

**EXCHANGE OF NOTES (MAY 24 AND AUGUST 13, 1943) BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA CONSTITUTING  
AN AGREEMENT IN RESPECT OF THE EXERCISE OF JURISDIC-  
TION OVER PRIZES CAPTURED ON THE HIGH SEAS, TOGETHER  
WITH ORDER IN COUNCIL AND PROCLAMATION.**

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*The Secretary of State of the United States  
to the Canadian Minister at Washington*

DEPARTMENT OF STATE

Washington, May 24, 1943.

Sir:

Reference is made to the Legation's memorandum of April 15, 1943<sup>1</sup> stating that the Canadian Government would be glad to make an arrangement with the Government of the United States concerning the exercise by either country in the territorial waters of the other of jurisdiction in cases of prize. Reference was made to the arrangement with the United Kingdom referred to in the President's Proclamation No. 2575 of January 30, 1943.<sup>2</sup>

Public Law 704—77th Congress, an Act to facilitate the disposition of prizes captured by the United States during the present war, and for other purposes, was approved on August 18, 1942. A copy of the Act is enclosed.<sup>3</sup>

It will be perceived from section 3 of the Act that jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised under the authority of the Act, nor shall prizes be taken or appropriated within such territorial waters for the use of the United States, unless the Government having jurisdiction over such territorial waters consents thereto. It is therefore suggested that your Government notify me of its consent to the exercise of such authority within its territorial waters as well as of its acquiescence in the exercise in Canada by special prize commissioners of the duties prescribed for them in cases arising under the Act referred to. In this connection your attention is called to section 5 of the Act. It will be noted therefrom that the district courts of the United States may confer on such special commissioners such powers and duties, in addition to those already prescribed for prize commissioners, as may be deemed necessary or proper for carrying out the purposes of the Act. The duties of prize commissioners are set out in Title 34, U.S.C., Section 1138, which reads as follows:

"Par. 1138. Duties of prize commissioners. The prize commissioners, or one of them, shall receive from the prize master the documents and papers, and inventory thereof, and shall take the affidavit of the prize master required by section 1134 of this title, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested without

<sup>1</sup> Not printed.

<sup>2</sup> United States Executive Agreement Series 393, p. 4.

<sup>3</sup> See 56 Statutes of the United States 746.