

N° 809.

**ÉTATS-UNIS D'AMÉRIQUE
ET CANADA**

Convention pour la préservation des
pêcheries de flétan dans l'Océan
Pacifique du Nord, signée à Wash-
ington, le 2 mars 1923.

**UNITED STATES OF AMERICA
AND CANADA**

Convention for the preservation of
the Halibut Fisheries of the North-
ern Pacific Ocean, signed at
Washington, March 2, 1923.

No. 809. — CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PRESERVATION OF THE HALIBUT FISHERIES OF THE NORTHERN PACIFIC OCEAN, SIGNED AT WASHINGTON, MARCH 2, 1923.

Texte officiel anglais communiqué par le « Advisory Officer » du Canada auprès de la Société des Nations. L'enregistrement de cette convention a eu lieu le 2 février 1925.

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and THE UNITED STATES OF AMERICA, being equally desirous of securing the preservation of the halibut fishery of the Northern Pacific Ocean, have resolved to conclude a Convention for this purpose, and have named as their Plenipotentiaries :

HIS BRITANNIC MAJESTY :

The Honourable Ernest LAPOINTE, K.C., B.A., LL.B., Minister of Marine and Fisheries of Canada ; and

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Charles Evans HUGHES, Secretary of State of the United States :

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :

Article 1.

The nationals and inhabitants and the fishing vessels and boats of the Dominion of Canada and of the United States, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) both in the territorial waters and in the high seas of the western coasts of the Dominion of Canada and of the United States, including Behring Sea, from the 16th day of November next after the date of the exchange of ratifications of this Convention, to the 15th day of the following February, both days inclusive, and within the same period yearly thereafter, provided that upon the recommendation of the International Fisheries Commission hereinafter described, this close season may be modified or suspended at any time after the expiration of three such seasons, by a special agreement concluded and duly ratified by the High Contracting Parties.

¹ L'échange des ratifications a eu lieu à Washington, le 21 octobre 1924.

¹ TRADUCTION. — TRANSLATION.No. 809. — CONVENTION² ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE CANADA, POUR LA PRÉSERVATION DES PÊCHERIES DE FLÉTAN DANS L'OcéAN PACIFIQUE DU NORD, SIGNÉE A WASHINGTON, LE 2 MARS 1923.

*English official text communicated by the Dominion of Canada Advisory Officer to the League of Nations.
The registration of this Convention took place February 2, 1925.*

SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE BRÉTAGNE ET D'IRLANDE ET DES POSSESSIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES, et LES ÉTATS-UNIS D'AMÉRIQUE, étant également désireux d'assurer la conservation des pêcheries de flétan dans l'Océan Pacifique Nord, ont résolu de conclure une convention à cette fin, et ont nommé comme leurs Plénipotentiaires :

SA MAJESTÉ BRITANNIQUE :

L'honorable Ernest LAPOINTE, C.R., B.A., LL.B., Ministre de la Marine et des Pêcheries du Canada ; et

LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE :

Charles Evans HUGHES, Secrétaire d'Etat des Etats-Unis ;

Lesquels, après avoir échangé leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des articles suivants :

Article 1.

Il est interdit par les présentes aux ressortissants et habitants et aux vaisseaux et bateaux de pêche du Dominion du Canada et des Etats-Unis, respectivement, de faire la pêche au flétan (*Hippoglossus*) soit dans les eaux territoriales, soit au large des côtes occidentales du Dominion du Canada et des Etats-Unis, y compris la mer de Behring, à partir du seizième jour de novembre suivant la date de l'échange des ratifications sur cette Convention, jusqu'au quinzième jour de février suivant, les deux dates incluses, et durant la même période de chaque année subséquente, pourvu que sur la recommandation de la Commission internationale des pêcheries ci-après décrite, cette saison prohibée puisse être modifiée ou suspendue en tout temps après l'expiration de trois saisons semblables, par un accord spécial conclu et dûment ratifié par les Hautes Parties contractantes.

¹ Communiquée par le "Advisory Officer" du Canada auprès de la Société des Nations.

¹ Communicated by the Dominion of Canada Advisory Officer to the League of Nations.

² The exchange of ratifications took place at Washington, October 21, 1924.

It is understood that nothing contained in this Article shall prohibit the nationals or inhabitants and the fishing vessels or boats of the Dominion of Canada and of the United States, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Article. Any halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited under the provisions of this Article may be retained and used for food for the crew of the vessel by which they are taken. Any portion thereof not so used shall be landed and immediately turned over to the duly authorized officers of the Department of Marine and Fisheries of the Dominion of Canada or of the Department of Commerce of the United States. Any fish turned over to such officers in pursuance of the provisions of this Article shall be sold by them to the highest bidder, and the proceeds of such sale, exclusive of the necessary expenses in connection therewith, shall be paid by them into the treasuries of their respective countries.

Article 2.

Every national or inhabitant, vessel or boat of the Dominion of Canada or of the United States engaged in halibut-fishing in violation of the preceding article may be seized except within the jurisdiction of the other Party by the duly authorized officers of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be mutually agreed upon. The authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of the preceding article or of the laws or regulations which either High Contracting Party may make to carry those provisions into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

Article 3.

The High Contracting Parties agree to appoint within two months after the exchange of ratifications of this Convention, a Commission to be known as the International Fisheries Commission, consisting of four members, two to be appointed by each Party. This Commission shall continue to exist so long as this Convention shall remain in force. Each Party shall pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The Commission shall make a thorough investigation into the life history of the Pacific halibut, and such investigation shall be undertaken as soon as practicable. The Commission shall report the results of its investigation to the two Governments and shall make recommendations as to the regulation of the halibut fishery of the North Pacific Ocean, including the Behring Sea, which may seem to be desirable for its preservation and development.

Article 4.

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention with appropriate penalties for violations thereof.

Article 5.

This Convention shall remain in force for a period of five years and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate it. It shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in Washington as soon as practicable, and the Convention shall come into force on the day of the exchange of ratifications.

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

Done at the City of Washington, the second day of March in the year of our Lord one thousand nine hundred and twenty-three.

(Signed) ERNEST LAPOINTE. (L. S.)

(Signed) CHARLES EVANS HUGHES. (L. S.)

Certified a true copy of the original.

Joseph POPE,
*Under-Secretary of State for External Affairs,
Canada.*