

## M'CREARY'S BILL.

The New Enactment to Govern Behring Sea Sealers.

## RECOMMENDATIONS OF ARBITRATORS

Will be Carried Out Under Its Provisions—There will be a Patrol Cruising in the Waters in Question.

Washington, Feb. 22.—Representative M'Crary, the chairman of the house committee on foreign affairs, introduced a bill today, which is designed to carry out the arbitration at Paris, under the terms of the treaty, it will be remembered that the arbitration at Washington was held on Feb. 29 of last year.

The purpose of the bill is to provide for the settlement of disputes between the United States and Great Britain concerning the fur seals. It is understood that the bill has the approval of Secretary of the Interior, and will be made to the committee on Thursday next. The bill is as follows:

Section 1. Be it enacted, etc., that no citizen of the United States nor any person belonging to any vessel of the United States shall kill, capture or in any manner whatever, seal in the territorial waters, and in the waters surrounding the Pribilof islands within a zone of 60 geographical miles around the islands, inclusive of the territorial waters.

Section 2. No citizen of the United States or any person belonging to a vessel of the United States shall kill, capture or in any manner whatever, during the season, extending from May 1 to July 31, both inclusive, in each year, any fur seal on the high seas, outside of the zone mentioned in section 1, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the 35th degree of north latitude and to the east of the 180th degree of longitude from Greenwich until it strikes the water boundary described in article 1 of the treaty of 1871 between the United States and Russia, and following the line up to the Behring Straits.

Section 3. During the period and in the waters in which section 2 of this act, the killing of fur seals is allowed, the killing of fur seals, other than no vessel of the United States, or any person belonging to a vessel of the United States, shall be prohibited.

Section 4. Every master of a vessel licensed under this act to engage in fur seal operations shall accurately enter in his official log book the date and place of each seal operation, and also the number and sex of the seals captured each day, and on coming into port and before landing his cargo, the master shall verify on his official log book the number and sex of the seals captured, and the number and sex of the seals taken in the operation, and for any false statements he shall be liable to the penalties of perjury.

Section 5. No person or vessel permitted to engage in fur seal operations, under this act, shall employ in such operations any net, fire arms, air guns, or any other weapons, or any other contrivances, except such as may be necessary for the use of the vessel in the operation.

Section 6. The foregoing sections shall not apply to the killing of seals on the coast of the United States, and taking fur seals in canoes or undecked boats, propelled wholly by oars or sails, and not transported or used in connection with any other vessels, or manned by more than five persons, in the manner heretofore practiced by said Indians, provided that the exceptions made in this section shall not apply to Indians in the employ of other persons, or who shall kill, capture or pursue fur seals outside of territorial waters under contract to deliver skins to other persons, nor to the waters of the Behring Sea, or passing between the Aleutian Islands.

Section 7. The President may make regulations to secure the execution of the provisions of this act and modify the same in his judgment to be expedient.

Section 8. Except in the case of a master making a false statement under oath, in violation of the provisions of this act, or of the regulations made thereunder, he shall for each offence, be liable to a fine of not more than \$500, or to imprisonment for not less than six months, or both, and all vessels, or their tackle, apparel, furniture, and cargo shall be forfeited.

Section 9. Violations of this act may be prosecuted in the district court of Alaska, or in the district court in California, Oregon, or Washington.

Section 10. If any unlicensed vessels of the United States shall be found in the waters to which this act applies, and at a time when sealing is prohibited, having on board apparatus or instruments suitable for killing or taking seals, or if any licensed vessels shall be found in the waters to which this act applies, having on board the apparatus or instruments suitable for killing or taking seals, but not used thereunder, the vessel shall be liable to a fine of not more than \$500, or to imprisonment for not less than six months, or both, and all vessels, or their tackle, apparel, furniture, and cargo shall be forfeited.

Section 11. The provisions of this act and the regulations made thereunder, shall apply to citizens or subjects and to the vessels of any foreign government, which may signify its consent thereto, and a proclamation of the President declaring that such consent has been given shall be conclusive evidence of the fact.

Section 12. The provisions of this act shall become operative whenever the President shall by proclamation announce that the government of Great Britain has adopted the measures necessary to give full and immediate effect to the regulations determined and determined upon by the arbitration between the United States and Great Britain, concluded at Washington, February 20th, 1883, for the purpose of submitting to arbitration certain questions concerning the preservation of fur seals, and it shall be the duty

of the President, whenever this act shall become operative, to cause two or more vessels of the United States to cruise in the waters to which this act is applicable, and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the provisions of this act or of the regulations made thereunder.

## A SECOND SEBASTOPOL.

Vladivostok to be Made a Military and Naval Centre.

The announcement recently published to the effect that Vladivostok is to shortly cease to be a free port, we think, has other reasons than those generally imagined behind it. First of all, it has long been determined by the Russian government to convert "the regent of the east" as the name means, into a second Sebastopol, open only to naval ships of Russia. This determination has for some time been known to the mercantile residents of the port, many of whom have already anticipated its realization by purchasing sites for new premises at Passiette, a better port in several respects, some 50 miles to the south. Hitherto Vladivostok has enjoyed many privileges unknown in most parts of the Czar's dominions; numerous inducements have been held out by the government of the Primorsky to attract a population and to encourage trade, just as was done at Sebastopol after it had been reduced to a ruin with barely a dozen buildings and 5000 people, after its 11 months' siege in 1854 by the French and British; a similar course being adopted in the case of Nikolayevsk when it was first founded in 1857. All articles of commerce, with three or four exceptions, have to pay enormous duties at the other Russian ports, have hitherto been admitted free of duty. The exceptions are tobacco, which is a government monopoly; wines and beers, sugar and matches. Wines are taxed in the interests of the products of the Crimean vineyards, which are very largely consumed in Russia; beer, because the Russian brewers are driving out the German brewers, which up to a few years ago monopolized the Russian market; sugar, because the best industry in South Russia is specially protected in the interest of a number of the grand dukes who have adventured the industry on a large scale in recent years; and matches, because everyone in Russia must use them. One of the furthest things in Russia is to see a box of matches of the most diminutive dimensions swathed in a huge handkerchief of government stamp, which costs about five times the price of the commonest kind of match in use. Drawn hither by the unusual freedom from official interference and the less tyrannical nature of the chinovniks or officials, quite a respectable civil population had gathered around Vladivostok, apart from the naval and military establishment, which accounts for about half the local population. At the present moment the actual inhabitants of Vladivostok and its environs number some 30,000, of whom, deducting the Chinese, Manxas, Koreans, and Japanese, those of European extraction number some 22,000. A considerable number of squatters, who enjoy privileges something akin to those of the Cossacks, are settled in the fine country between Vladivostok and the Ussuri, to which there is steamer access from Lake Hankia in the summer. Counting Novokoselka, Passiette, Nikolai, and the long line of large villages and small towns along the Ussuri up to Habarovka, the port of Vladivostok serves a population of perhaps 50,000 souls. Many of these have, by reason of the absence of any tariff, become accustomed to a better style of living and more luxuries than are obtainable by a similar class in Western Siberia or in Russia Proper. The imports are principally from Germany, with a fair proportion of agricultural implements from America. Formerly some business in piece goods was done from Shanghai, but lately Japanese efforts in this direction have almost ousted their dearer English and American rivals. At present Shanghai is mainly represented in the direct trade with Vladivostok by imports of furniture and household utensils of all kinds, which have hitherto had no duty. Most of the other imports have been transshipments in articles mostly of German origin. Doubtless this fact, owing to the bitter Russian hostility towards anything and everything German, has had something to do with the existing state of affairs. It is the bulk of the trade of which has hitherto been almost entirely in the hands of two large German firms. But the primary object is a political one—namely, to keep out all strangers, and to convert the port into a mere naval station. It was believed that this would have been delayed until, at least, the completion of the first section of the railway to the Amur. We hear on authority that a branch of that line will shortly be commenced to Passiette, and since the naval and military authorities of the port were started nearly out of their wits, a few years back, by the unholy and unexpected sight of the British admiral and seven or eight of his fleet lying comfortably one fine morning in the harbor, which they had safely excluded in the night, the port authorities have been anxious to close it to ordinary navigation and to raise every difficulty they could to its commercial expansion. The trade of Vladivostok in 1882 amounted to close on \$5,000,000, of which a great deal of this was due to the import of material for the railway. About 120 or 130 vessels have entered the port annually for the past few years.—Shanghai Mercury.

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At the Suggestion of the Attorney-General, Mr. Speaker Declares It Unconstitutional—The Opposition Says the Speaker is Not a Judge.

February 22. The speaker took the chair at 2 o'clock. Prayers by Rev. E. Robson.

Mr. Beaven submitted that the rules on the order paper were not in accordance with the rules and orders. Thursday was private members' day, and that provided for motions and bills, the public bills in the hands of private members should be dealt with. The motion to go into committee of supply could not be kept at the head of the list on private members' day.

Mr. Keith moved the second reading of the bill to amend the act of 1877, relating to the coal mines regulation bill. He said he thought it unnecessary for him to explain the bill, as it had been before the house for six years. Once the house had passed the bill, but it proved unworkable, and subsequently the government refused to endorse the bill that they had formerly passed. The miners had passed largely signed petitions to the house asking for the repeal of the bill. The speaker's general said a few days ago that he did not think it advisable to enforce the legislation, while on the platform he said he thought it was workable. The government could not reasonably refuse to pass the bill. If Mr. Keith said it would be useless and idle to pass a bill that the courts would decide was unconstitutional. As he said, it was the intention of the government to pass a bill that would prevent accidents in the mines, and the law that the government had passed against Chinese or Japanese was unconstitutional. The bill was not aimed against dangerous persons in the mines; it was aimed only against Chinese and Japanese. It was useless to pass a bill that could not be enforced.

Mr. Keith—Why did you pass it before?

Hon. Mr. Beaven said the attorney-general wanted to put the speaker in a position that he, no doubt, would not be drawn into. He wanted to place the speaker in the position of a judge of the supreme court. To ask the speaker to usurp the position of the judicial committee of the privy council was asking him to do something that he did not think he should do.

If the bill was not constitutional, the courts would throw it out. The first or second session he was in the house a bill was passed to amend the act of 1877, relating to the coal mines regulation bill. The legal gentlemen who were in the house at the time, among them the Hon. Mr. Justice Gresham, held that the bill was unconstitutional, but the government-general has never been assailed. The minister of justice would not do what the attorney-general was asking the speaker to do. The greatest lawyers in Canada differed as to whether the legislature of Ontario could amend the act of 1877, relating to the coal mines regulation bill, and said of intemperate figures. It would be absurd for the speaker to decide the constitutionality of such legislation.

Mr. Keith—The attorney-general said the bill could only be passed for safety in mines. That was the reason he gave for it. The attorney-general had on several occasions declared the bill constitutional.

Mr. Sword said the bill simply defined an act already on the statute book.

Hon. Mr. Beaven said he did not know that he had given an opinion declaring the bill unconstitutional. Already he had referred to it off-handedly on the public platform. The act to prevent Chinamen from voting was a very different one. It was the duty of the speaker to decide whether the bill was constitutional or not. If the house did not agree with the ruling the could reverse it.

Mr. Speaker called the bill out of order on the same ground that he had ruled out the motion proposed by Mr. Keith on the employers of Chinamen out of order.

Mr. Keith appealed against the decision of the speaker.

Hon. Mr. Beaven—It was monstrous to suppose that the speaker could decide on the constitutionality of a bill. It is practically closed the door of the courts to any one who might wish to test the question. The speaker had been led into a very wrong position. It was a very serious question to put the speaker in the position of a judge of the constitutionality of a bill. The attorney-general had a few years ago assented to a bill of a similar character. It was the first time a speaker had attempted to decide constitutional points of law. The bill should be considered on its merits. Bills that prominent lawyers had passed were unconstitutional had been passed by the house and had never been declared unconstitutional. He hoped the legislature would not be led into such a false position. He desired to support the chair, but he could not do so in this case. It was not for the legislature to decide on the constitutionality of bills. There were courts in which the constitutionality of acts could be decided. The speaker's duty was to put the question before the house, and if the house decided to pass the bill, it was the duty of the speaker to put it on the order paper. The speaker's duty was to put the question before the house, and if the house decided to pass the bill, it was the duty of the speaker to put it on the order paper.

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