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TREATY SERIES No. 18 (1925).

TREATY
BETWEEN
CANADA AND THE UNITED STATES
OF AMERICA

FOR
Securing the Preservation of the Halibut
Fishery of the North Pacific Ocean.

Signed at Washington, March 22, 1923.

(Ratifications exchanged at Washington, October 21, 1924.)

2nd.

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty.*

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**Treaty between Canada and the United States of
America for Securing the Preservation of the
Halibut Fishery of the North Pacific Ocean.**

Signed at Washington, March 22, 1923.

[Ratifications exchanged at Washington, October 21, 1924.]

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 I.

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 off the western coast 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.

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 authorised 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 authorised officers of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorised 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.

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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.

(L.S.) ERNEST LAPOINTE.

(L.S.) CHARLES EVANS HUGHES.