

sealing during the present year, and that to renew the prohibition of pelagic sealing for another season would be going far beyond the necessities of the case.

Lord Salisbury's proposal of a 30-miles radius round the Pribyloff Islands within which no sealing should be allowed is a judicious temporary measure of precaution pending the establishment of permanent regulations for the fishery as a whole. It is a somewhat larger proposal than that which you originally made to me on the 16th of March, 1891, and which was for a similar radius of 25 miles only.

The reason why you subsequently abandoned that "radius" proposal is stated in your note to me of 4th May, 1891. That reason was not that such a radius would be ineffectual, but that "it might possibly provoke conflict in the Behrings Sea."

At that time no act of Parliament had been passed in England to empower Her Majesty's Government to enforce such a measure on British vessels, and no doubt there was some danger on that account of it giving rise to difficulties. But it is otherwise now. By the seal fishery (Behrings Sea) Act of 1891 (54 Vic., c. 19), Her Majesty is empowered by Order in Council to prohibit under severe penalties the catching of seals by British ships in any part of Behrings Sea defined by the Order, and therefore the enforcement of the new *modus vivendi* now proposed by Lord Salisbury would present much less difficulty than was experienced last season in putting the existing one into operation.

I trust that the above observations which I venture to offer in further elucidation of the proposal contained in my note of the 29th ultimo will satisfy your Government that it is, under the circumstances, a reasonable proposal, and one which will, if acceded to, sufficiently safeguard the interests of both nations during the few months comprised in the next fishery season, and pending the decision of the arbitrators.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir J. Pauncefote.

DEPARTMENT OF STATE,
Washington, March 8, 1892.

SIR: I am directed by the President to say, in response to your two notes of February 29 and March 2, that he notices with the deepest regret the indisposition of Her Majesty's Government to agree upon an effective *modus* for the preservation of the seals in the Behring Sea, pending the settlement of the respective rights of that Government and of the Government of the United States in those waters and in the fur-seal fisheries therein. The United States claims an exclusive right to take seals in a portion of the Bering Sea, while Her Majesty's Government claims a common right to pursue and take the seals in those waters outside a 3-mile limit. This serious and protracted controversy, it has now been happily agreed, shall be submitted to the determination of a tribunal of arbitration, and the treaty only awaits the action of the American Senate.

The judgment of the arbitration tribunal can not, however, be reached and stated in time to control the conduct of the respective Governments and of their citizens during the sealing season of 1892; and the urgent question now is, What does good faith, to say nothing of international

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