



Treaty Series No. 63 (1938)

[Reprint of "Canadian Treaty Series No. 10 (1937)"]

## Convention

between His Majesty in respect of the Dominion of Canada  
and the President of the United States of America  
regarding the

# Sockeye Salmon Fisheries in the Fraser River System

Washington, May 26, 1930

[Ratifications exchanged at Washington on July 28, 1937]

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

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

York House, Kingsway, London, W.C 2; 120 George Street, Edinburgh 2;

26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;

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1938

Price 2*d.* net

Cmd. 5851

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE  
DOMINION OF CANADA AND THE PRESIDENT OF THE  
UNITED STATES OF AMERICA REGARDING THE SOCKEYE  
SALMON FISHERIES IN THE FRASER RIVER SYSTEM.

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Washington, May 26, 1930. •

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[Ratifications exchanged at Washington on July 28, 1937.]

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the United States of America, recognising that the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system are of common concern to the Dominion of Canada and the United States of America; that the supply of this fish in recent years has been greatly depleted, and that it is of importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a Convention, and to that end have named as their respective plenipotentiaries:

His Majesty, for the Dominion of Canada:

The Honourable Vincent Massey, a member of His Majesty's Privy Council for Canada and His Envoy Extraordinary and Minister Plenipotentiary for Canada at Washington;  
and

The President of the United States of America:

Mr. Henry L. Stimson, Secretary of State of the United States of America;

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

ARTICLE 1.

The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:—

1. The territorial waters and the high seas westward from the western coast of the Dominion of Canada and the United States of America, and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington—which line marks the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all

the waters of Barklay Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:—

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the British Admiralty Chart No. 579, and on the United States Coast and Geodetic Survey Chart No. 6300, as corrected to the 14th March, 1930, copies of which are annexed to this Convention and made a part thereof.<sup>(1)</sup>

3. The Fraser River and the streams and lakes tributary thereto.

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above-described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the Dominion of Canada and the United States of America, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The High Contracting Parties further agree to establish within the territory of the Dominion of Canada and the territory of the United States of America such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorised to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International

(1) Not reproduced.

Boundary Commission, Canada and United States-Alaska, for action pursuant to the provisions of the Treaty between His Majesty in respect of Canada and the United States of America, respecting the boundary between the Dominion of Canada and the United States of America, signed the 24th February, 1925.<sup>(2)</sup>

#### ARTICLE 2.

The High Contracting Parties agree to establish and maintain a Commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the Commission, consisting of six members, three on the part of the Dominion of Canada, and three on the part of the United States of America.

The Commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the Governor-General in Council. The Commissioners on the part of the United States of America shall be appointed by the President of the United States of America.

The Commissioners appointed by each of the High Contracting Parties shall hold office during the pleasure of the High Contracting Party by which they were appointed.

The Commission shall continue in existence so long as this Convention shall continue in force, and each High Contracting Party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made. Each High Contracting Party shall pay the salaries and expenses of its own Commissioners, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

#### ARTICLE 3.

The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs numbered 2 and 3 of Article 1 of this Convention, and to that end it shall have power to improve spawning grounds, construct and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the Governments of the High Contracting Parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention,

<sup>(2)</sup> Treaty Series No. 37 (1925), Cmd. 2510.

where investigation may show such removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual report to the two Governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this Article, or of other Articles of this Convention.

The cost of all work done pursuant to the provisions of this Article, or of other Articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

#### ARTICLE 4.

The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in Article 1 of this Convention, provided that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the High Seas described in paragraph numbered 1 of Article 1, such order shall extend to all such territorial waters and High Seas, and, similarly, when in any of the Canadian waters embraced in paragraphs numbered 2 and 3 of Article 1, such order shall extend to all such Canadian waters, and when in any of the waters of the United States of America embraced in paragraph numbered 2 of Article 1, such order shall extend to all such waters of the United States of America, and provided further, that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the Dominion of Canada or of the State of Washington as to the procuring of a licence to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph numbered 1 of Article 1 of this Convention, and provided further that any order adopted by the Commission limiting or prohibiting taking sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article 1 of this Convention shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

#### ARTICLE 5.

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may

prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the Canadian waters and/or the waters of the United States of America described in Article 1 of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the High Seas embraced in paragraph numbered 1 of Article 1 of this Convention, provided, however, that, in so far as concerns the High Seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in Canadian waters or in waters of the United States of America is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorised by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorised, and any fishing gear or appliance authorised by the State of Washington may be used in waters of the United States of America by any person thereunto authorised by the State of Washington. Whenever the taking of sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article 1 of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the Dominion of Canada or the United States of America, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such High Seas by said nationals, inhabitants, vessels or boats.

#### ARTICLE 6.

No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each Contracting Party.

#### ARTICLE 7.

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely non-existent, it is agreed by the High Contracting Parties that they should share equally in the fishery. The Commission shall, consequently, regulate the fishery with a view to allowing, as nearly as may be practicable, an equal portion of the fish that may be caught each year to be taken by the fishermen of each High Contracting Party.

#### ARTICLE 8.

Each High Contracting Party shall be responsible for the enforcement of the orders and regulations adopted by the Commission under

the authority of this Convention, in the portion of its waters covered by the Convention.

Except as hereinafter provided in Article 9 of this Convention, each High Contracting Party shall be responsible, in respect of its own nationals and inhabitants and vessels and boats, for the enforcement of the orders and regulations adopted by the Commission, under the authority of this Convention, on the High Seas embraced in paragraph numbered 1 of Article 1 of the Convention.

Each High Contracting Party shall acquire and place at the disposition of the Commission any land within its territory required for the construction and maintenance of hatcheries, rearing ponds and other such facilities as set forth in Article 3.

ARTICLE 9.

Every national or inhabitant, vessel or boat of the Dominion of Canada or of the United States of America, that engages in sockeye salmon fishing on the High Seas embraced in paragraph numbered 1 of Article 1 of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorised officers of either High Contracting Party, and when so seized and detained shall be delivered by the said officers, 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 agreed upon with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article 1 of this Convention, or of any law or regulation which either High Contracting Party may have made to carry such order or regulation of the Commission 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 10.

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and the orders and regulations adopted by the Commission under the authority thereof, with appropriate penalties for violations.

ARTICLE 11.

The present Convention shall be ratified by His Majesty in accordance with constitutional practice and by the President of the

United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible, and shall continue in force for a period of sixteen years, and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

In witness whereof, the respective plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done in duplicate at Washington, the twenty-sixth day of May, one thousand nine hundred and thirty.

VINCENT MASSEY.

HENRY L. STIMSON.