

(2) The United States, or those acting by or under its authority, in the exercise of rights or powers arising from whatever jurisdiction the United States has in, over, and to the waters of the Belle Fourche River and all its tributaries shall recognize, to the extent consistent with the best utilization of the waters for multiple purposes, that beneficial use of the waters within the Basin is of paramount importance to the development of the Basin; and no exercise of such power or right thereby that would interfere with the full beneficial use of the waters within the Basin shall be made except upon a determination, giving due consideration to the objectives of such compact and after consultation with all interested Federal agencies and the State officials charged with the administration of such compact, that such exercise is in the interest of the best utilization of such waters for multiple purposes;

(3) The United States, or those acting by or under its authority, will recognize any established use, for domestic and irrigation purposes, of the apportioned water which may be impaired by the exercise of Federal jurisdiction in, over, and to such water: *Provided*, That such use is being exercised beneficially, is valid under the laws of the appropriate State and in conformity with such compact at the time of the impairment thereof, and was validly initiated under State law prior to the initiation or authorization of the Federal program or project which causes such impairment.

(b) As used in this section, the following terms: "beneficial use", "Basin", and "apportioned water", shall have the same meanings as those ascribed to them in the compact consented to by this Act.

Approved February 26, 1944.

[CHAPTER 65]

AN ACT

February 26, 1944
[H. R. 2924]
[Public Law 237]

To give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

Fur seals.

"Pelagic sealing."

(a) "Pelagic sealing" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing of fur seals at sea, whether within or without the territorial waters of the United States.

"Sealing."

(b) "Sealing" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing, of fur seals in or on any lands or waters subject to the jurisdiction of the United States.

"Sea otter hunting."

(c) "Sea otter hunting" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing, of sea otters at sea, except in waters subject to the jurisdiction of the United States where other laws are applicable.

"Person."

(d) "Person" includes individual, association, partnership, and corporation.

"Secretary."

(e) "Secretary" means the Secretary of the Interior.

"Fur-seal agreement."

(f) "Fur-seal agreement" means the provisional fur-seal agreement between the United States and Canada effected by an exchange of notes signed at Washington on December 8, 1942, and on December 19, 1942, and any other treaty, convention or other agreement hereafter entered into by the United States for the protection of fur seals.

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"North Pacific Ocean."
"Import."

(g) "North Pacific Ocean" includes the Bering Sea.

(h) "Import" means land on or bring into, or attempt to land on or bring into, any place subject to the jurisdiction of the United States.

SEC. 2. It shall be unlawful, except as hereinafter provided, for any citizen or national of the United States, or person owing duty of obedience to the laws or treaties of the United States, or any vessel of the United States, or person belonging to or on such vessel, to engage in pelagic sealing or sea otter hunting in or on the waters of the North Pacific Ocean; or for any person or vessel to engage in sealing; or for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with the operation of pelagic sealing, sea otter hunting, or sealing; or for any person to transport, import, offer for sale, or have in possession at any port, place, or on any vessel subject to the jurisdiction of the United States, raw, dressed, or dyed skins of sea otters taken contrary to the provisions of this section or, where taken pursuant to section 3 of this Act, not officially marked and certified as having been so taken, or raw, dressed, or dyed skins of fur seals taken in or on the waters of the North Pacific Ocean or on lands subject to the jurisdiction of the United States, except seal skins which have been taken under the authority of this Act or under the authority of the respective parties to any fur-seal agreement and which have been officially marked and certified as having been so taken.

SEC. 3. Indians, Aleuts, or other aborigines dwelling on the American coasts of the waters of the North Pacific Ocean shall be permitted to carry on pelagic sealing or sea otter hunting without the use of firearms from canoes or undecked boats, propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way heretofore practiced by said Indians, Aleuts, or other aborigines, and shall be permitted to dispose of the skins of fur seals or sea otters so taken as they see fit, but only after such skins have been officially marked and certified as provided in section 2 of this Act. The exception made in this section shall not apply to Indians, Aleuts, or other aborigines in the employment of other persons or who shall engage in pelagic sealing or sea otter hunting under contract to deliver the skins to any person.

SEC. 4. In order to continue the proper utilization of the fur-seal herd of the North Pacific Ocean and to carry out the purposes of this Act, the Secretary is authorized to permit sealing on the Pribilof and other islands and on the shores of waters subject to the jurisdiction of the United States, by officers and employees of the Fish and Wildlife Service designated by him and by the natives of the Territory of Alaska, and to adopt suitable regulations governing the same whenever he shall determine that such sealing is necessary or desirable and not inconsistent with preservation of the fur seals of the North Pacific Ocean. The Secretary is also authorized to permit pelagic sealing in the event of emergency circumstances by officers, employees and agents of the United States and by the natives of the Territory of Alaska under such conditions and for such periods as may be agreed upon by consultation between the Government of the United States and the Government of Canada in accordance with the provisions of article II of the Provisional Fur Seal Agreement of 1942.

SEC. 5. Subject to the provisions of sections 3 and 15 of this Act, all seal or sea-otter skins taken under the authority conferred by this Act, or forfeited to the United States, and all sealskins delivered to the United States pursuant to the terms of any fur-seal agreement shall be sold under the direction of the Secretary in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale shall be paid into the Treasury of the United States.

Unlawful acts.

Use of ports, etc.

Illegal traffic in skins.

Aborigines. Permission for pelagic sealing, etc.

Disposition of skins.

Persons excluded.

Sealing on Pribilof Islands, etc.

Pelagic sealing in emergency circumstances.

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Sale of skins.

Pribilof Islands declared special reservation.

Trespass.

Employment of natives.

Provisions and supplies.

Furnishing necessities to natives.

Scientific investigations.

Enforcement of provisions.

Arrest and trial of violators.

Power to search vessels, etc.

Issuance of warrants.

Seizures.

SEC. 6. The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for Government purposes. It shall be unlawful for any person other than natives of the said islands and officers and employees of the Fish and Wildlife Service to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary, and any person found on any of those islands contrary to the provisions of this section shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or by both fine and imprisonment.

SEC. 7. Whenever seals are killed and sealskins taken on any of the Pribilof Islands, the native inhabitants of the islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation to be fixed from time to time by the Secretary, who shall have the authority to prescribe the manner in which such compensation shall be paid to the natives or expended or otherwise used on their behalf and for their benefit.

SEC. 8. The Secretary shall have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter of private vessels or by the use of public vessels of the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

SEC. 9. Under the direction of the Secretary, the Fish and Wildlife Service is authorized to investigate the conditions of seal life upon the rookeries of the Pribilof Islands, and to continue the inquiries relative to the life history and migrations of the seals frequenting the waters of the North Pacific Ocean.

SEC. 10. Any officer or employee of the Department of the Interior authorized by the Secretary, any naval or other officer designated by the President, any marshal or deputy marshal, any collector or deputy collector of customs, and any other person authorized by law to enforce the provisions of this Act shall have power, without warrant, to arrest any person committing a violation of this Act or any regulation made pursuant thereto in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; and shall have power, without warrant, to search any vessel within any of the territorial waters of the United States, or any vessel of the United States on the high seas, when he has reasonable cause to believe that such vessel is subject to seizure under this section. Any officer, employee, or other person authorized to enforce the provisions of this Act shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and shall have power with a search warrant to search any person, vessel, or place at any time. The judges of the courts established under the laws of the United States, and the United States commissioners, may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All fur seals and sea otters, or the skins thereof, killed, captured, transported, imported, offered for sale, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, and any vessel used or employed contrary to the provisions

of this Act or of any regulation made pursuant thereto, or which it reasonably appears has been or is about to be used or employed in or in aid of the performance of any act forbidden by the provisions of this Act or of any regulation made pursuant thereto, together with its tackle, apparel, furniture, appurtenances, and cargo, may, whenever and wherever lawfully found, be seized by any such officer, employee, or other person.

SEC. 11. Except where otherwise expressly provided in this Act, any person violating any provision of this Act or any regulation made pursuant thereto shall be punished for each such offense, upon conviction thereof, by a fine of not less than \$200 nor more than \$2,000, or by imprisonment for not more than six months, or by both fine and imprisonment. All fur seals or sea otters, or the skins thereof, killed, captured, transported, imported, offered for sale, or possessed contrary to any provision of this Act or any regulation made pursuant thereto shall be forfeited to the United States and shall be disposed of pursuant to section 5 of this Act. Any vessel used or employed contrary to any provision of this Act or of any regulation made pursuant thereto shall, together with its tackle, apparel, furniture, appurtenances, and cargo, be forfeited to the United States and shall be disposed of as directed by the court having jurisdiction.

SEC. 12. It shall be the duty of all collectors of customs to enforce the provisions of this Act with respect to the importation of the skins of fur seal and sea otter.

SEC. 13. Any person or vessel described in section 2 of this Act in any of the waters of the North Pacific Ocean designated in any fur-seal agreement, including in any event the waters north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian, violating or being about to violate the prohibitions of this Act against pelagic sealing may be seized and detained by the naval or other duly commissioned officers of any of the parties to such fur-seal agreement other than the United States, except within the territorial jurisdiction of one of the other said parties, on condition, however, that when such person or vessel is so seized and detained by officers of any party other than the United States, such person or vessel shall be delivered as soon as practicable at the nearest point to the place of seizure, with witnesses and proofs necessary to establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose penalties for the same. The said officers of any party to any such fur-seal agreement other than the United States shall seize and detain persons and vessels, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized naval or other officers of the United States duly commissioned and instructed by the President to that end to seize, detain, and deliver to the proper officers of such party vessels and persons under the jurisdiction of that government offending against any such fur-seal agreement, or any statute or regulation made by that government to enforce any such fur-seal agreement. Upon the giving of such authority by such party, such naval or other officers of the United States shall have authority to make the seizures, detentions, and deliveries described. The President of the United States shall determine by proclamation when such authority has been given by the other party to any such fur-seal agreement, and his determination shall be conclusive upon the question; such proclamation may be modified, amended, or revoked by proclamation of the President whenever in his judgment it is deemed expedient.

Penal provisions.

Forfeiture of fur seals, etc.

Forfeiture of vessels.

Enforcement.

Seizures by officers of other parties to agreement.

Delivery to proper U. S. official.

Reciprocal authority required.

Determination of authority by Executive proclamation.

Patrol of waters.

SEC. 14. It shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herds and sea otter in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service.

Authority to receive and deliver skins.

SEC. 15. The Secretary shall have authority to receive on behalf of the United States any fur sealskins taken by any party to any fur-seal agreement and tendered for delivery by such party in accordance with the terms of such fur-seal agreement, and all skins which are or shall become the property of the United States from any source whatsoever shall be disposed of in accordance with the provisions of section 5 of this Act. The Secretary likewise shall have authority to deliver to the authorized agents of any government that is a party to a fur-seal agreement the skins to which such government is entitled under the provisions of such fur-seal agreement, and to do or perform, or cause to be done or performed, any act which the United States is authorized or obliged to do or perform by the provisions of such fur-seal agreement.

Special permits.

SEC. 16. Nothing contained in this Act shall apply to the killing, capturing, pursuing, transportation, importation, offering for sale, or possession of fur seals or sea otters, or the skins thereof, for scientific purposes under special permit issued therefor by the Secretary.

Administration.

SEC. 17. The Secretary shall supervise and direct the administration of this Act through the Fish and Wildlife Service and shall make all regulations necessary for the enforcement of this Act and any fur-seal agreement. It shall be his duty to provide for the enforcement of all of the provisions of this Act and of the regulations issued thereunder, except to the extent otherwise provided for in this Act, and to cooperate with other Federal agencies and with the duly authorized officials of the government of any party to any fur-seal agreement in the enforcement of such agreement. Out of such moneys as may be appropriated for such purposes, he shall employ in Washington, District of Columbia, and elsewhere such individuals and means as he may deem necessary for the administration of this Act and of any other function imposed upon him by any fur-seal agreement.

Repeal of inconsistent provisions.

16 U. S. C. ch. 5; Supp. III, ch. 5.

SEC. 18. All Acts and parts of Acts inconsistent with the provisions of this Act, including but not limited to the following, are hereby repealed: Sections 1956, 1959, 1960, and 1961 of the Revised Statutes of the United States; Act of February 21, 1893 (27 Stat. 472, ch. 150); Act of April 6, 1894 (28 Stat. 52); Act of December 29, 1897 (30 Stat. 226, ch. 3); Act of April 21, 1910 (36 Stat. 326, ch. 183); Act of August 24, 1912 (37 Stat. 499, ch. 373); and joint resolution of June 22, 1916 (39 Stat. 236, ch. 171), all as amended.

Effective period of certain provisions.

Post, p. 1379.

SEC. 19. The provisions of this Act which implement the Provisional Fur-Seal Agreement of 1942 concluded between the United States of America and Canada shall remain in effect only for the duration of the present hostilities and twelve months thereafter unless either the Government of the United States of America or the Government of Canada enacts legislation contrary thereto, or until twelve months after either Government shall have notified the other Government of its intention to terminate the agreement.

Approved February 26, 1944.