

## LIST OF PAPERS—Continued.

Page.	From and to whom.	Date.	Subject.	Page.
37	Sir J. Pauncefote to Mr. Wharton.	1891. July 6	Reply to the above. Passage for the British Commissioners has already been arranged for but they will be instructed to coöperate as much as possible.	52
	Same to same .....	July 6	Act of Parliament and order in council in pursuance of <i>modus vivendi</i> agreement inclosed.	53
	Same to same .....	July 7	Instructions (in full) to the naval forces of Great Britain in the Bering Sea inclosed.	59
37	Mr. Adee to Sir J. Pauncefote....	July 8	Note of 6th instant, inclosing act of Parliament and order in council, acknowledged.	59
	Mr. Wharton to Sir J. Pauncefote.	July 9	Note of 7th and inclosure acknowledged.	60
	Sir J. Pauncefote to Mr. Wharton.	July 13	The proposition in regard to indemnification made in the note of June 25 appears to Lord Salisbury to prejudice the question of liability. A form is submitted by which not only the facts but the liability arising from them shall be passed upon by the arbitrators.	60
39	Mr. Wharton to Sir J. Pauncefote.	July 23	The objection presented in the above note was not anticipated. It is contended that it was made with due regard to Lord Salisbury's own language and in a spirit of entire equality presents observations in support of that position; but, with a view to removing the last point of difference, the proposition is modified so as to meet the objection made against it.	61
40	Sir J. Pauncefote to Mr. Wharton.	Aug. 8	Indemnities for acts committed by cruisers of either nation. Solicits a reply to the question relating thereto included in the memorandum transmitted with his note of June 23.	62
43	Mr. Wharton to Sir J. Pauncefote.	Aug. 17	Reply to the above. The President thinks it will be time to consider the question of indemnity when occasion has been given to claim the same.	63
	Same to same .....	Aug. 22	Requests a reply to his note of July 23 .....	63
44	Sir J. Pauncefote to Mr. Wharton.	Aug. 24	Regrets his inability to furnish as yet the reply above requested.	64
	Same to same [telegram] .....	Aug. 26	Your note of 22d. Important letter posted to-day. The British Government can not accept proposed form in note of July 23, because implying the admission of the doctrine that governments are liable for acts of their nationals. Without leaving the question of damages entirely out, as suggested by Mr. Wharton at one time, a middle course might be adopted, and, omitting the question of liability, questions of fact might be referred to the arbitrators. Submit the wording of the clause drafted on that basis.	64
	Same to same [unofficial] .....	Aug. 26	The killing of seals is permitted, according to reports received from the Bering Sea Commissioners, to continue, although the number agreed upon, 7,500, is already exceeded, the excuse being that the limitation begins with the signature of the <i>modus vivendi</i> agreement. This Government is convinced the President will not countenance any such evasion of the spirit of said agreement.	64
44	Sir J. Pauncefote to Mr. Blaine..	Aug. 26	The killing of seals is permitted, according to reports received from the Bering Sea Commissioners, to continue, although the number agreed upon, 7,500, is already exceeded, the excuse being that the limitation begins with the signature of the <i>modus vivendi</i> agreement. This Government is convinced the President will not countenance any such evasion of the spirit of said agreement.	65
45	Mr. Wharton to Sir J. Pauncefote.	Sept. 2	Note of August 26 (above) shall receive immediate attention.	66
46	Same to same .....	Sept. 7	The objection presented in (unofficial) note of August 26 is groundless. The President does not assume liability on the part of Great Britain, but, on the contrary, wishes to put the question of liability to the arbitrators. He can not accept the counter proposition to submit the question of facts only, as those are well known, and must insist that the question of liability shall go to arbitration.	66
48	Same to same .....	Oct. 10	Alleged killing of seals in excess of number provided for by agreement. A reply to the note of August 26 has been delayed by the necessity of waiting for the United States agent's report. The agent's interpretation that the limitation should begin with the signing of the agreement was concurred in by the United States naval officers and the commissioners of both parties; a large number had been killed between that date and that of the receipt of instructions by the agent, leaving then but 3,959 to be taken "for the subsistence and care of the natives" from July 1, 1891, to May 1, 1892, and the agent seeing that it would be inadequate, called upon the lessees to supply the deficiency with salt meat.	67
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