

**CIHM
Microfiche
Series
(Monographs)**

**ICMH
Collection de
microfiches
(monographies)**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1998

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou pliquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolorations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

	10x		14x		18x		22x		26x		30x	
									<input checked="" type="checkbox"/>			
	12x		16x		20x		24x		28x		32x	

The copy filmed here has been reproduced thanks to the generosity of:

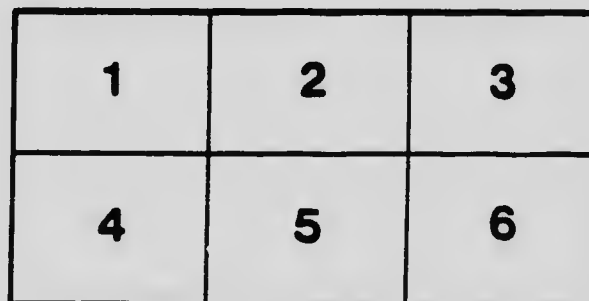
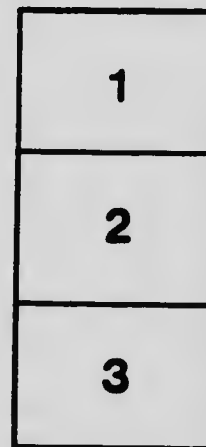
British Columbia Archives and Records Service.

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche sheet contains the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

British Columbia Archives and Records Service.

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaît sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "À SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

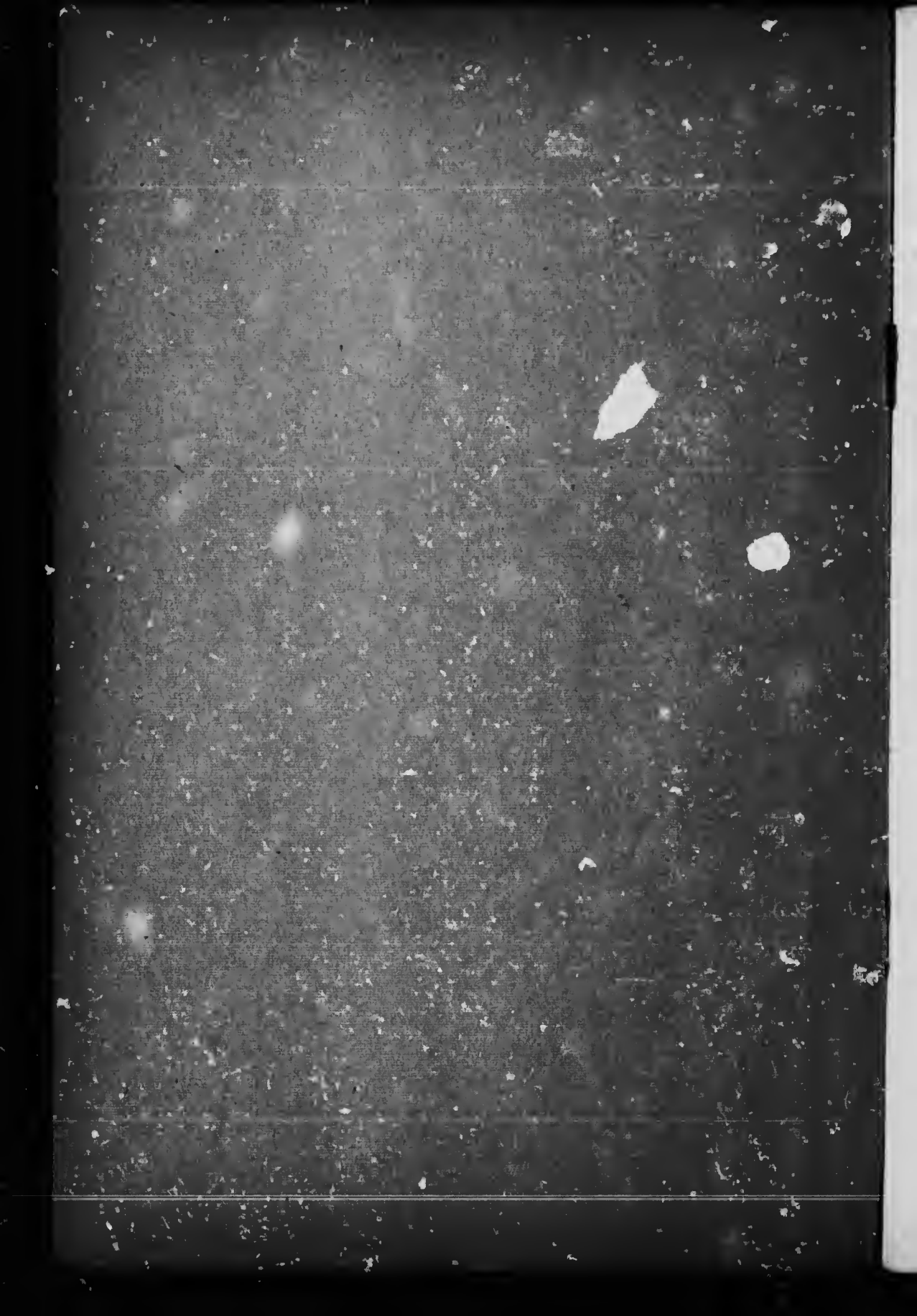
998.1
F369jm

**ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS
BETWEEN GREAT BRITAIN AND THE
UNITED STATES OF AMERICA**

**THE SCHOONER JESSIE
THE SCHOONER THOMAS F. BAYARD
THE SCHOONER PESCAWHA**

**MEMORIAL OF HIS BRITANNIC MAJESTY'S
GOVERNMENT IN SUPPORT
OF THE CLAIM**

**VICTORIA, B. C.
THE COLONIST PRESS
1918**



*Jesse Adams
Victoria, B.C.*

**ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS
BETWEEN GREAT BRITAIN AND THE
UNITED STATES OF AMERICA**

**THE SCHOONER JESSIE
THE SCHOONER THOMAS F. BAYARD
THE SCHOONER PESCAWHA**

**MEMORIAL OF HIS BRITANNIC MAJESTY'S
GOVERNMENT IN SUPPORT
OF THE CLAIM**

VICTORIA, B. C.
THE COLONIST PRESSES
1913

NWP
998.1
P369jm

OB 12/10
1 2.70
JUL 11 '60

INDEX

	Page
Statement of Case, Jessie	3
" " Thomas F. Bayard	4
" " Pescawha	4
" " Boarding of Schooners	5
Sealing of firearms	5
Bayard and Jessie spoken and boarded again	5
Legality of interference questioned	6
Crew specially selected	6
Authority for interference, absence of	6
Sealing Regulations by Paris Tribunal	6
Behring Sea Award Act, 1894	7
Arrangement of 1894	7
Not renewed in 1895	8
No authority to interfere with otter hunting	8
Damages claimed for Jessie	8
Damages claimed for Bayard	9
Damages claimed for Pescawha	9

ANNEXES.

1. Original presentation of claim for Bayard and Jessie, dated 23rd November, 1909	10
2. Ditto for Pescawha, dated 26th November, 1909	13
3. Declaration of master of Jessie, 12th November, 1909	15
4. Declaration of mate of Jessie, 12th November, 1909	18
5. Declaration of master of Bayard, 12th November, 1909	18
6. Declaration of mate of Bayard, 12th November, 1909	21
7. Declaration of master of Pescawha, 26th November, 1909	22
8. Declaration of mate of Pescawha, 26th November, 1909	21
9. Declaration of J. C. Newbury, Collector of Customs, Victoria, B. C., 30th April, 1913	25
10. Declaration of H. G. Wilson, 6th May, 1913	26
11. Declaration of Thomas Stockham, 6th May, 1913	29
12. Declaration of James Maynard, 6th May, 1913	37
13. Declaration of Thomas Lumsden, 6th May, 1913	38

STATEMENT OF CASE

This is a claim for \$38,700 on behalf of the British schooner *Jessie*, \$51,628.39 on behalf of the British schooner *Thomas F. Bayard*, and for \$52,661.60 on behalf of the British schooner *Pes-cuwlu*, together with interest from the 23rd day of June, 1909.

1. The *Jessie*, 147 tons, is a British schooner registered at the Port of Victoria, in the Province of British Columbia on the 19th of May, 1903, her official number being 111,787. She is owned by Herbert Goulding Wilson, of the City of Victoria, who is a British subject, born in London, England, the son of William Wilson, of the City of Victoria, born in London, England, and of his wife, Isabella Eilbeck, born in Whitehaven, Cumberland, England.

2. On the 15th of January, 1909, William Munro, as master of the said schooner *Jessie*, procured from the Collector of Customs at Victoria aforesaid a special sealing licence, Number 1, dated the 15th of January, 1909, to hunt for seals in Behring Sea when the sealing season opened, and cleared his vessel from the said port of Victoria on the 15th of January, 1909, on a fur sealing and sea otter hunting voyage in the North Pacific ocean and Behring Sea., with a crew of 21 all told.

3. The vessel was equipped with seven rifles and fifteen shot guns for the purposes only of sea otter hunting on the high seas.

4. On the 23rd of June, 1909, after having waited sometime for favourable hunting weather, and while the hunters were out, the schooner was boarded by the United States cutter *Bear*. The schooner was then off the north end of Cherikof Island, about fifteen miles from land, bearing S.W. by S., latitude 56.01 N., longitude 155.11 W. The positions are borne out by the entries made by the revenue cutter's officer in the log of the schooner.

5. The following entry was made by the United States officer in the log of the *Jessie*:

North End Cherikof Island,
June 23rd, 1909.

I certify that I this day examined the British schooner "*Jessie*" of Victoria and found no seal skins on board: found 8 sea-otter skins one being on frame.

By order of the Commanding Officer of the U.S. Revenue Cutter "*Bear*" sealed up this day seven (7) rifles and fifteen (15) shot guns. The Master is forbidden to break the seals while his vessel remains north of 35° N. Latitude and East of 180° W. Longitude until same strikes boundary of the U.S. and Russia during the closed season.

WM. J. WHEELER, 1st Lieut. U.S.R.C.S.

Exec. Officer Revenue Cutter "*Bear*."

J. P. GRAY, 3 Lieut. U.S.R.C.S.

6. The Thomas F. Bayard is a British schooner, registered at the Port of Victoria in the Province of British Columbia on the 2nd of January, 1907, her official number being 121,970. She is owned by Thomas Stockham, born near Bridgewater, Somersetshire, England, his parents being George Stockham and his wife Mary Stockham, both born near Bridgewater aforesaid; James Maynard, born in Bude, Cornwall, England, his parents being James Maynard and Thirza Maynard, both born in Bude aforesaid; and Thomas Lumsden, born in the County of Northumberland, England, his parents being William Lumsden and Isabella Lumsden, both born in the County of Northumberland aforesaid.

7. On the 29th of March, 1909, Hans Blakstad, as master of the said schooner Thomas F. Bayard, procured from the Collector of Customs at Victoria aforesaid a special sealing licence, Number 3, dated the 29th of March, 1909, to hunt for seals in Behring Sea when the season opened, and cleared his vessel from the said port of Victoria on the 29th of March, 1909, on a fur sealing and sea otter hunting voyage in the North Pacific ocean and Behring Sea, with a crew of thirty-six all told.

8. The vessel was equipped with 8 rifles and 15 shot guns for the purposes only of sea otter hunting on the high seas.

9. The following entry was made by the United States officer in the log of the Thomas F. Bayard:

North End Chirikof Island,
June 23rd, 1909.

I certify that I have this day examined the British schooner "Thomas Francis Bayard" and found no seal skins on board, three unskinned sea otter carcasses were on deck. There was no entry in the log subsequent to May 31st, 1909.

By order of the Commanding Officer of the U.S. Revenue Cutter "Bear" sealed up this day eight (8) rifles and fifteen (15) shot guns. The Master is forbidden to break the seals while the vessel remains north of 35° N. Lat. and East of 180° W. Longitude during the closed season.

WM. J. WHEELER, 1st Lieut. U.S.R.C.S.

Exec. Officer U.S. Rev. Cutter "Bear."

E. D. JONES, 2nd Lieut. U.S.R.C.S.

10. The Pescawha is a British schooner, ninety-eight tons, registered at the port of Liverpool in the Province of Nova Scotia in the year 1906, her official number being 122,022. She is owned by Joseph W. Peppitt, who is a British subject, having been born in the Province of Nova Scotia, of English parents.

11. On the 11th of February, 1909, Berton Miller Balcom, as master of the said schooner Pescawha, procured from the Collector of Customs at Victoria aforesaid a special sealing licence number 2 dated the 11th day of February, 1909, to hunt for seals in Behring Sea when the season opened, and cleared his vessel from the said Port of Victoria on the 13th day of February, 1909, on a fur

sealing and sea otter hunting voyage in the North Pacific ocean and Behring Sea, with a crew of 29 all told.

12. The said vessel was equipped with nine rifles and sixteen shot guns for the purposes only of sea otter hunting on the high seas.

13. On the 23rd of June, 1909, about 4 o'clock in the morning, when the boats were about to be sent out under favourable weather conditions, the said vessel was boarded under circumstances herein-after stated. She was at this time off the east end of Cherikof Island, bearing S.W. by S. 13 miles from land, or in latitude 56 N., longitude 150 N.

14. The following entry was made by the United States officer in the log of the Pescawha:

East End Cherikof Island,
June 23rd, 1909.

By order of the Commanding Officer of the U.S. Revenue Cutter "Bear" sealed up this day nine (9) rifles and sixteen (16) shot guns. The Master is forbidden to break the seals while his vessel remains north of 35° N. latitude and East of 180° longitude till same strikes U.S. and Russian boundary during the closed season.

WM. J. WHEELER, 1st Lieut. U.S.R.C.S.
Exec. Officer U.S. Revenue Cutter "Bear."

15. [The following statements of fact apply equally to all three vessels.] On coming on board the schooners, the lieutenant, W. J. Wheeler, asked the master what he was doing there, and was told he was hunting sea otter. On his demand the ship's papers were shown him. He then thoroughly searched the ship for seal skins and found none. The officer then said he would seal up the firearms on board. Being asked on what authority he would do so on the high seas, he replied the master had no business being there he found him.

16. Appreciating that he was powerless, the master then requested that only the shot guns be sealed up, as rifles are used only for otter hunting and never for seal hunting. The officer replied that his instructions were to seal up all firearms.

17. The master then requested an interview with the Commander of the "Bear" and accordingly went on board the cutter. He repented his request and his demand for the authority for such interference on the high seas and represented the serious loss it meant to his vessel, but without avail, and the firearms were sealed up. On the following day the Jessie was spoken but not again boarded. The Bayard was boarded again the following day by the United States revenue officer and the seals placed on the firearms the previous day were examined.

18. Had he not been molested, the master would have remained on the otter hunting grounds until at least the 10th of August following, as there were then apparent prospects of a successful season.

19. It will be observed from the statutory declaration of the captain, attached hereto, that the legality of the action of the revenue officer was questioned, and that no explanation was given beyond the mere statement that all firearms must be sealed.

20. These occurrences took place after the vessel had been beating about for a considerable period of time in bad weather, waiting for a favourable turn. That turn had just arrived, and with the good weather came evidence of an abundance of otter in the vicinity of the schooners.

21. The crew of the vessel had been specially selected for their skill and experience in sea otter hunting; in fact, the selection of the crew was commenced a long time before the season by the despatch of agents for the purpose of securing the services of men particularly trained in that occupation.

22. It is submitted that under the then existing laws and regulations following upon the Paris Award and its resultant legislation, no colour of authority is to be found for the action of United States naval or revenue officers in boarding a British schooner at sea and sealing up her hunting implements.

23. The vessel in question is shown to have been hunting sea otter at the time, and the log entries made by the boarding officers specifically state that on search no seal skins were found on board.

24. It will be seen from the entries in the official logs by the United States boarding officers that not only all implements for sealing but as well all the weapons which would be required for hunting otter were sealed up and that the master was forbidden to break the seals while the vessel was anywhere in that vast area of water north of the thirty-fifth parallel of north latitude and east of the one hundred and eightieth meridian, during the close season for seals, that is to say May, June and July.

25. There is no close season on the high seas for otter applicable to Canadians, and the action of United States officers in rendering useless these hunting implements effectually prohibited Canadian fishermen upon the high seas from following a legitimate pursuit in all the North American portion of the North Pacific ocean, and gave them no other alternative than to abandon for the season their legitimate calling or to leave recognized otter hunting grounds of North America for any which they might be able to find on the Russian or Japanese side of the ocean. In fact the captain was told that he had no business there, and that if he broke the seals placed on the firearms his vessel would be seized.

26. By the award of the Tribunal of Arbitration constituted under the Treaty of the 29th of February, 1892, between Her Britannic Majesty and the United States of America certain regulations were prescribed governing the hunting of fur seals in that portion of

Behring Sea referred to in said regulations. Those regulations provided, *inter alia*, as follows:—

(a) That a close season should be established extending from the 1st of May to the 31st of July in each year over the following waters:—

On the high seas in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

(b) That every vessel authorized to fish for fur seals should be provided with a special licence issued for that purpose by its government.

(c) That the seals should be captured by means of spears; the use of nets, firearms and explosives being expressly prohibited.

27. The Imperial statute entitled the Behring Sea Award Act, 1894, gave the said regulations the force of law throughout Her Majesty's dominions, and provided for the enforcement thereof. The Act also provided that Orders in Council might be enacted for the purpose of carrying the said regulations into effect.

28. In pursuance of the said Act, Imperial Orders in Council were duly passed providing that such licences might be issued to qualified vessels by the Collector of Customs at the Port of Victoria, British Columbia, and prescribing the conditions governing the application for, and the form in which the said licences should be issued.

29. In order to provide further for the convenient application of the said regulations, an arrangement was entered into in the year 1894 (apparently only a *modus vivendi* for that year, as in the following year Her Britannic Majesty's Government announced its decision not to renew the arrangement with the Government of the United States), between Her Majesty's Government and the Government of the United States of America, which among other things, provided as follows:—

(I.) No sealing vessel shall be seized or detained by reason of the absence of a licence or of a distinctive flag or merely on account of seals, seal skins or fishery implements being found on board; but, unless there be evidence of unlawful sealing, the commander of the cruiser visiting such vessel shall deliver to the master a certificate of the number of seals and seal skins found on board on that date (keeping a copy of such certificate) and allow the vessel to proceed on her way.

(II.) Any sealing vessel lawfully traversing or intending to traverse the said waters during the close season for the purpose of returning to her home port, or of proceeding to any other port, or to or from the sealing grounds, or for other legitimate purpose, may, on the application of the master have her fishery implements sealed up, and an entry thereof made on her clearance or log book, and such sealing up and entry shall be a protection to the vessel against interference by any cruiser in the said waters, during the close season,

so long as the seals so affixed shall remain unbroken, unless there shall be evidence of seal hunting notwithstanding.

(111.) The sealing up of fishery implements and the entry thereof may be effected by any naval officer or customs officer, or (in Japan) by any consul of any nation to which the vessel belongs. It may also be effected at sea as regards United States vessels by the commander of a British cruiser, and as regards British vessels by the commander of a United States cruiser.

30. It is submitted that in view of the fact that the agreement referred to in the preceding sub-paragraphs (1), (2) and (3) was not renewed in 1895 by the respective Powers interested, there has been in existence since 1894, no authority for interfering with sealing implements, and it is submitted that at no time was there ever any justification for interference with otter hunting implements or operations on the high seas.

31. Attention is directed to the fact, and it is submitted that in this arrangement there is no reference to prohibiting or regulating sea otter hunting, a pursuit in which Canadian schooners have always been at liberty to engage.

32. It is submitted, as before stated, that this vessel was interfered with on the high seas pursuing an occupation which she was not only legally entitled to follow, but for which she was especially and at a considerable extra cost prepared; that the crew of the vessel had been specially selected for their skill and experience in sea otter hunting; in fact the selection of these men was commenced a long time before the season, by the despatch of agents for the purpose of securing the services of men particularly trained in that occupation, and that the owners are entitled to compensation.

33. Damages are therefore claimed for the action which prevented the Jessie from engaging in a lawful pursuit on the high seas.

34. The said interference was illegal and without reasonable cause or any justification and inasmuch as by reason thereof the voyage of the said schooner was broken up, compensation is claimed for the damage caused thereby based upon a reasonable estimate of the amount which the owner would have received as the proceeds of the voyage if it had not been so interfered with, together with interest thereon, which damage is estimated as follows:

Estimated number of otter skins which experienced hunters calculated would be a fair number in all the circumstances, 75.....	\$42,092.50
Less value of otter skins taken before interference	4,222.50
	\$38,700.00

Interest from the 23rd of June, 1909.

35. In the alternative the above amount of \$38,700 is claimed as damages by reason of the loss of time, wages, provisions and outfitting of the said vessel for the remainder of the season after the 23rd of June, 1909, the date when the said vessel was interfered with, the said expenses being thrown away and damages incurred

through the compulsory breaking up of the voyage which the owner was lawfully entitled to prosecute.

36. His Majesty's Government therefore claims on behalf of Howard Goulding Wilson the sum of \$38,700 with interest from the 23rd of June, 1909.

37. Damages are therefore claimed for the action which prevented the Thomas F. Bayard from engaging in a lawful pursuit.

38. The said interference was illegal and without reasonable cause or any justification, and inasmuch as by reason thereof the voyage of the said schooner was broken up, compensation is claimed for the damage caused thereby, based upon a reasonable estimate of the amount which the owners would have received as the proceeds of the voyage if it had not been so interfered with, together with interest thereon, which damage is estimated as follows:—

Estimated number of otter skins which experienced hunters calculated would be a fair number in all the circumstances, 100.....	\$57,230.00
Less value of otter skins taken before interference.....	5,601.61
	<hr/>
	\$51,628.39

Interest from the 23rd of June, 1909.

39. In the alternative the above amount of \$51,628.39 is claimed as damages by reason of the loss of time, wages, provisions and outfitting of said vessel for the remainder of the season after the 23rd of June, 1909, the date when the said vessel was interfered with, the said expenses being thrown away and damages incurred through the compulsory breaking up of the voyage which the owner was lawfully entitled to prosecute.

40. His Majesty's Government therefore claims on behalf of Thomas Stockham, James Maynard and Thomas Lumsden, the sum of \$51,628.39 with interest from the 23rd of June, 1909.

41. Damages are therefore claimed for the action which prevented the Pescawha from engaging in a lawful pursuit on the high seas.

42. The said interference was illegal and without reasonable cause or any justification, and inasmuch as by reason thereof the voyage of the said schooner was broken up, compensation is claimed for the damage caused thereby, based upon a reasonable estimate of the amount which the owner would have received as the proceeds of the voyage if it had not been so interfered with, together with interest thereon, which damage is estimated as follows:—

Estimated number of otter skins which experienced hunters calculated would be a fair number in all the circumstances, 100.....	\$57,230.00
Less value of otter skins taken before interference.....	4,578.40
	<hr/>
	\$52,651.60

Interest from the 23rd of June, 1909.

43. In the alternative the above amount of \$52,661.60 is claimed as damages by reason of the loss of time, wages, provisions and outfitting of said vessel for the remainder of the season after the 23rd of June, 1909, the date when the said vessel was interfered with, the said expenses being thrown away and damages incurred through the compulsory breaking up of the voyage which the owner was lawfully entitled to prosecute.

44. His Majesty's Government therefore claims on behalf of Joseph W. Peppitt the sum of \$52,661.60 with interest from the 23rd of June, 1909.

[This is the exhibit marked "A" referred to in the declarations of H. G. Wilson, James Maynard, Thomas Stockham, and Thomas Luusden, taken before me the 6th day of May, 1913.

OSCAR C. BASS,
A Commissioner for taking affidavits
within British Columbia.]

ANNEX No. 1.

Victoria, British Columbia,
23rd November, 1909.

To the Honourable
The Secretary of State,
Ottawa, Canada.

Sir,—

We the owners of the British schooners Thomas F. Bayard, 67 tons, Hans Blakstad, master; and Jessie, 47 tons, William Munro, master; registered at the Port of Victoria, British Columbia, beg to lay before you for submission to the proper quarter, the following statement of facts:—

The vessels cleared from Victoria for the North Pacific coast in March and January, 1909, respectively, for a fur sealing and sea otter hunting voyage.

On the 23rd of June, 1909, after having waited some time for favourable hunting weather, and while the hunters were out, the schooners were boarded by two officers of the United States cutter Bear. The schooners were then off the north end of Cherikof Island, the Thomas F. Bayard bearing S.W., thirteen miles from land, or in latitude 56 N., longitude 155.13 W.; and the Jessie in the same locality, bearing S.W. by S., about fifteen miles from land, or in latitude 56.01 N., longitude 155.11 W. This position is borne out by the entry made by the revenue cutter's officer in the logs of the schooners.

It will thus be seen that both vessels were outside the three mile limit, and that they were on the high seas pursuing an occupation which they were not only legally entitled to, but for which they were especially and at considerable extra expense prepared.

While it is true that the schooners were at that time in waters which, by the regulations, are closed to sealing, yet we would respectfully submit that that fact of itself is not any infringement of the regulations, nor is it illegal even for a vessel to be within that area with firearms on board. We would point out that an offence is committed only when a vessel is found in that area with seal skins on board during the period specified in the regulations.

Further, the vessels were not engaged in sealing, and there were no seal skins, or trace of sealing, found on board, after a most thorough and rigid search. The vessels were engaged in sea otter hunting, an occupation that does not come within the purview of the sealing regulations, and as to which there is no prohibition. As proof of the *bona fides* of the captains, we would direct your attention to their request, in effect, if the American revenue officers felt that they (the captains) could not be trusted to observe the sealing regulations, that the shot guns be sealed and the rifles left. The former are not actually necessary for use in otter hunting, and the latter are. But this request was refused and the vessels virtually driven away. In fact the captains were told they had no business there, and that if they broke the seals placed on the firearms their vessels would be seized.

You will observe from the statutory declarations of the captains, enclosed herewith, that the legality of the action of the revenue officers was questioned, and that no explanation was given beyond the mere statement that all firearms must be sealed.

These occurrences took place after the vessels had been beating about for a considerable period of time in bad weather, waiting for a favourable turn. That turn had just arrived, and with the good weather came evidence of an abundance of otter in the vicinity of the schooners. The crews of the vessels had been specially selected for their skill and experience in sea otter hunting, in fact the selection of these crews was commenced a long time before the season by the despatch of agents for the purpose of securing the services of men particularly trained in the occupation.

We submit, and we press it strongly and respectfully, that we have suffered material loss by this unwarranted interference with our freedom on the high seas by a foreign power, and we respectfully ask that our claims be placed in the proper quarter for adjudication with a view to compensation.

In support of this we submit the following heads of expense connected with the schooners for the year:—

Schooner "Thomas F. Bayard"

Wages—

Captain (wages and lay)	\$ 1,080.00	
Mate	680.00	
Crew	10,419.15	
Equipment for sealing	3,000.00	
Equipment for otter hunting	750.00	
Provisions	2,875.00	
Licences, harbour dues, etc.	14.50	
Insurance	1,026.75	
		\$19,845.40

Earnings—

Seal skins taken, based on last season's prices	\$19,801.50	
Otter skins taken, based on last season's prices	3,600.00	
Actual loss of time in being driven off through the vessel being idle, being two months' proportion of above wages, provisions, insurance, and licence ...	3,925.00	
Estimated number of otter skins which experienced hunters calculated would be a fair number in all the circumstances, 100.....	60,000.00	
		87,326.50

Schooner "Jessie"

Wages—

Captain	\$ 999.00	
Mate	910.75	
Crew	5,697.56	
Equipment for sealing	2,103.41	
Equipment for otter hunting	544.02	
Provisions	2,165.52	
Licences, harbour dues, etc.	14.50	
Insurance	743.41	
		\$13,178.17

Earnings—

Seal skins taken, based on last season's prices	\$11,382.00	
Otter skins taken, based on last season's prices	4,800.00	
		\$16,182.00

Actual loss of time in being driven off through the vessel being idle, being two months' proportion of above wages, insurance and licence	\$ 3,136.36
Estimated number of otter skins which experienced hunters calculated would be a fair number in all the circumstances, 75	45,000.00
	————— \$48,136.36

We have the honour to be, Sir,

Your obedient servants,

THOMAS STOCKHAM.

H. G. WILSON.

ANNEX No. 2.

Victoria, British Columbia,
26th November, 1909.

To the Honourable
The Secretary of State,
Ottawa, Ontario.

Sir,—

On behalf of the owners of the British schooner *Pescawha*, 98 tons, Berton Miller Balcom, master, registered at the Port of Liverpool, Nova Scotia, I beg to lay before you, for submission to the proper quarter, the following statement of facts:—

The vessel sailed from Victoria for the North Pacific ocean on the 13th of February, 1909, for a fur sealing and sea otter hunting voyage.

On the 23rd of June, 1909, after having waited some time for favourable hunting weather, the schooner, about four o'clock in the morning, was boarded by two officers of the United States revenue cutter *Bear*. The schooner was then off the east end of Chirikof Island, bearing S.W. by W., thirteen miles from land, or in latitude 50 N., longitude 155 W. This position is borne out by the entry made by the revenue cutter's officer in the log of the schooner. The boats were at the time about to be lowered and the weather and hunting conditions were entirely favourable.

It will thus be seen that the vessel was not within the three mile limit, and that she was on the high seas, pursued an occupation

which she was not only legally entitled to pursue, but for which she was especially, and at considerable extra expense, prepared.

While it is true that the schooner was in waters closed to pelagic sealing according to the regulations, yet it is respectfully submitted that that fact of itself is not any infringement of the regulations, nor is it illegal even for a vessel to be within that area with firearms on board. I would point out that an offence is committed only when a vessel is found in that area with seal skins on board, or evidence of sealing during the period specified in the regulations.

Further, the vessel was not engaged in sealing, and there were no seal skins, or trace of sealing, found on board, after a most thorough and rigid search. The vessel was engaged in sea otter hunting, an occupation that does not come within the purview of the sealing regulations, and as to which there is no prohibition. As proof of the *bona fides* of the captain, I would direct your attention to his request, in effect, if the American revenue officers felt that he (the captain) could not be trusted to observe the sealing regulations, that the shot guns be sealed and the rifles left. The former are not actually necessary for use in otter hunting, and the latter are. But this request was refused, and the vessel virtually driven away. In fact the captain was told he had no business there, and that if he broke the seals placed on the firearms his vessel would be seized.

You will observe from the statutory declaration of the captain, enclosed herewith, that the legality of the action of the revenue officers was questioned, and that no explanation was given beyond the mere statement that all firearms must be sealed.

These occurrences took place after the vessel had been beating about for a considerable period of time, in bad weather, waiting for a favourable turn. That turn had just arrived, and with good weather came evidence of an abundance of otter in the vicinity of the schooner. The crew of the vessel had been specially selected for their skill and experience in sea otter hunting; in fact they had been selected a long time before the season by the owners, who were anxious to secure the services of men particularly trained in the occupation.

I submit, and press it strongly and respectfully, that we have suffered material loss by the unwarranted interference with our freedom on the high seas by a foreign power, and I respectfully ask that our claim be placed in the proper quarter for adjudication with a view to compensation.

In support of this, I submit the following heads of expense connected with the schooner for the year:—

Wages—		
Captain (wages and lay)	\$	963.00
Mate		825.00
Crew		6,783.92
Equipment for sealing		2,500.00
Equipment for otter hunting		500.00
Provisions		2,035.00
Licences, harbour dues, etc		14.50
Insurance		692.65
		<hr/>
		\$14,314.07
Earnings—		
Seal skins taken, based on last season's prices	\$	18,877.00
Otter skins taken, based on last season's prices		1,200.00
		<hr/>
		\$20,077.00
Actual loss of time in being driven off through the vessel being idle, being two months' proportion of wages, provisions, insurance, and licence		2,045.00
Estimated number of otter skins which experienced hunters calculated would be a fair number in all the circumstances, 100		60,000.00
		<hr/>
		\$62,045.00

I have the honour to be, Sir,

Your obedient servant,

JOSEPH W. PEPPITT.

ANNEX No. 3.

CANADA
PROVINCE OF BRITISH COLUMBIA
VICTORIA

In the matter of the illegal interference with and prevention of the British Schooner Jessie by the United States Revenue Cutter Bear from pursuing her lawful occupation on the high seas.

I, William Munro, of the City of Victoria in the Province of British Columbia, Master Mariner, do solemnly declare:—

1. That I am a British subject, and am now, and was at the time of the events hereinafter declared to, master of the British schooner *Jessie*, 47 tons, registered at the Port of Victoria, British Columbia.

2. The said schooner cleared from Victoria aforesaid on the 15th of January, 1909, for the North Pacific ocean on a fur sealing and sea otter hunting voyage. She had on board a crew of twenty-one all told.

3. She reached the otter hunting grounds on or about the 5th of June, 1909, but the weather not being favourable for hunting no boats were lowered until the 16th of June, when, for a short hunt, seven sea otter were secured. The weather continued unfavourable until the 22nd, when one sea otter was taken.

4. On the 23rd of June I was spoken by the United States revenue cutter *Bear* which sent two officers in a boat. I was boarded by said officers.

5. My vessel was at this time off the north end of Chirikof Island, bearing S.W. by S., and about fifteen miles from land, or latitude 56.01 N., longitude 155.11 W.

6. On boarding my vessel as aforesaid, the first lieutenant, Mr. W. J. Wheeler, inquired what we were doing in that locality, and I informed him that we were hunting sea otter, for which purpose we were equipped and had cleared from Victoria. He asked for, and was allowed to examine the ship's papers, after which he proceeded to search the vessel for seal skins. In this search he was rendered the fullest assistance.

7. After having searched the vessel the said officer stated that he would seal up the firearms. I protested against such action as illegal and arbitrary, but my protest was not considered. I then, as an alternative, requested that the rifles be not sealed, as they were required for otter hunting, and are never used in seal hunting; furthermore that we had a perfect right to hunt otter where we were. This request was only laughed at, and the guns and rifles were sealed. The only reason given for sealing the hunting equipment was that we had a licence for sealing.

8. Perceiving my powerlessness to resist this illegal act, I requested that in sealing up the firearms he except the rifles, as the latter are never used in seal hunting, and told him that we had cleared from Victoria for a sea otter hunting cruise as well as seal hunting. He replied that his instructions were to seal all firearms. He gave no information as to the source of his instructions and would vouchsafe no further explanation. I then requested that I have an interview with the commander of the revenue cutter before the guns and rifles were sealed, and I accordingly went aboard the cutter. I asked the commander why he insisted on sealing our firearms when we

had cleared for otter hunting, and what his authority was for doing so on the high seas. He replied that he could not help it, his instructions were to do so, and they must be carried out. He gave no information as to the source of said instructions. I represented to him the serious loss such action meant to my vessel which had been specially fitted out at considerable expense above and beyond the usual sealing equipment, and asked him in the circumstances not to seal up the rifles for the reason explained to his first lieutenant. The reply was that all would be sealed.

9. I was spoken by the revenue cutter the following day, but not boarded.

10. Had I not been illegally interfered with and compelled by a show of superior force to allow my hunting equipment to be sealed up in the manner described, I would have remained on the otter hunting grounds until the middle or end of August according to circumstances.

11. The indications and prospects were in every sense favourable for a successful season, the weather had moderated to a perfect calm, so much so that I was not able to proceed away for some days, and there were numbers of otter visible in our vicinity during the time we remained.

12. The said first lieutenant asked two of my crew, Charles Welcher and George Johnson, both experienced otter hunters, what their expectations were, and they said they would not take seventy-five otter at that time for the season's expected catch. From my own knowledge and experience I am of opinion that their estimate was low.

13. My vessel was specially equipped and fitted out for sea otter hunting at a considerable expense over and above that necessary for an ordinary sealing cruise, and my hunters were not only specially selected for their experience in sea otter hunting but were paid extra wages or allowances on account of their skill and experience.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of
Victoria, British Columbia, this
twelfth day of November, 1909.)

WILLIAM McNEO.

OSCAR C. BASS,
A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 4.

CANADA
PROVINCE OF BRITISH COLUMBIA
VICTORIA

In the matter of the illegal interference with and prevention of the British Schooner Jessie by the United States Revenue Cutter Bear from pursuing her lawful occupation on the high seas.

I, George Johnson, of the City of Victoria, Province of British Columbia, Mariner, do solemnly declare:—

1. That I was mate of the British schooner Jessie during the occurrences deposed to in the declaration of William Munro, which I have read, sworn this date.

2. That the statements therein contained are true to my knowledge with the exception of what transpired at the interview between the said William Munro and the commander of the United States revenue cutter Bear, at which interview I was not present.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of)
Victoria, British Columbia, this)
twelfth day of November, 1909.)

GEORGE JOHNSON.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 5.

CANADA
PROVINCE OF BRITISH COLUMBIA
VICTORIA

In the matter of the illegal interference with and prevention of the British Schooner Thomas F. Bayard by the United States Revenue Cutter Bear from pursuing her lawful occupation on the high seas.

I, Hans Blakstad, of the City of Victoria in the Province of British Columbia, Master Mariner, do solemnly declare:—

1. That I am a British subject, and am now, and was at the time of the events hereinafter declared to, master of the British schooner Thomas F. Bayard, 67 tons, registered at the Port of Victoria, British Columbia.

2. The said schooner cleared from Victoria aforesaid in March, 1909, for the North Pacific ocean on a fur sealing and sea otter hunting voyage. She had a crew of thirty-six all told.

3. She reached the otter hunting grounds on or about the 11th of June, 1909, but the weather being unfavourable for hunting, no boats were lowered until the 17th of June, when three otter were taken. On the 23rd of June, when the boats were out hunting under favourable weather conditions, my vessel was approached by a boat and boarded by two officers from the United States revenue cutter Bear.

4. In consequence of the approach of the said revenue cutter, my hunters became alarmed and discontinued hunting, with the result that only three otter were taken on that date.

5. My vessel was at this time off the north end of Chirikof Island, bearing S.W. 13 miles from land or latitude 56.00 N., longitude 155.13 W.

6. On boarding my vessel as aforesaid, the first lieutenant, Mr. W. J. Wheeler, asked me what we were doing in that locality and I informed him that we were hunting sea otter. He asked to see the ship's papers, which were duly shown to him. He then said he would have to search the vessel for seal skins, and in such search (which was conducted in the most thorough manner, and without any regard for the privacy of those on board) the said officer was given every assistance and facility possible.

7. After having searched the vessel, the said officer stated that he would seal up the firearms on board. I demanded by what authority he should do that as we were on the high seas, to which he replied that we had no business or right in being where he found us.

8. Perceiving my powerlessness to resist this illegal act, I requested that in sealing up the firearms he except the rifles, as the latter are never used for seal hunting, and told him that we had cleared from Victoria on a sea otter hunting cruise as well as seal hunting. He replied that his instructions were to seal all firearms. He gave no information as to the source of his instructions and would vouchsafe no further explanation. I then requested that I have an interview with the commander of the revenue cutter before the guns and rifles were sealed, and I accordingly went aboard the cutter. I asked the commander why he insisted on sealing our firearms when we had cleared for otter hunting, and what his authority was for doing so on the high seas. He replied that he could not help it, his instruc-

tions were to do so, and they must be carried out. He gave no information as to the source of said instructions. I represented to him the serious loss such action meant to my vessel which had been specially fitted out at considerable expense above and beyond the usual sealing equipment, and asked him in the circumstances not to seal up the rifles for the reason explained to his first lieutenant. The reply was that all would be sealed. The commander inquired of me if I knew Captain Applegate who commanded an American schooner from Unalaska. I said I knew said Captain Applegate only by reputation. I asked why he was not prevented from hunting and dealt with as we were, and the commander's reply was that he "could not do anything with Captain Applegate." I then returned to my schooner and the firearms were sealed up.

9. My vessel was again boarded on the following day by the said officers who examined the seals placed on the hunting equipment the previous day.

10. Had I not been illegally interfered with, and compelled by a show of superior force to allow my hunting equipment to be sealed up in the manner described, I would have remained on the otter hunting grounds until at least the 10th of August following, and later if the hunting remained good.

11. The indications and prospects were in every sense favourable for a successful season; the weather had moderated into a perfect calm, so much so that I was not able to proceed away for some days and there were numbers of otter visible in our vicinity during the time we remained.

12. From my experience and knowledge I believe that in all the circumstances my crew would have secured during the season from seventy-five to one hundred otter; in addition to which we would have saved the expense of proceeding to the Russian coast. Considerable time and expense were incurred before the voyage was commenced in selecting my crew, all of whom were chosen for their skill and experience in sea otter hunting and were paid extra wages or allowance on that account.

13. I returned to Dutch Harbour on the 17th of August and reported at the United States Customs, when I requested the officer there to seal the firearms prior to my entering Behring Sea. He did so, and the seals were further inspected by an officer from the revenue cutter Rush.

14. I asked to be supplied with water at Dutch Harbour and was refused by the officer there.

15. I was informed that Captain Applegate above referred to secured fifteen otter skins in three weeks after we had been interfered with as aforesaid.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of }
Victoria, British Columbia, this }
twelfth day of November, 1909. }

HANS BLAKSTAD.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 6.

CANADA
PROVINCE OF BRITISH COLUMBIA
VICTORIA

} In the matter of the illegal
interference with and preven-
tion of the British Schooner
Thomas F. Bayard by the
United States Revenue Cut-
ter Bear from pursuing her
lawful occupation on the high
seas.

I, Jens Blakstad, of the City of Victoria, Province of British Columbia, Mariner, do solemnly declare:—

1. That I was mate of the British schooner Thomas F. Bayard during the occurrences deposed to in the declaration of Hans Blakstad, which I have read, sworn this date.

2. That the statements therein contained are true to my knowledge with the exception of what transpired at the interview between the said Hans Blakstad and the commander of the United States revenue cutter Bear, at which interview I was not present.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of }
Victoria, British Columbia, this }
twelfth day of November, 1909. }

JENS BLAKSTAD.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 7.

CANADA
PROVINCE OF BRITISH COLUMBIA
VICTORIA

In the matter of the illegal interference with and prevention of the British schooner Pescawha by the United States Revenue Cutter Bear from pursuing her lawful occupation on the high seas.

I, Berton Miller Balcom, of the City of Victoria, in the Province of British Columbia, Master Mariner, do solemnly declare:—

1. That I am a British subject, and am now, and was at the time of the events hereinafter declared to, master of the British schooner Pescawha, 98 tons, registered at the Port of Liverpool, Nova Scotia.

2. The said schooner, having duly cleared, sailed from Victoria, British Columbia, on the 13th of February, 1909, for the North Pacific ocean on a fur sealing and sea otter hunting voyage. She had a crew of twenty-seven all told.

3. She reached the otter hunting grounds on or about the 4th of June, 1909, but the weather being unfavourable for hunting, no boats were lowered until the 16th of June. On the 23rd of June, early in the morning, when the boats were about to be sent out hunting under favourable weather conditions, my vessel was approached by a boat and boarded by two officers from the United States revenue cutter Bear.

4. My vessel was at this time off the east end of Cherikof Island, bearing S.W. by S. 13 miles from land, or in latitude 56 N., longitude 155 W.

5. On boarding my vessel as aforesaid the first lieutenant, Mr. W. J. Wheeler, asked me what we were doing in that locality and I informed him that we were hunting sea otter. He asked to see the ship's papers, which were duly shown to him. He then said he would have to search the vessel for seal skins, and in such search (which was conducted in the most thorough manner, and without any regard for the privacy of those on board), the said officer was given every assistance and facility possible.

6. After having searched the vessel, the said officer stated that he would seal up the firearms on board. I demanded by what authority he should do that as we were on the high seas, to which he replied that we had no business or right in being where he found us.

7. Perceiving my powerlessness to resist this illegal act, I requested that in sealing up the firearms he except the rifles as the latter are never used in seal hunting, and told him that we had cleared from Victoria for a sea otter hunting cruise as well as seal

hunting. He replied that his instructions were to seal all firearms. He gave no information as to the source of his instructions and would vouchsafe no further explanation. I then requested that I have an interview with the commander of the revenue cutter before the guns and rifles were sealed, and I accordingly went aboard the cutter. I asked the commander why he insisted on sealing our firearms when we had cleared for otter hunting, and what his authority was for doing so on the high seas. He replied that he could not help it, his instructions were to do so, and they must be carried out. I represented to him the serious loss such action meant to my vessel which had been specially fitted out at a considerable expense above and beyond the usual sealing equipment, and asked him in the circumstances not to seal up the rifles for the reason explained to his first lieutenant. The reply was that all would be sealed, and I was given the alternative of allowing my equipment to be sealed up, or having my vessel seized and towed into an American port. I then returned to my schooner and the firearms were sealed up.

8. Had I not been illegally interfered with, and compelled by a show of superior force to allow my hunting equipment to be sealed up in the manner described, I would have remained on the otter hunting grounds until at least the middle of August following, and later if the hunting remained good.

9. The indications and prospects were in every sense favourable for a successful season; the weather had moderated into a perfect calm, so much so that I was not able to proceed away for some days and there were numbers of otter visible in our vicinity during the time we remained.

10. From my experience and knowledge I believe that in all the circumstances my crew would have secured during the season from seventy-five to one hundred otter; in addition to which we would have saved the expense of proceeding to the Russian coast. Considerable time and expense were incurred before the voyage was commenced in selecting my crew, all of whom were especially chosen for their skill and experience in sea otter hunting, and were paid extra wages or allowances on that account. In fact, I am justified in stating that in my opinion I had the best otter hunters on the Pacific coast.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at Victoria,)
 British Columbia, this 26th) BERTON MILLER BALCOM.
 day of November, 1909.

(Sgd.) OSCAR C. BASS,
 A Commissioner for taking affidavits
 within British Columbia.

ANNEX No. 8.

CANADA
PROVINCE OF BRITISH COLUMBIA
VICTORIA

In the matter of the illegal interference with and prevention of the British Schooner *Pescawha* by the United States Revenue Cutter *Bear* from pursuing her lawful occupation on the high seas.

I, Melville Collinson of the City of Victoria, Province of British Columbia, Mariner, do solemnly declare:—

1. That I was mate of the British schooner *Pescawha* during the occurrences deposed to in the declaration of Berton Miller Baleon which I have read, sworn this date.

2. That the statements therein contained are true to my knowledge with the exception of what transpired at the interview between the said Berton Miller Baleon and the commander of the United States revenue cutter *Bear*, at which interview I was not present.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of
Victoria, British Columbia, this
twenty-sixth day of November,
1909.

MELVILLE COLLINSON.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 9.

CANADA
PROVINCE OF BRITISH COLUMBIA
CITY OF VICTORIA
TO WIT:

In the matter of the Pecuniary Claims Commission and in the matter of the claims of His Britannic Majesty's Government in respect of the schooners *Jessie*, *Thomas F. Bayard* and *Pescawha*.

I, John Cowper Newbury, of the City of Victoria in the Province of British Columbia, do solemnly declare:—

1. That I am the Collector of Customs for the Port of Victoria in the Province of British Columbia and as such have a knowledge of the matters hereinafter declared to.

2. That the records in my office show that the schooner *Jessie*, 47 tons, No. 111,787, registered on the 19th day of May, 1903, William Munro, master, owned by Herbert Goulding Wilson, of the said city of Victoria, was on the 15th day of January, 1909, given a special sealing licence, No. 1, to hunt for seals in the North Pacific ocean and Behring Sea during the open season of said year, and cleared from this port on the 15th day of January, 1909, on a fur sealing and sea otter hunting voyage.

3. That the schooner *Thomas F. Bayard*, 67 tons, No. 121,979, registered on the 2nd day of January, 1907, Hans Blakstad, master, owned by James Maynard, Thomas Stoekham and Thomas Lumsden, of the said city of Victoria, was on the 29th day of March, 1909, given a special sealing licence, No. 3, to hunt for seals in the North Pacific ocean and Behring Sea during the open season of the said year, and cleared from this port on the 29th day of March, 1909, on a fur sealing and sea otter hunting voyage.

4. That the schooner *Pescawha*, 98 tons, No. 122,022, registered at the Port of Liverpool in the Province of Nova Scotia, in the year 1906, Berton Miller Baleom, master, owned by Joseph W. Peppitt, then of the said city of Victoria, was on the 11th day of February, 1909, given a special sealing licence, No. 2, to hunt for seals in the North Pacific ocean and in Behring Sea during the open season of that year, and cleared from this port on the 11th day of February, 1909, on a fur sealing and sea otter hunting voyage.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared at the City of Victoria
in the Province of British
Columbia, this 30th day
of April, 1913, before me: }

J. C. NEWBURY.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 10.

CANADA
 PROVINCE OF BRITISH COLUMBIA
 CITY OF VICTORIA
 TO WIT:

In the matter of the Peenni-
 ary Claims Commission and
 in the matter of the Memor-
 ial of His Britannic Maj-
 esty's Government in support
 of the schooner Jessie.

I, Herbert Goulding Wilson, of the City of Victoria in the Province of British Columbia, merchant, do solemnly declare as follows:—

1. I am the Herbert Goulding Wilson referred to in the Memorial in respect of the schooner Jessie, and am familiar with the facts therein stated, and I say that the same, so far as they relate to any nets of mine, are true, and as to any other facts stated, they are true to the best of my information and belief.

2. I am a British subject by birth, born of British parents, as stated in the said Memorial, which is now shewn to me and marked Exhibit "A" hereto.

3. Attached hereto, and marked Exhibit "B" is the original balance sheet shewing the accounts of expenditure and receipts of the said schooner during the year 1909.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared this 6th day of May,
 A.D. 1913, at the City of
 Victoria in the Province of
 British Columbia, before me:

H. G. WILSON.

OSCAR C. BASS,

A Commissioner for taking affidavits
 within British Columbia.

Victoria, B. C., 26th December, 1909.

SCHOONER JESSIE and Owners,

In account with

HALL, GOEPEL & CO.

1909	Season 1909	
Sept. 2nd	Advance Captain Munro	\$ 50.00
Sept. 28th	Advance Captain Munro	5.00
Sept. 29th	Advance Howe	50.00
	Cartage	1.00
	Advance Capt. Munro	10.00
	Labour packing skins	6.00
	Labour and nightwatchman	3.50
	Shipping fees	6.00
	Expressage otter skins to London ..	7.40
	Advance Captain Munro	10.00
	Labour	5.00
	Advance Capt. Munro	35.00
	George Herum, by and wages....	152.30
	George Allen do	306.70
	G. Bates do	129.00
	M. Kulp do	147.10
	T. S. Howe do	402.60
	M. Norton do	131.00
	D. Wemyss do	150.95
	J. Lawson do	164.20
	W. Stoker do	310.45
	C. Wantcher do	239.31
	W. Davidson do	109.95
	J. Murray do	149.10
	J. Simpson do	116.10
	G. Johnston do	747.70
	A. H. Finlaison do	305.15
	H. P. Blight do	101.45
	E. Jeeves do	113.20
	J. Stewart do	148.35
	M. McLure do	117.60
	E. Gregg do	368.35
Oct. 9th	Capt. W. Munro do	850.80
Oct. 13th	Labor hauling out boats	2.25
Oct. 28th	Insurance fall catch (Success 191 seals and 8 otter)	120.75
	Labour	1.50

Nov.	2nd	Insurance to London (181 seal and S otter	\$ 38.75
"	4th	Labour	20.75
"	8th	Labour, Munro \$8.50, skins \$12.00	20.50
"	10th	Pacific Transfer Co., Expg.	2.75
		Sweeney & Co., Cooperage	8.75
"	12th	Labour	5.00
		Insurance 269 Success, 352 to Lon- don	117.26
"	15th	Labour	9.00
"	17th	do	4.50
"	19th	do	18.25
"	27th	do	11.85
		Cartage .....	.25
"	30th	Labour	6.25
Dec.	3rd	Shannon File .....	.50
		O. C. Bass re Protest	25.00

1909

Cr.

Dec.		By 191 skins @ \$113 and 351 skins @ \$114, 22c. to shilling, \$13,- 551.34, less accounted for Aug. 31, \$4,365.00	\$9,186.34
Dec.	9th	L. Wille, Flour	19.00
		L. Goodaere & Sons, Sa'	10.00
		Victoria Mach. Depot, Sail	25.00
		Balance	\$3,366.62
			<hr/>
			\$9,240.34
			<hr/>
			\$9,240.34
			<hr/>

This is the exhibit marked "B" referred to in the declaration of
H. G. Wilson taken before me the 6th day of May, 1913.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

64 Queen Street,
 C. M. LAMPSON & Co., London, E.C., 7th April, 1910.
 Account sale of furs received on consignment for account of
 Richard Hull, Esqre., Victoria, B. C.

HG & C Invoice Quantity	Lot	Skins	
	1979	1	Sea Otter .. £170 . .
	1980	1	..... 170 . .
Express	1981	1	..... 80 . .
1 pkge.	1982	1	..... 150 . .
	1983	1	..... 150 . .
	1984	1	..... 110 . .
	1985	2	..... £60.. 120 . .
			£950 . .
	Discount 2½%		23 15 .
			£926 5 .
	Commission 6%		55 11 6
	Net proceeds, cash, 7th April, 1910		£870 13 6

E. & O.E. C. M. LAMPSON & Co.
 This is the exhibit marked "B" referred to in the declaration of
 H. G. Wilson, taken before me the 6th day of May, 1913.

(Sgd.) OSCAR C. BASS,
 A Commissioner for taking affidavits
 within British Columbia.

ANNEX No. 11.

CANADA PROVINCE OF BRITISH COLUMBIA CITY OF VICTORIA To WIT:	}	In the matter of the Peem- nury Claims Commission and in the matter of the Mem- orial of His Britannic Maj- esty's Government in support of the claim in respect of the schooner Thomas F. Bay- ard.
---	---	---

I, Thomas Stockham, of the City of Victoria in the Province of
 British Columbia, merchant, do solemnly declare as follows:—

1. That I am a British subject by birth having been born near Bridgewater, Somersetshire, England on the 26th day of December, 1875. My parents were George Stockham and Mary Stockham, born at the same place.

2. That I am managing owner of the British schooner Thomas F. Bayard, and am the Thomas Stockham referred to in the Memorial of His Britannic Majesty's Government in respect of the aforesaid schooner. I am familiar with the facts stated in the said Memorial and I say that the same so far as they relate to my acts of mine as such owner are true, and as to any other facts stated they are true to the best of my information and belief. The said Memorial is now shewn to me and marked Exhibit "A" hereto.

3. Attached hereto and marked Exhibit "B" is the original balance sheet shewing accounts of expenditures and receipts of the said schooner during the year 1909.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared this 6th day of May,
1913, at the City of Victoria)
in the Province of British)
Columbia, before me:

THOMAS STOCKHAM.

OSCAR C. BASS,

A Commissioner for taking affidavits
within British Columbia.

SCHOONER THOMAS F. BAYARD AND OWNERS.

1909			
Jan.	2	Harry Hanson, labour on T. F. Bayard	\$ 8.00
		Johnnie, labour on T. F. Bayard	4.00
	9	Harry Anderson, labour on T. F. Bayard	8.00
	11	M. Mathison, towage T. F. Bayard	2.50
		Labour, 1 man ½ day	1.00
	28	Telegram Felnet for Hummers .....	.50
	30	H. Anderson, labour, T. F. Bayard	7.00
Feb.	1	1 sack wooden pegs .....	.50
	4	A. Parbery, repairs T. F. Bayard	73.29
	17	J. A. Sayward, lumber	25.75
		Victoria Fuel Co.	4.75
	26	D. Skinner, making figure-head and winch	61.00

Mar.	2	Soel and Curruthers, Captain's boat	* 60.00
	3	Hall and Walker, 3 sks. coal	1.00
	6	W. Turpel, work on T. F. Bayard	965.75
		H. Anderson, 3 days' labour T. F. Bayard	6.00
		1 Kedge anchor	3.00
		C. Stevens, 1 day's labour T. F. Bayard	2.00
		Jackson, 1 day's labour T. F. Bayard	2.00
		Towage, T. F. B., Turpel's ways	2.50
		Challoner & Mitchell, cleaning chronometer ...	7.50
	15	Blue print .....	.35
	19	J. Henney, drayage	5.25
		Victoria Truck and Express Co.	3.75
	23	Victoria Machinery Depot	119.50
	22	Expressage, cooking outfit	1.50
		22 doz. eggs at 30c per doz.	6.60
		2 sks. parsnips, 1 dr. beets	5.50
		Jens Blakstad, labour as watchman on T. F. B.	50.00
		4½ lbs. leather	2.00
	27	Labour, 7 men on T. F. B. from Nov. 7 to Dec. 7	79.00
	29	Harbour dues	2.00
		Shipping Master—fees, articles and log book ..	10.00
	31	Shawnigan Lake Lumber Co.	5.05
Apr.	1	Insurance on gums (W. A. Monteith)	3.00
	3	C. Stevens, 4 nights as watchman, T. F. B.	8.00
	5	George D. Ramsay, repairs T. F. B.	29.58
		P. McQuade & Son, ship chandlery	627.28
	14	Victoria Fuel Co.	42.85
		S.S. Shamrock, towage	10.00
		Victoria Chemical Works Co.	5.16
	15	Telegram Capt. Blakstad (Tofino) .....	.25
	16	B. Wilson Co.	307.50
		Stanceland Co.	70.80
		W. A. Jameson Coffee Co.	36.65
		F. Jenne & Bro (sailmaker)	22.32
		J. A. Sayward, lumber	5.00
	22	Robertson's Iron Works	55.85
	23	P. McQuade & Son, ship chandlery	316.69
	26	J. W. Morris & Co.	82.80
		Pichon & Lenfesty, ammunition	301.10
		Pichon & Lenfesty, 8 rifles, 2 shot guns	290.00
	30	Simon Leiser & Co., provisions	1141.22
May	3	R. P. Rithet & Co., insurance policy on outfit	500.00
	17	D. Spencer & Co., linoleum for cabin	20.00
		Victoria Machinery Depot Co., 1 bomb gun	25.00
		Clarke & Pearson, 1 cook stove, etc.	39.75

32 STATEMENT OF CASE: JESSIE, BAYARD, PESCAWHA.

Jan.	7	Henderson Bros., drugs	\$ 18.00
	9	Simon Leiser & Co., 10 sks. salt	6.00
		Sweeney & Co., 7 barrels	19.25
June	1	Victoria Fuel Co. (shipped to Port Simpson)...	10.50
		Freight on seal skins from Port Simpson	23.35
	23	Hudson's Bay Co., Port Simpson, goods T. F. B.	94.25
		Expressage barrels C.P.R.	1.00
	30	Provincial real property tax T. F. B.	16.20
Aug.	30	R. P. Rithet & Co., insurance on T. F. B.	452.29
Sept.	15	Goods shipped by Simon Leiser & Co. for T. F.	
		B. to Port Simpson (on May 13)	184.20
Nov.	2	Telegram and delivery Captain Blakstad (Claye-	
		quot)	1.00
	12	Hall & Goepel Co., insurance sea otter and seal	
		skins to London	72.40
	13	Edm Grace, towage T. F. B.	10.00
	15	Sweeney Co., 8 barrels	22.00
	17	Robert Porter & Sons, Pacific Market	11.15
Dec.	15	Simon Leiser & Co., wharfage and dockage, etc.	6.25
		J. Heaney, drayage	2.75
	17	Cablegram special delivery Oak Bay .....	.50
	23	T. Muddicotte, labour on T. F. B.	5.00
	24	Wm. McArthur, labour on T. F. B.	10.00
		P. McQuade & Son, pump rubber	3.50
	28	Capt. Kirkendale, discharge fees, 10 men	3.00
	30	John Smith, 5 day's labour on T. F. B.	12.50
	31	Wm. McArthur, 5 day's labour on T. F. B.	10.00
			\$6,476.35

Captain Haas Blakstad.

Wages at \$75 per month	\$900.00	
921 seal skins at 75c. per skin	690.75	
6 sea otter at \$20.00	120.00	
	1,710.75	\$1,710.75

Jens Bakstad, Mate.

7 months and 7 days at \$50 per month	361.62	
643½ seal skins at \$4.00 per skin	262.75	
	624.37	624.37

Ling, Chinese Cook.

7 months and 10 days at \$55 per month	403.00	
4 seal skins at \$4.50	18.00	
	421.00	121.00

Roland Kiddy.

7 months and 7 days at \$30 per month	\$217.00	
55 skins at 50c. per skin	27.50	
Share in 6 sea otter	26.65	
½ seal skin \$4.00	4.00	
		* 275.15

Austin Beaven.

7 months and 7 days at \$30 per month	217.00	
64 seal skins at 50c. and ¼ skin, \$2.25	34.25	
		251.25

T. Birkland.

7 months and 7 days at \$30 per month	217.00	
64 seal skins at 50c. per skin	32.00	
2 days extra in port	2.00	
		251.00

William McArthur.

7 months and 7 days at \$30 per month	217.00	
54 seal skins at 50c. per skin	27.00	
Share in 6 sea otter	26.65	
2 days extra in port	2.00	
		272.65

For loan of 14 canoes for seal and sea otter hunting		280.00
Mar. 31 Shipping fees, Victoria		1.00
Apr. 13 Signing on 10 men, Kyaquot		5.00
15 Medicine supplied to Jackson, Clayoquot ...		1.00
16 20 gals. dogfish oil \$6.00, 3 yds. drilling \$5.25		11.25
17 5 Indians and 2 canoes Tenelet to Clayoquot		6.75
Shipping and customs fees, Clayoquot		5.00
19 Telegram to J. Maynard from Clayoquot ...		.45
8 gals. dogfish oil (Shoman and McKenna)		2.40
20 Galvd. stove pipe 40, bake pans 55 .....		.95
May 27 Telegrams from Port Simpson		2.60
28 Bill of Health, Port Simpson		1.00
29 Medical attendance, Charlie Howard		1.50
1 spring salmon .....		.75
4 barrels \$2.00, water \$1.00		3.00
Repairs T. F. B., Port Simpson		2.50
30 Medical attendance, Port Simpson		2.50
31 Bill of Health, Port Simpson		1.00
July 4 Cash to Johnson for caulking vessel		5.00
Aug. 17 ¾ coil 2½ in rope, Dutch Harbor		18.50
½ barrel salmon bellies		6.00
Oct. Cash to Herbert for standing watch		6.00

34 STATEMENT OF CASE: JESSIE, BAYARD, PESCAWILA.

	Cash to Peter Spence for standing watch ...\$	6.00
28	Goods from Amos Ellis	5.10
Mar. 2	Telegram 33c., 2 ditto 70c.	1.03
20	Transmission of \$2125.40 to Clayoquot	10.65
	Transmission of \$310.45 to Clayoquot	2.35
	Transmission of \$636.90 to Kynquot	4.75
29	Stanland Co., paints	19.35
Dec. 13	W. McArthur, 3 days' labour T. F. B.	6.00
20	Stanland Co., paints	18.22
	Returning Ship's Articles from Clayoquot ...	.25
	P. McQuade & Sons, 4 tins B. Shine	1.50
	Raymond & Son, lime and whitewash .....	.75
	G. A. Richardson, cretonne and oil cloth	1.90
	Returning chronometer to Seattle	4.50
	Moving schooner T. F. B.	1.00
	Towing T. F. B. to mooring in James Bay	3.00
	Charlie Stevens, 5 nights as watchman on T.	
	F. B.	10.00
	Packing skins, landing boats and gear and	
	cleaning up schooner T. F. B.	22.60
	Rent of chronometer 5 months at \$5 per month	25.00
	Simon Leiser & Co., 1 can coal oil	1.35
	Walter Fraser & Co., 3 padlocks	2.75
	Customs fees, Clayoquot	1.00
	Expressage guns to Leinfesty .....	.25

\$10,795.35

Indian Hunters' account

8,439.60

\$19,234.95

1909

Cr.

Proceeds 940 seal\$30,941.03

Proceeds 8 sea otter 5,206.61

\$36,147.64

INDIAN HUNTERS.

Chips.

93 seal, \$5.00 per skin \$465.00

93 skins at 10c. "boss money" 9.30

\$ 474.30

George Chips.

87 seals, \$4.50 per skin

391.50

Andy Thornbery.

72¼ seal, \$4.50 per skin

326.25

He He Jack.	
40 seal, \$4.50 per skin	\$ 180.00
Caleb Williams	
37 seal, \$4.65 per skin	\$172.05
His own canoe, 10c. per skin	3.70
For share in 6 sea otter	46.65
	<hr/>
	222.40
Annie, Lavin Cook.	
6 months and 14 days at \$30 per month	194.00
4 seal at \$4.50 per skin	18.00
	<hr/>
	212.00
Yeshing Jack.	
62 seals at \$4.60	285.20
¼ skin at \$2.25	2.25
	<hr/>
	287.45
Joseph Lonie.	
72 seal at \$4.75 per skin	342.00
¼ skin \$2.25	2.25
	<hr/>
	344.25
Thompson.	
77 seal, \$5.00 per skin	385.00
His own canoe, 10c. per skin	7.70
Share in sea otter	26.65
	<hr/>
	419.35
Jimmie Jim.	
64 seal, \$4.75 per skin	304.00
His own canoe, 10c. per skin	6.40
	<hr/>
	310.40
Jasper Turner.	
58 seal, \$5.15 per skin	298.70
¼ skin \$2.25, share in six sea otter \$26.65	28.90
	<hr/>
	327.60
Monsat Peter.	
95 seal, \$5.10 per skin	484.50
¼ skin, \$2.25	2.25
	<hr/>
	486.75
Herbert	
90 seal and ¼, \$4.75	429.75
His own canoe, 10c. per skin	9.00
Share in 6 sea otter	46.65
	<hr/>
	485.40
Tim.	
95 seal, \$4.50 per skin	427.50
¼ skin, \$2.25	2.25
	<hr/>
	429.75

Johnnie.		
51 seal, \$4.50 per skin	\$229.50	
Share in 6 sea otter, \$46.65	46.65	
	<hr/>	\$ 276.15
Fehedet Robert		
51 seal at \$4.50 per skin	229.50	
Share in 6 sea otter, \$46.65	46.65	
	<hr/>	276.15
Albert Jackson.		
40 seal, \$4.50 per skin		180.00
August.		
46 seal, \$4.50 per skin	223.10	
$\frac{1}{4}$ skin \$2.25, share in 6 sea otter \$46.65	48.90	
	<hr/>	272.00
Jackson.		
36 seal, \$5.00 per skin		180.00
John Big Head.		
85 seal, \$4.50 per skin	382.50	
$\frac{1}{2}$ seal skin \$4.50, share in 6 sea otter \$46.65	51.15	
	<hr/>	433.65
Tar Push		
59 seal and $\frac{3}{4}$ at \$4.50 per skin	272.25	
Share in 6 sea otter	46.65	
	<hr/>	318.90
Peter Spence.		
51 seal, \$4.00 per skin		204.00
Long Billy		
53 seal and $\frac{1}{4}$, \$4.50 per skin	240.75	
Share in 6 sea otter \$46.65	46.65	
	<hr/>	287.40
Louie.		
55 seal at \$5.00 per skin	275.00	
20 skins at 10c. per skin (boss money)	2.00	
3 nights as watchman at Port Simpson	6.00	
	<hr/>	283.00
Whisky Charlie.		
53 seal at \$4.50 per skin	238.50	
Share in 6 sea otter \$46.65	46.65	
	<hr/>	285.15
Joe Chadish.		
46 seal at \$4.50 per skin	207.00	
Share in 6 sea otter \$46.65	46.65	
	<hr/>	253.65

Charlie Howard.		
19 seal at \$4.50 per skin		\$ 85.50
Walter Williams.		
40 seal at \$4.50 per skin	\$180.00	
For sea otter \$26.65	26.65	
	206.65	
		\$8,439.60

This is the exhibit marked "A" referred to in the declaration of Thomas Stockholm, taken before me the 6th day of May, 1913.

OSCAR C. BASS,
A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 12.

CANADA
PROVINCE OF BRITISH COLUMBIA
CITY OF VICTORIA
To Wit:

In the matter of the Pecuniary Claims Commission and in the matter of His Britannic Majesty's Government in support of the claim in respect of the schooner Thomas F. Bayard.

I, James Maynard, of the City of Victoria in the Province of British Columbia, merchant, do solemnly declare as follows:—

1. I am the James Maynard referred to in the Memorial in respect of the schooner Thomas F. Bayard, and am familiar with the facts therein stated, and I say that the same, insofar as they relate to any acts of mine, are true, and as to any other facts stated, they are true to the best of my information and belief.

2. I am a British subject by birth, born of British parents as stated in said Memorial, which is now shewn to me and marked Exhibit "A" hereto.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared at the City of Victoria)
in the Province of British)
Columbia this 6th day of)
May, A.D. 1913, before me:)

JAMES MAYNARD.

OSCAR C. BASS,
A Commissioner for taking affidavits
within British Columbia.

ANNEX No. 13.

CANADA
 PROVINCE OF BRITISH COLUMBIA
 CITY OF VICTORIA
 TO WIT:

In the matter of the Peenniary Claims Commission and in the matter of the Memorial of His Britannic Majesty's Government in support of the claim in respect of the schooner Thomas F. Bayard.

I, Thomas Lumsden, of the City of Victoria in the Province of British Columbia, merchant, do solemnly declare as follows:—

1. I am the Thomas Lumsden referred to in the Memorial in respect of the schooner Thomas F. Bayard, and am familiar with the facts therein stated, and I say that the same, insofar as they relate to my acts of mine, are true, and as to my other facts stated, they are true to the best of my information and belief.

2. I am a British subject by birth, born of British parents, as stated in the said Memorial, which is now shewn to me and marked Exhibit "A" hereto.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared at the City of Victoria)
 in the Province of British)
 Columbia this 6th day of)
 May, A.D. 1913, before me:)

THOMAS LUMSDEN.

OSCAR C. BASS,

A Commissioner for taking affidavits
 within British Columbia.

