

[PIÈCE JOINTE 1 / ENCLOSURE 1]

L'ambassade aux États-Unis au département d'État des États-Unis
Embassy in United States to Department of State of United States

AIDE-MÉMOIRE

His Britannic Majesty's Chargé d'Affaires has received a telegraphic communication from His Majesty's Principal Secretary of State for Foreign Affairs pointing out that theoretically the international validity of the three-mile limit would be strengthened by the conclusion of a treaty making an exception for a special purpose. Practically, however, such a treaty would weaken the principle because it would form a precedent for the conclusion of further similar treaties until finally the principle would become a dead letter. For this reason Lord Curzon felt bound to state when questioned in Parliament that His Majesty's Government could not accept the proposal of the Secretary of State of the United States.

In the opinion of Lord Curzon, Mr. Hughes' proposed treaty would not provide for any immediate remedy for the present difficulties, seeing that it could not be ratified until Congress meets, when an amendment to the Volstead Act could equally well be introduced if the United States Government so desired. Moreover, even if the twelve-mile limit were accepted, cases would inevitably occur liable to cause serious friction between two countries, owing to the difficulty of deciding with any certainty the position of a limit usually out of sight of land, at any rate on the Atlantic coast.

Lord Curzon adds that the Hovering Acts in the United Kingdom were entirely superseded by the Customs Consolidation Act, 1876, by which British municipal legislation is made to conform with international law.

[Washington,] July 14, 1923

[PIÈCE JOINTE 2 / ENCLOSURE 2]

Le département d'État des États-Unis à l'ambassade aux États-Unis
Department of State of United States to Embassy in United States

NOTE

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Great Britain and acknowledges the receipt of the memorandum under date of the fourteenth instant expressing the views of His Majesty's Principal Secretary of State for Foreign Affairs with respect to the proposed Treaty relating to visit and search of vessels within twelve miles of the coasts of the parties respectively, for the purpose of preventing the illegal introduction of articles into their territories and also relating to the carriage within territorial waters of certain sealed stores and cargo destined for foreign ports.

Preliminarily it should be observed that a draft Treaty was submitted informally simply for the purpose of avoiding misunderstanding and of making a concrete suggestion which could form the basis of discussion. It should also be said that it was not the purpose of the Secretary of State to propose an