGANISATION D'UN SERVICE DE GARDE COMMUN EN VUE DE LA LUTTE CONTRE L'IMPORTATION ILLICITE DES MARCHANDISES ALCOOLIQUES, SIGNÉ À HELSINGFORS (HELSINKI), LE 29 DÉCEMBRE 1933⁴

Article 1^{er}. Dans les eaux territoriales des deux États contractants situées entre 60°30' et 59°45' de latitude nord et limitées à l'ouest par des lignes droites tirées entre les récifs suivants, savoir Högkallegrund, Östergryndan, Klacken, Gråskälsbrännan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan, Simpnäsklubb, Håkanskär, Tjärven, Söderarm, et Längden, et à l'est par des lignes droites tirées entre les récifs de Jernbådan, Sälskär, Malgrunden, Skarven, Yttre Borgen, Gislän, Torskubbar, Sandgrunden, Uddbåda, Mellangadden, Nyhamn, Lågskär, Vittensten, Granbåda et Voronina, puis, de là, par une ligne tirée droit vers le sud, un service de garde commun sera organisé par les deux États en vue de la lutte contre l'importation illicite des marchandises alcooliques dans leurs territoires douaniers.

. . .

PROTOCOLE FINAL

À l'occasion de la signature, en date de ce jour, de l'accord conclu entre la Suède et la Finlande concernant l'organisation d'un service de garde commun en vue de la lutte contre l'importation illicite des marchandises alcooliques, les plénipotentiaires soussignés déclarent au nom de leurs

¹ *Ibid.*, vol. 142, pp. 188 *et seq.*

² Not subject to ratification; in accordance with article 5, this Convention came into force at the date of signature.

³ *Ibid.*, vol. 149, p. 24 *et suiv.*

⁴ Ratifié.

gouvernements respectifs qu'il est entendu, aux fins du présent accord, que les eaux territoriales de la Suède s'étendent jusqu'à une distance de quatre milles marins ou 7.408 mètres, et celles de la Finlande jusqu'à une distance de trois milles marins ou 5.556 mètres des territoires terrestres des deux pays ou des lignes constituant, du côté de la mer, la limite des ports, entrées de ports et baies situés sur leurs côtés, ainsi que des autres eaux maritimes sises en deça et dans l'intervalle des îles, îlots ou récifs non constamment submergés, situés le long des côtes, les eaux territoriales ne s'étendant toutefois ni d'un côté ni de l'autre au-delà de la ligne indiquée à l'article 6.

Note. Articles 1-6 of this Agreement have been published the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 157.

- 51) TRAITÉ¹ D'ÉTABLISSEMENT, DE COMMERCE ET DE NAVIGATION ENTRE L'IRAN ET L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES, SIGNÉ À TÉHÉRAN, LE 27 AOÛT 1935²

Article 15. . .

4. Nonobstant les dispositions qui précèdent, chacune des Parties contractantes entend réserver à son propre pavillon la pêche dans les eaux baignant ses côtes, jusqu'à une limite de dix milles marins, ainsi que conserver le droit de faire bénéficier d'avantages préférentiels l'importation des poissons pris par les équipages des navires naviguant sous son pavillon.

Note. The full text of article 15 of this treaty has been published in the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 170.

- 52) CONVENTION³ BETWEEN DENMARK AND SWEDEN FOR COMMON SUPERVISION IN ORDER TO PREVENT THE SMUGGLING OF ALCOHOLIC LIQUORS, SIGNED AT STOCKHOLM, 28 OCTOBER 1935⁴

Article 1. Within the territorial waters of the two contracting States in the Sound and certain parts of the Cattégat and the Baltic, namely:

On the Danish side, from 12°17.5' east longitude (Gilbjerghoved), along the north and east coast of Zealand, together with Møen and Falster, to 11°58' east longitude (Gedser) and round the island of Bornholm and the islands known as Aerteholmene, and

On the Swedish side, from 56°27' north latitude (Hallands Väderö light-house), along the west, south and east coast of Skåne, to 55°39.8' north latitude (Stenshuvud),

the supervision staff of the two States shall, in accordance with the following provisions and with the detailed regulations which may be agreed upon between the supreme Customs authorities of the two countries, co-operate

¹ *Ibid.*, vol. 176, p. 300 et suiv.; traduction anglaise: *ibid.*, p. 301 et suiv.

² Ratifié.

³ *Ibid.*, vol. 166, pp. 307 et seq.

⁴ Came into force 28 January 1936.

in combating the illicit import of alcoholic liquors into their Customs territory.

The provisions of the present Convention relating to the territorial waters shall not be applicable to ports and entrances to ports.

Note. Articles 2-6 of this Convention and the Final Protocol thereto have been published in the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 149.

53) TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN DENMARK AND SIAM, SIGNED AT COPENHAGEN, 5 NOVEMBER 1937²

. . .

Article 13. The merchant vessels of either of the High Contracting Parties, whether in ballast or with cargoes, which arrive at or depart from the ports of the other Party shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of navigation as those which are or may be enjoyed by national vessels, from whatever place such vessels may arrive and whatever may be their place of destination.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the High Contracting Parties shall reciprocally apply the provisions of the Convention and Statute on the International Régime of Maritime Ports, signed at Geneva on December 9th, 1923.³

. . .

Article 17. Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies and put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coast of the other, the local authorities shall give prompt notice of the occurrence to the Consular Officer residing in the district or to the nearest Consular Officer of the other Power.

Such stranded or wrecked ship or vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them, within the period fixed by the laws and regulations of the country in which the wreck or stranding occurred, and

¹ *Ibid.*, vol. 188, pp. 188 *et seq.*

² Ratified.

³ See *supra*, Second Part, Chapter I, Treaty No. 11.

such owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck or stranding of a national vessel.

In the case of a ship or vessel belonging to the nationals of one of the High Contracting Parties being driven in by stress of weather, run aground or wrecked in the territory of the other, the proper Consular Officer of the High Contracting Party to which the vessel belongs shall, if the owners or their agents are not present, or are present but require it, be authorized to interpose in order to afford the necessary assistance to the nationals of his State.

Article 18. The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.

54) ACCORD ¹ ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE POPULAIRE FÉDÉRATIVE DE YOUGOSLAVIE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE ITALIENNE RELATIF À LA PÊCHE PAR LES PÊCHEURS ITALIENS DANS LES EAUX YOUGOSLAVES, SIGNÉ À BELGRADE, LE 13 AVRIL 1949 ²

Article 1^{er}. Le Gouvernement de la République populaire fédérative de Yougoslavie permettra aux pêcheurs italiens de pêcher au chalut remorqué par bateau dans la mer territoriale de la République populaire fédérative de Yougoslavie, à savoir:

a) dans la zone de l'archipel Premuda — Dugi Otok — Kornat en direction sud-ouest du cap situé au nord-ouest de l'île Premuda vers les phares Veli Rat et Sestrice jusqu'à l'île de Purara située dans l'archipel de Kornat, à l'exception des eaux des deux premiers milles marins en direction de la pleine mer;

b) dans la zone de l'archipel Jabuka — Kamik à l'ouest du méridien traversant l'île de Kamik, à l'exception des eaux du premier mille marin de l'île Jabuka et à l'exception des deux premiers milles marins de l'île Kamik en direction de la pleine mer;

c) dans la zone de l'archipel Palagruža — Kajola, à l'exception des eaux des deux premiers milles marins en direction de la pleine mer;

d) dans la zone de l'île de Mljet limitée vers l'ouest par le méridien traversant le phare Glavat et vers l'est par le méridien traversant le cap Gruj situé sur la pointe sud-est de l'île de Mljet, à l'exception des eaux des deux premiers milles marins en direction de la pleine mer.

¹ Le texte français de cet accord se trouve dans: Izdanje Ministarstva Inostranih Poslova FNRJ, *Medjunarodni Ugovori, Federativne Narodne Republike Jugoslavije*, 1952, n° 3, pp. 1-8.

² Entré en vigueur le 1er mai 1949 pour une durée de deux années, conformément à l'article 13. Il a été prorogé pour un an à partir du 1er mai 1951 par un Protocole y relatif signé à Belgrade, le 26 février 1951 (*ibid.*, p. 9).

De même, le Gouvernement de la République populaire fédérative de Yougoslavie permettra aux pêcheurs italiens de pêcher au chalut remorqué par bateau dans les bandes de la zone de protection large de 4 milles marins en dehors de la mer territoriale, qui s'étendent parallèlement aux zones mentionnées sous *a*, *b*, *c* et *d* de l'alinéa 1 du présent article, correspondant à celles-ci en longueur et formant avec elles une zone compacte de pêche. Pendant la validité du présent Accord le Gouvernement de la République populaire fédérative de Yougoslavie renonce au droit d'appliquer, aux fins de la protection de la richesse maritime, dans ces bandes des zones déterminées par le présent Accord d'autres mesures restrictives en plus de celles mentionnées dans le présent Accord. Dans ces zones de pêche compactes pêcheront: dans la zone Premuda — Dugi Otok — Kornat 60 bateaux au maximum; dans celles de Jabuka — Kamik et Palagruža — Kajola un nombre indéterminé de bateaux et dans celle de l'île de Mljet 25 bateaux au maximum.

Dans les bandes de la zone de protection large de 4 milles marins en dehors de la mer territoriale les autorités compétentes de la République populaire fédérative de Yougoslavie exercent le contrôle et prescrivent toute mesure utile pour protéger les richesses de la mer. Au point de vue des mesures de protection les pêcheurs italiens ne seront pas traités d'une manière plus défavorable que les pêcheurs yougoslaves.

Lorsque les eaux au nord-ouest de l'île Sušak seront nettoyées de mines, le Gouvernement de la République populaire fédérative de Yougoslavie examinera la possibilité de l'établissement d'un certain secteur de pêche dans ces eaux pour les pêcheurs italiens.

Note. For the full text of this Agreement, see the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 241.

55) AGREEMENT¹ BETWEEN NORWAY AND SWEDEN CONCERNING FISHING IN CERTAIN WATERS BELONGING TO NORWAY AND SWEDEN, SIGNED AT OSLO, 20 DECEMBER 1950²

Article 1. Swedish fishermen shall be entitled to fish in Norwegian waters in the outer Oslo Fjord beyond a line running from the rock at the southern tip of Ertholmen in the Rauer group to Midtre Heiaflu (58° 56.8'N., 10°53.4'E.). The area is bounded on the west by a line drawn from a point 2 nautical miles east of the rock at the southern tip of Ertholmen in the Rauer group along the aforesaid line to a point 4 nautical miles due south of the southernmost rock in the Svernör group, and on the east by a line drawn from a point 5½ nautical miles west of Midtre Heiaflu along the line joining the latter with the rock at the southern tip of Ertholmen in the Rauer group to a point north-west of the Grisbaene light and bell buoy (58°55'N., 10°46'7'E.).

Article 2. Norwegian fishermen shall be entitled to fish in Swedish waters outside a line running from a point north-west of the Grisbaene

¹ *United Nations Treaty Series*, vol. 92 (1951), p. 10. French text: *ibid.*, p. 11.

² Came into force on 17 April 1951.

light and bell buoy (58°55'N., 10°46.7'E.) to the said bell buoy (58°53'N., 10°50'E.) and thence to a point 6 nautical miles due west of the northern tip of the island of Morö (58°40'N., 10°57.3'E.). The area is bounded on the south by a line drawn due west from the last-named point.

Article 3. Norwegian and Swedish fishermen fishing in Swedish and Norwegian waters respectively shall observe all legal provisions applying to fishermen of the home State in those waters.

Notwithstanding any legal provisions to which fishermen of the home State may be subject in the said waters, fishermen of the other State may not fish therein with anchored nets, bow-nets or similar tackle, or with crab or lobster pots.

Article 4. New provisions governing fishing in the waters indicated in articles 1 and 2 may not be issued or put into effect except by agreement between the Contracting Parties.

Article 5. Fishermen of both States shall be free to proceed or anchor anywhere in the waters indicated in articles 1 and 2.

Notwithstanding the foregoing, fishing vessels of one State fishing in the grounds of the other State may be inspected by the competent authorities of the other State to ensure compliance with the law governing fisheries. Inspection may also be carried out to ensure that persons on board fishing vessels do not contravene any other legal provisions of the home State, such as those relating to national security and the prevention of smuggling.

Such inspection shall be carried out in such a way as to interfere as little as possible with the vessel's fishing operations.

. . .

Article 7. The authorities of each State shall enforce this Agreement within their own waters.

Where the authorities of one State take action against a fishing vessel of the other State or against persons on board such vessels for an offence against the law committed by the said vessel or persons in the waters of the former State, they shall forthwith notify the competent authority of the other State accordingly.

. . .

56) AGREEMENT ¹ BETWEEN DENMARK AND THE UNITED STATES OF AMERICA
ON THE DEFENSE OF GREENLAND, SIGNED AT COPENHAGEN, 27 APRIL
1951 ²

. . .

Article 2 . . .

(3) . . .

(b) Without prejudice to the sovereignty of the Kingdom of Denmark over such defense area and the natural right of the competent Danish authorities to free movement everywhere in Greenland, the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

¹ *United States Treaties and other International Agreements*, vol. 2, part 2, 1951, pp. 1485 *et seq.*

² Entered into force 8 June 1951.

- (i) To improve and generally to fit the area for military use;
- (ii) To construct, install, maintain, and operate facilities and equipment, including meteorological and communications facilities and equipment, and to store supplies;
- (iii) To station and house personnel and to provide for their health, recreation and welfare;
- (iv) To provide for the protection and internal security of the area;
- (v) To establish and maintain postal facilities and commissary stores;
- (vi) To control landings, takeoffs, anchorages, moorings, movements, and operation of ships, aircraft, and water-borne craft and vehicles, with due respect for the responsibilities of the Government of the Kingdom of Denmark in regard to shipping and aviation;
- (vii) To improve and deepen harbors, channels, entrances and anchorages.

. . .

Article 3. (1) . . .

(a) United States ships, aircraft and armed forces shall have free access to Grønødal with a view to the defense of Greenland and the rest of the North Atlantic Treaty area. The same right of access shall be accorded to the ships, aircraft and armed forces of other Governments parties to the North Atlantic Treaty as may be required in fulfillment of NATO plans.

. . .

Article 5 . . .

(3) In keeping with the provisions of Article 6 of this Agreement, and in accordance with general rules mutually agreed upon and issued by the appropriate Danish authority in Greenland, the Government of the United States of America may enjoy, for its public vessels and aircraft and its armed forces and vehicles, the right of free access to and movement between the defense areas through Greenland, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and from light or harbor dues. United States aircraft may fly over and land in any territory in Greenland, including the territorial waters thereof, without restriction except as mutually agreed upon.

Article 6. The Government of the United States of America agrees to co-operate to the fullest degree with the Government of the Kingdom of Denmark and its authorities in Greenland in carrying out operations under this Agreement. Due respect will be given by the Government of the United States of America and by United States nationals in Greenland to all the laws, regulations and customs pertaining to the local population and the internal administration of Greenland, and every effort will be made to avoid any contact between United States personnel and the local population which the Danish authorities do not consider desirable for the conduct of operations under this Agreement.

. . .

57) CONVENTION ¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PRESERVATION OF THE HALIBUT FISHERIES OF THE NORTHERN PACIFIC OCEAN AND BERING SEA, SIGNED AT OTTAWA, 2 MARCH 1953 ²

Article 1. 1. The nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to article 3 of this Convention.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of Canada or of the United States of America from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

. . .

¹ U.S. Department of State, *Treaties and other International Acts Series 2900*; Statutes of Canada, 1953, Chapter 43, Schedule.

² Entered into force 28 October 1953. This Convention has replaced the Convention of 29 January 1937 (see *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 205).