

日本國亞米利加合衆國間酒類輸送取締ニ關スル條約

昭和三年五月三一日ワシントンで署名

昭和四年一月二二日批 准

昭和五年一月二六日ワシントンで批准書交換

昭和五年一月二七日公布(条約第一号)

昭和二八年四月二二日存続又は復活の通告

昭和二八年六月二四日告示(外務省告示第四四号)

昭和二八年七月二二日存続の確定又は復活

(定訳)

日本國皇帝陛下及亞米利加合衆國大統領ハ酒精飲料ニ關シ合衆國ニ於テ施行セラルル法令ニ關聯シ兩國間ニ發生スルコトアルベキ紛議ヲ避ケンコトヲ希望シ之ガ爲條約ヲ締結スルコトニ決シ左ノ如ク各其ノ全權委員ヲ任命セリ

CONVENTION BETWEEN JAPAN AND THE UNITED STATES OF AMERICA RESPECTING THE REGULATION OF THE LIQUOR TRAFFIC.

*Signed at Washington, May 31, 1928.*

*Ratified November 22, 1929.*

*Ratifications exchanged at Washington, January 16, 1930.*

*Promulgated January 17, 1930.*

*Notification of continuance in force or revival given*

*April 22, 1953.*

*Continuance in force or revival published June 24, 1953.*

*Determined to have been continued in force or revived*

*July 22, 1953.*

His Majesty the Emperor of Japan and the President of the United States of America, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

日本國皇帝陛下

亞米利加合衆國駐劄特命全權大使從三位勲一等松平恒雄

亞米利加合衆國大統領

合衆國國務長官「フランク、ビー、ケロッグ」因テ各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ如ク協定セリ

第一條

條約國ハ海岸線ヨリ外方ニ向ヒ干潮線ヨリ測リタル三海里ガ領水ノ本來ノ限界ヲ成スノ主義ヲ支持スルノ確固タル意嚮アルコトヲ聲明ス

第二條

(一) 日本國政府ハ合衆國、其ノ屬領又ハ屬地ノ官憲ニ於テ日本國旗ヲ掲揚スル私船舶又ハ該船舶内ニ在ル者ガ合衆國、其ノ屬領若ハ屬地ニ於テ施行セラルル法令ニ違反シテ酒精飲料ノ輸入ヲ圖リ又ハ輸入ヲ爲シタリヤ否ヤヲ確知スル目的ヲ以テ該船舶内ニ在ル者ヲ訊問シ且船舶書類ヲ檢閲センガ爲領水ノ限界外

領水三海里主義維持の聲明

米領水内外に於ける日本船舶に對する米國官憲の取締行使

His Majesty the Emperor of Japan, TSUNEO MATSU-DARA, Jusammi, the First Class of the Imperial Order of the Sacred Treasure, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

The President of the United States of America, FRANK B. KELLOGG, Secretary of State of the United States;

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

ARTICLE I.

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 II.

(1) The Japanese Government agree that they will raise no objection to the boarding of private vessels under the Japanese flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's

ニ於テ右船舶ヲ臨檢スルニ對シ異議ナキコトニ同意ス右訊問及檢閲ノ結果嫌疑ニ相當ノ理由アルトキハ船内搜索ヲ行フコトヲ得

(二) 若シ船舶ガ酒精飲料ノ輸入ヲ禁止スル合衆國、其ノ屬領又ハ屬地ノ法令ニ反スル行爲ヲ爲シ、爲シツツアリ又ハ爲サント圖リツツアリト信ズベキ相當ノ事由アルトキハ該法令ニ依リ裁判ニ付スル爲右船舶ヲ拿捕シ合衆國、其ノ屬領又ハ屬地ノ港ニ引致スルコトヲ得

(三) 本條ニ依リ與ヘラレタル權利ハ違法行爲ヲ圖ル嫌疑アル船舶ガ合衆國、其ノ屬領又ハ屬地ノ沿岸ヨリ一時間ニテ達シ得ル距離ノ外ニ於テハ之ヲ行使スルコトヲ得ズ但シ該飲料ガ臨檢搜索ヲ受ケタルモノニ非ザル他ノ船舶ニ依リ合衆國、其ノ屬領又ハ屬地ニ輸送セララルモノナル場合ニ於テハ本條ニ依ル權利ヲ行使シ得ベキ沿岸ヨリノ距離ハ右臨檢ヲ受ケタル船舶ノ速力ニ依ラズ前記他ノ船舶ノ速力ニ依リ決定セララルベシ

papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

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

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

第三條

酒精飲料が合衆國、其ノ屬領若ハ屬地ノ港ニ向ヒ、之ヨリ航行シ又ハ其ノ領水ヲ航行スル日本國船舶内ニ於テ船用飲料トシテ又ハ合衆國、其ノ屬領若ハ屬地以外ノ港ニ仕向クル載貨トシテ記載セラレタルトキハ該飲料運搬ノ理由ヲ以テ該飲料、船舶又ハ人ニ對シ合衆國法令ニ依ル刑罰又ハ沒收ハ之ヲ科スルコトナカルヘシ但シ該飲料ハ之ヲ運搬スル船舶ガ右領水内ニ在ル間引續キ封印シ置カルベク且該飲料ハ合衆國、其ノ屬領又ハ屬地内ニ於テ如何ナル時又ハ場所ニ於テモ荷揚セララルコトナカルベシ

載貨及び酒  
船用の酒  
精飲料の  
米國領水  
内輸送許  
容

米國官憲  
の不当又  
は不合理  
な取締權  
行使によ  
る損害賠

第四條

日本國船舶ガ本條約第二條ニ依リ與ヘラレタル權利ノ不當若ハ不合理ナル行使ニ依リ損失若ハ損害ヲ受ケタルコト又ハ同船舶ガ第三條ノ利益ヲ與ヘラレザリシコトヲ理由トスル同船舶ヨリノ賠償ノ要求ハ二人ノ共同

determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III.

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

ARTICLE IV.

Any claim by a Japanese vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article 2 of this Convention or on the ground that it

審議ニ付セラルベク其ノ一人ハ各締約國ニ依リ指名セラルベシ

右審議ノ共同報告中ニ包含セラルル勸告ハ實行セラルベシ若シ共同報告ヲ協定スルコト能ハザル場合ニハ右要求ハ千九百七年十月十八日「ヘーグ」ニ於テ締結セラレタル國際紛争平和的處理條約ニ規定スル「ノーツ」常設仲裁裁判所ニ付託セラルベシ右仲裁裁判所ハ同條約第八十七條(第四節)及第五十九條(第三節)ニ從テ構成セラルベシ裁判手續ハ同裁判所方適用シ得ベク且本協定ノ條項ニ矛盾ナシト認ムル限り同條約第四節及第三節(第七十條及第七十四條)ニ特ニ考慮ヲ加フベク且第五十三條及第五十四條ハ之ヲ除ク)ニ依リテ規律セラルベシ要求アリタル爲同裁判所ニ依リ判決セラルルコトアルベキ一切ノ金額ハ最終判決ノ日ノ後十八月以内ニ利息ヲ附セズ且以下規定スル場合ヲ除クノ外減額スルコトナク支拂ハルベシ各政府ハ各自ノ經費ヲ負擔スベシ裁判所ノ經費ハ裁判所ニ依リ判決セラルル金額ノ百分ノ五ノ率又ハ兩政府間ニ於テ協定セラルルコトアルベキ更ニ低キ率ニ相當スル額ヲ右金額ヨリ控除シ之ヲ以テ支辨セラルベシ若シ不足アルトキハ右兩國政府ニ於テ折半支辨セラルベシ

(英・一)

has not been given the benefit of Article 3 shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a rata-

第五條

有効期間

本條約ハ批准セラルベク批准書交換ノ日ヨリ一年間引續キ效力ヲ有ス

右一年ノ期間滿了前三月ニ締約國ノ一方ハ本條約ノ條項ノ修正ヲ提議スルノ希望ヲ通告スルコトヲ得

右修正ガ前記一年ノ期間滿了前ニ協定セラレザルトキハ本條約ハ消滅スベシ

何レノ締約國ヨリモ修正提議ノ希望ヲ通告セザルトキハ本條約ハ更ニ一年間引續キ效力ヲ有スベク爾後同様タルベシ但シ右各一年ノ期間ニ關シテハ常に締約國ノ一方ハ前記規定ニ從ヒ右期間滿了前三月ニ本條約ノ修正ヲ提議スルノ權利ヲ有スベク又一年ノ期間滿了前右修正ガ協定セラレザルトキハ本條約ハ消滅スベキモノ

ble deduction from the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V.

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

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

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

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Conven-

tion, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Convention shall lapse.

ARTICLE VI.

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

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

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

Done at the city of Washington this 31st day of the 5th month of the 3rd year of Showa, corresponding to the

トス

第六條

締約國ノ一方ガ司法判決又ハ立法行爲ニ依リ本條約ノ規定ヲ充分ニ實施スルコト能ハザルニ至レル場合ニハ本條約ハ當然ニ消滅スベク右消滅ノ場合又ハ本條約ガ失効シタル場合ニ於テハ各締約國ハ本條約ガ締結セラレザリシ場合ニ享有スベカリシ一切ノ權利ヲ享有スベシ

本條約ハ日本國皇帝陛下ニ依リ及上院ノ協贊ヲ經テ亞米利加合衆國大統領ニ依リ批准セラルベク且其ノ批准書ハ成ルベク速ニ「ワシントン」ニ於テ交換セラルベシ

右證據トシテ各全權委員ハ本條約ニ通ニ署名調印セリ

昭和三年五月三十一日即チ西曆千九百二十八年五月三十一日「ワシントン」ニ於テ之ヲ作成ス

31st day of May, in the nineteenth hundred and twenty-eighth year of the Christian era.

(Seal) T. MATSUUDAIRA.

(Seal) FRANK B. KELLOGG.

松平恒雄(印)  
フランク、ビー、ケロッグ(印)

交換公文

EXCHANGE OF NOTES

昭和三年五月三十一日ワシントンで

*Dated at Washington, May 31, 1928*

昭和五年一月一八日告示(外務省告示第三号)

*Published, January 18, 1930*

昭和二十八年四月二十二日存続又は復活の通告

*Notification of continuance in force or revival given, April 22, 1953*

昭和二十八年六月二十四日告示(外務省告示第四号)

*Continuance in force or revival published, June 24, 1953*

昭和二十八年七月二十二日存続の確定又は復活

*Determined to have been continued in force or revived, July 22, 1953*

在米帝國大使ヨリ米國國務長官宛

往翰

Washington

31st May, 3 Showa (1928).

(定訳)

以書翰啓上致候陳者本使ハ本日酒精飲料ニ關シ合衆國ニ於テ施行セラルル法令ニ關聯シ發生スルコトアルハキ紛議ヲ避ケンガ爲ノ日本國合衆國間條約ニ署名スルニ當リ右條約ノ解釋ニ關シ到達シタル了解ニ付テノ覺

Sir,  
In proceeding today to the signature of the Convention between Japan and the United States for the purpose of avoiding difficulties which might arise in connection with



書ヲ將來ノ參考ニ資スル目的ヲ以テ茲ニ添附スルヲ欣幸トスルモノニ有之候依テ本使ハ閣下ニ於テ右陳述ヲ了承シ且確認セラレシコトヲ希望致候

本使ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具

昭和三年(千九百二十八年)五月三十一日

「ワシントン」ニ於テ

松 平 恒 雄

國務長官フランク、ビー、ケロッグ閣下

附屬 覺書

覺書

左記ノ通了解ス

一 本條約中ニ使用セラルル「私船舶」ナル語ハ日本國政府ノ所有又ハ管理ニ係リ且政府ノ用ニ供セラレ其ノ船舶ノ行動ニ付日本國政府ニ於テ充分ノ

アメリカ合衆國 酒類輸送取締ニ關スル條約 交換公文及覺書

the laws in force in the United States on the subject of alcoholic beverages, I am happy to attach hereto, for the purpose of future reference, a memorandum of the understanding that has been reached between us in regard to the interpretation of the Convention. I beg leave, therefore, to request that you kindly acknowledge and confirm this statement.  
Accept, Sir, the renewed assurances of my highest consideration.

T. MATSUDAIRA.

Enclosure:

Memorandum.

The Honorable FRANK B. KEILOGG,

Secretary of State.

MEMORANDUM

It is understood

1. That the term "private vessels" as used in the Convention signifies all classes of vessels other than those owned or controlled by the Japanese Government and used

「私船舶」  
の定義

日本國領内における米國官憲の取締權

指定の場所への規程

飲用に供されぬ酒類

「期間満了」の意思

消滅後の効力

責任ヲ負フモノ以外ノ一切ノ種類ノ船舶ヲ意味ス

二 本條約第二條ニ依リ合衆國官憲ニ與ヘラレタル權利ハ日本國領水又ハ日本國ガ國際聯盟ニ依ル委任統治ヲ行フ地域ノ領水ニハ關係ナシ

三 日本國船舶ハ本條約第二條ニ依リ認メラレタル訊問又ハ檢閱ニ應ズル爲指定セラレタル場所ニ規則的ニ停止スベキコトヲ豫メ要求セララルコトナカルベシ

四 本條約ハ合衆國國內法令ニ依リ規律セララル飲用ニ供セラレザル酒類(醫藥用ノモノヲ含ム)ニ關係ナシ

五 本條約第五條第二項ニ使用セララル「右一年ノ期間満了前三月ニ」ナル字句ハ右期間満了前三月ヨリ遅カラズトノ意味ニ使用セラレタルモノナリ

六 本條約ノ施行中ニ發生スル本條約ノ適用ニ關スル諸問題ハ其ノ判決ノ爲サルル以前ニ本條約ガ消滅スルカ又ハ失効スル場合ニ於テモ事件發生ノ當時有效ナリシ本條約ノ規定ニ依リ裁判セララルベシ

for Governmental purposes, for the conduct of which the Japanese Government assumes full responsibility.

2. That the rights conferred on the authorities of the United States under Article 2 of the Convention do not relate to territorial waters of Japan or to waters of any territory over which Japan exercises a mandate under the authority of the League of Nations.

3. That there will be no advance requirement that Japanese vessels shall stop regularly at designated places to await such enquiries or examination as are authorized in Article 2 of the Convention.

4. That the Convention does not relate to alcoholic liquors for non-beverage, including medicinal, purposes, which are regulated by the domestic laws of the United States.

5. That the expression "three months before the expiration of the said period of one year" as used in the second paragraph of Article 5 is used in the sense of not later than three months before the expiration of the said period.

6. That questions involving the application of the Convention arising while it is in force will be adjudicated in accordance with the provisions of the Convention as in force at the time the circumstances occurred, even if the

Convention should lapse or be terminated before the decision is rendered.

Washington

May 31, 1928.

Excellency:

I have the honour to acknowledge the receipt of Your Excellency's note dated May 31, 1928, and the memorandum attached thereto of the understanding that has been reached between us in regard to the interpretation of the Convention between the United States and Japan for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages.

I beg to state that I am happy to confirm that the said memorandum, a duplicate of which is attached hereto, is a correct statement of the understanding reached by us in regard to the interpretation of the Convention.

Accept, Excellency, the renewed assurances of my highest consideration.

来  
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(定訳)

米國國務長官ヨリ在米帝國大使宛來翰

以書翰啓上致候陳者本官ハ千九百二十八年五月三十一日附貴翰及酒精飲料ニ關シ合衆國ニ於テ施行セラルル法令ニ關聯シ發生スルコトアルベキ紛議ヲ避ケンガ爲メノ合衆國日本國間條約ノ解釋ニ關シ到達シタル了解ニ付テノ同書添附ノ覺書ヲ受領スルノ光榮ヲ有シ候

本官ハ茲ニ寫ヲ添附シ置キタル右覺書ガ本條約ノ解釋ニ關シ到達シタル了解ニ付テノ正確ナル陳述ナルコトヲ確認スルヲ欣幸トスルモノニ有之候

本官ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具

千九百二十八年五月三十一日

「ワシントン」ニ於テ

フランシス・ビー・ケロッグ

日本國特命全權大使松平恒雄閣下

附屬 覺書

覺書

左記ノ通了解ス

一 本條約中ニ使用セラルル「私船舶」ナル語ハ日本國政府ノ所有又ハ管理ニ係リ且政府ノ用ニ供セラレ其ノ船舶ノ行動ニ付日本國政府ニ於テ充分ノ責任ヲ負フモノ以外ノ一切ノ種類ノ船舶ヲ意味ス

二 本條約第二條ニ依リ合衆國官憲ニ與ヘラレタル權利ハ日本國領水又ハ日本國ガ國際聯盟ニ依ル委任統治ヲ行フ地域ノ領水ニハ關係ナシ

三 日本國船舶ハ本條約第二條ニ依リ認めラレタル訊問又ハ檢問ニ應ズル爲指定セラレタル場所ニ規則的ニ停止スベキコトヲ豫メ要求セラルルコトナ

指定の場所への停船の規則

日本國領水内における米國官憲の取締權

「私船舶」の定義

FRANK B. KELLOGG.

Enclosure:

Memorandum.

His Excellency

Mr. TSUNEO MATSUOKA,

The Japanese Ambassador.

MEMORANDUM

It is understood

1. That the term "private vessels" as used in the Convention signifies all classes of vessels other than those owned or controlled by the Japanese Government and used for Governmental purposes, for the conduct of which the Japanese Government assumes full responsibility.

2. That the rights conferred on the authorities of the United States under Article 2 of the Convention do not relate to territorial waters of Japan or to waters of any territory over which Japan exercises a mandate under the authority of the League of Nations.

3. That there will be no advance requirement that Japanese vessels shall stop regularly at designated places to await such enquiries or examination as are authorized

飲用に供  
されぬ  
酒類

「期間満  
了」前  
三  
月  
の  
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効  
力

カルベシ

四 本條約ハ合衆國内法令ニ依リ規律セラルル飲用ニ供セラレザル酒類(醫藥用ノモノヲ含ム)ニ關係ナシ

五 本條約第五條第二項ニ使用セラルル「右一年ノ期間満了前三月ニ」ナル字句ハ右期間満了前三月ヨリ遅カラズトノ意味ニ使用セラレタルモノナリ

六 本條約ノ施行中ニ發生スル本條約ノ適用ニ關スル諸問題ハ其ノ判決ノ爲サルル以前ニ本條約ガ消滅スルカ又ハ失効スル場合ニ於テモ事件發生ノ當時有效ナリシ本條約ノ規定ニ依リ裁判セラルベシ

(条・1)

in Article 2 of the Convention.

4. That the Convention does not relate to alcoholic liquors for non-beverage, including medicinal, purposes, which are regulated by the domestic laws of the United States.

5. That the expression "three months before the expiration of the said period of one year" as used in the second paragraph of Article 5 is used in the sense of not later than three months before the expiration of the said period.

6. That questions involving the application of the Convention arising while it is in force will be adjudicated in accordance with the provisions of the Convention as in force at the time the circumstances occurred, even if the Convention should lapse or be terminated before the decision is rendered.