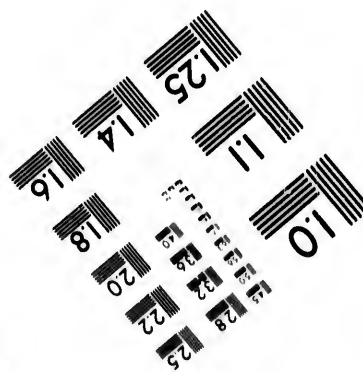
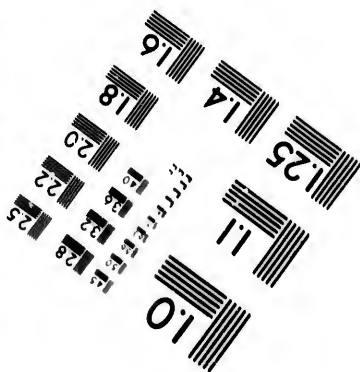
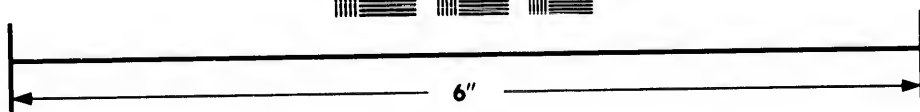
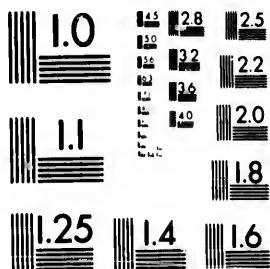


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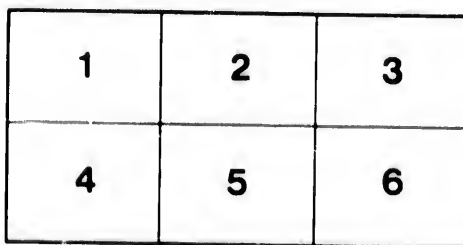
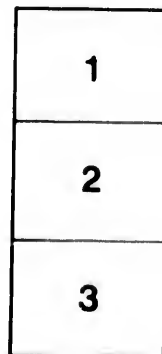
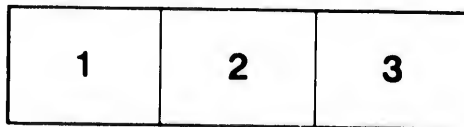
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SEAL

[C. - 7713.

RUSSIA. No. 1 (1895).

CORRESPONDENCE

RESPECTING THE

AGREEMENT WITH RUSSIA

RELATIVE TO THE

SEAL FISHERY IN THE NORTH PACIFIC.

[In continuation of "Russia No. 3 (1893) : " C. 7029.]

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*Presented to both Houses of Parliament by Command of Her Majesty.  
June 1895.*

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Correspondence respecting the Agreement with Russia relative to  
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[In continuation of "Russia No. 3 (1893):" C. 7029.]

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No. 1.

*The Earl of Rosebery to Sir R. Morier.*

(Telegraphic.)

*Foreign Office, July 1, 1893.*

THE Queen's assent was given on the 29th ultimo to the Act of Parliament passed in pursuance of the Sealing Arrangement with Russia. The Order in Council which is required for carrying out the provisions of the Agreement will also be passed without delay. Her Majesty's cruisers have already been directed to warn British sealing-vessels that an Agreement has been made with Russia, and formal instructions will be sent for the guidance of our naval officers as soon as the Order in Council is issued.

Copies of these instructions will be forwarded to your Excellency, and you will be requested to communicate them to the Russian Government.

Her Majesty's Government trust that corresponding orders will be given to the Russian officers with regard to the formalities to be observed in making seizures, and in recording evidence for the purpose of eventual prosecution.

---

No. 2.

*The Earl of Rosebery to Sir R. Morier.*

Sir,

*Foreign Office, July 1, 1893.*

WITH reference to my telegram of to-day, I transmit to your Excellency herewith copies of the draft Order in Council, which will be issued on the 4th instant, for giving effect to the Act of Parliament relating to the Sealing Arrangement with Russia.

I also inclose copies of the instructions for the guidance of Her Majesty's cruisers in the neighbourhood of the Russian seal islands, which will be sent to the Commander-in-chief on the China Station as soon as the Order in Council has been passed.\* A summary of them will be forwarded by telegraph.

As soon as the Order in Council is passed, I will inform your Excellency by telegraph, in order that the documents may be communicated to the Russian Government.

I am, &c.  
(Signed) ROSEBERY.

---

No. 3.

*The Earl of Rosebery to Mr. Howard.*

(Telegraphic.)

*Foreign Office, July 4, 1893.*

SEIZURE of sealers.

With reference to the Report of the Special Commission\* which was sent home in Sir R. Morier's despatch of the 12th ultimo, please endeavour to obtain a copy of the chart used by the Commission, and state the exact position of the Island of Aria which is referred to in the case of the "Rosie Olsen."

It has been found that the distances of the points of seizure from the shore, as given in the Russian Report, show considerable divergence from those distances as marked on the charts which we have here.

No. 4.

*Council Office to Foreign Office.—(Received July 5.)*

Sir,

*Whitehall, July 4, 1893.*

I AM directed by the Lord President of the Council to transmit to you the accompanying Order of Her Majesty in Council of this day's date, entitled, "The Seal Fishery (North Pacific) Order in Council, 1893;" and I am to request that you will lay the same before the Secretary of State for Foreign Affairs.

The Order will be published in the "London Gazette" of the 7th instant.

I am, &amp;c.

(Signed) C. L. PEEL.

Inclosure in No. 4.

*Order in Council, dated July 4, 1893.*

At the Court at Windsor, the 4th day of July, 1893.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.  
Lord Steward.  
Lord Kensington.  
Lord Vivian.

WHEREAS by "The Seal Fishery (North Pacific) Act, 1893," it is enacted that Her Majesty the Queen may by Order in Council prohibit during the period specified by the Order the catching of seals by British ships in such parts of the seas to which that Act applies as are specified by the Order; and that for carrying into effect an arrangement with any foreign State an Order in Council may provide that such officers of that State as are specified in the Order may exercise the like powers under the Act as may be exercised by a commissioned officer on full pay in the naval service of Her Majesty in relation to a British ship, and the equipment and crew and certificate thereof; and that any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of the said Act:

And whereas the said Act applies to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts of the North Pacific Ocean as are north of the 42nd parallel of north latitude:

And whereas an arrangement has been made between Her Majesty the Queen and His Imperial Majesty the Emperor of Russia, whereby British ships engaged in

\* See "Russia No. 3 (1893)."

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hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. From and after the 4th day of July, 1893, until the 1st day of January, 1894, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited Act applies as are comprised within the following zones, that is to say (1) a zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean ; and (2) a zone of 30 marine miles round the Kommandorsky Islands and Tulenew (Robben Island).

2. The powers which, under the recited Act, may be exercised by any commissioned officer on full pay in the naval service of Her Majesty may be exercised by the Captain or other officer in command of any war-vessel of His Imperial Majesty the Emperor of Russia in relation to a British ship, and the equipment and crew and certificate thereof.

3. This Order may be cited as "The Seal Fishery (North Pacific) Order in Council, 1893."

(Signed) C. L. PEEL.

No. 5.

*The Earl of Rosebery to Mr. de Bunsen.*

(Telegraphic.)

*Foreign Office, July 5, 1893.*

ON the 12th May you were instructed to warn British sealers that an Agreement had been made with the Russian Government to prohibit sealing within certain distances of the Russian coast and islands.

The Order in Council for enforcing this Agreement was passed yesterday, and British sealers who infringe its provisions are now liable to be seized by British or Russian cruisers.

The necessary warnings should be given at Japanese ports. The Admiralty have sent instructions to British naval officers.

No. 6.

*The Earl of Rosebery to Mr. Howard.*

(Telegraphic.)

*Foreign Office, July 5, 1893.*

WITH reference to my despatch of the 1st instant, you are authorized to communicate to the Russian Government "The Seal Fishery (North Pacific) Order in Council," which was issued yesterday, and also the Admiralty instructions.

No. 7.

*Admiralty to Foreign Office.—(Received July 7.)*

Sir,

*Admiralty, July 6, 1893.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, copies of telegrams, dated the 4th and 6th instant, sent to the Commander-in-chief, China

I am, &c.

(Signed) EVAN MACGREGOR.

## Inclosure 1 in No. 7.

*Admiralty to Rear-Admiral Sir E. Fremantle.*

(Telegraphic.)

*Admiralty, July 4, 1893.*

REGULATIONS under Seal Fishery Act are as follows, but do not act without further instructions:—

British cruisers to co-operate with Russian in preventing persons belonging to British ships killing or hunting seals within zones 10 marine miles Russian coast, and 30 marine miles round Commander and Robben Islands.

Warn British ships they are liable to capture for contravention.

British or Russian cruiser may stop and examine British ship contravening.

British Commander examining ship should draw up written statement of circumstances and grounds.

If evidence in statement taken on oath in presence of person charged having liberty to cross-examine and reply, Commander should certify accordingly.

British Commander seizing ship should take her for adjudication to Yokohama or Shanghai, or British Colonial port having competent Court.

Instead of seizing British Commander may retain certificate, giving provisional one, or return certificate indorsed with grounds for seizure, and direct ship in provisional certificate or indorsement to proceed forthwith to specified port.

British Commander should in any case remove sealing equipment, and send it with certificate or copy of indorsement, and statement and witnesses, to specified port to British Consul if Yokohama or Shanghai, Collector of Customs if colonial port.

When Russians stop ship Commander will at first opportunity hand over ship or documents to British cruiser or authority.

British Commander receiving ship or documents from Russians to proceed as if himself had examined ship.

In every case British Commander should record name of ship and master, and inform Commander-in-chief of action.

Russians alone will exercise jurisdiction within 3-mile limit.

Send necessary cruisers to carry out above. Full text of instructions and documents follow by mail.

## Inclosure 2 in No. 7.

*Admiralty to Rear-Admiral Sir E. Fremantle.*

(Telegraphic.)

*Admiralty, July 6, 1893.*

SEALING Order in Council dates 4th July. Act on telegram of 4th.

## No. 8.

*Mr. Howard to the Earl of Rosbery.—(Received July 10.)*

My Lord,

*St. Petersburg, July 5, 1893.*

I HAVE the honour to inclose herewith a translation of an extract from the "Cronstadt Gazette," giving the substance of the instructions issued to the Captain of the Imperial cruiser, the "Nayezdnik," recently dispatched to the north of Russia for the protection of the Russian sea fisheries along the Murman coast and White Sea.

Your Lordship will perceive that, according to these instructions, foreign vessels may only be stopped by the Russian cruiser on the high seas when the pursuit shall have commenced within territorial waters, or when such foreign vessels, keeping beyond the limits of the latter, shall have sent boats out to capture fish, &c., within them. This is the same doctrine which was applied in the cases of our vessels seized last year in the North Pacific Ocean.

I have, &amp;c.

(Signed) HENRY HOWARD.

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## Inclosure in No. 8.

*Substance of Article in the "Cronstadt Gazette" of June 9 (21), 1893.*

ACCORDING to the "Cronstadt Gazette" of the 9th (21st) June, 1893, the Captain of the "Nayezdnik" cruiser, recently dispatched to the north of Russia for the protection of the Russian sea fisheries along the Murman coast and White Sea, has received the following instructions for his guidance:—

He is to stop foreign vessels found in Russian territorial waters, to warn them against pursuing their calling in such waters, and to obtain from their Commanders a written undertaking to the effect that they will not capture fish or other marine animals in Russian waters.

He may search all vessels, excepting men-of-war, of a suspicious character, in order to convince himself that a vessel has not poached in Russian waters. Should it prove that such poaching has taken place, or that the vessel has been overtaken in the act, the cruiser is to arrest such vessel, and to send her in proper charge to the police officer at Kola for legal prosecution before the Murman Magisterial Tribunal.

Suspicious vessels may be stopped in territorial waters, and only in two cases beyond the limits of the same, viz.:—

1. When the pursuit shall have commenced within the territorial limit, and the vessel, paying no attention to signals or shots, shall have escaped beyond such limit.

2. When a foreign fishing-vessel, keeping beyond the territorial waters, shall send boats out to capture fish, &c., in them.

In both cases the captain of the cruiser shall proceed as if he were in territorial waters, and, in case of necessity, pursue the poaching vessel to the outside limits of the territorial waters of another country.

Detailed instructions are given as to the preliminary arrest and release of a vessel temporarily detained; how the crews of arrested vessels are to be distributed, victualled, &c.

The Commanding Officer of the cruiser is bound to keep a journal, in which each case of stoppage of a vessel for inquiry, search, or arrest is to be entered.

## No. 9.

*Mr. Howard to the Earl of Rosebery.—(Received July 10.)*

My Lord,

*St. Petersburg, July 5, 1893.*

I HAVE the honour to report that on the receipt of your Lordship's telegram of yesterday's date I went to the Ministry for Foreign Affairs in the hope of seeing Count Kupnist, and asking him to furnish me with a copy of the chart used by the Imperial Special Commission in the preparation of their Report on the cases of the British sealers seized last year by the Russian cruisers, as all the questions relating to these cases have been dealt with by his Excellency's Department; but I found that he had gone to Germany, so I spoke to M. Chichikine on the subject of my request, who begged me to address him a note which he could submit to the Minister of Marine, as the latter, he said, had complete control of all matters relating to charts.

I have the honour to inclose a copy of the note which, in compliance with M. Chichikine's request, I have this day addressed to his Excellency.

I have, &c.

(Signed) HENRY HOWARD.

## Inclosure in No. 9.

*Mr. Howard to M. Chichikine.*

M. le Conseiller Privé,

*St. Petersburg, June 23 (July 5), 1893.*

WITH reference to our conversation of this afternoon, I have the honour to inform your Excellency that it appears that the distances as to the positions where British sealing-vessels were seized, as mentioned in the Report of the Imperial Special Commission inclosed in your Excellency's note to me of the 20th May (10th June) last, differ greatly from those given in my charts possessed by Her Majesty's Government.



Under these circumstances, the Earl of Rosebery expresses the hope that it may be found possible to furnish him with a copy of the chart used by the Imperial Commissioners in the preparation of their Report.

It has occurred to me that the Russian chart may be based on the meridian of Pulkova instead of that of Greenwich, which may account for the above-mentioned difference, but it is likewise more than probable that the chart used by the Commission is more complete than those in our possession, as Lord Rosebery states that it had not been possible to place the Island of Aria which is mentioned by the Imperial Commission in the case of the British vessel "Rosie Olsen," and it therefore seems all the more necessary that Her Majesty's Government should be furnished with a copy of the Russian chart, so as to enable them to properly understand all the details contained in the Report in question.

I avail, &c.  
(Signed) HENRY HOWARD.

No. 10.

*Mr. Howard to the Earl of Rosebery.—(Received July 10.)*

My Lord,

*St. Petersburg, July 6, 1893.*

WITH reference to your Lordship's telegram and despatch of the 1st instant, and to your telegram of yesterday's date, relating to the Sealing Arrangement with Russia, I have the honour to inclose herewith copies of the two notes which, in obedience to the instructions contained in the above-named communications, I have addressed to the Russian Government on the subject of the Order in Council issued on the 4th instant and the instructions for the guidance of Her Majesty's cruisers.

I have, &c.  
(Signed) HENRY HOWARD.

Inclosure 1 in No. 10.

*Mr. Howard to M. Chichkine.*

(Extract.)

*St. Petersburg, June 22 (July 6), 1893.*

I AM directed by the Earl of Rosebery to acquaint your Excellency that Royal Assent has been accorded to the Act of Parliament passed for giving effect to the Sealing Arrangement recently come to between our two Governments, and that the necessary Order in Council will at once be issued, as also that the proper instructions will be given to the Commanders of Her Majesty's cruisers, who, as your Excellency is aware, have already been directed to warn British vessels of the terms of the Arrangement. Copies of these instructions are to be sent to me as soon as possible for communication to the Imperial Government, who, Lord Rosebery does not doubt, will give corresponding orders to their officers on the subject of the formalities to be adopted respecting the seizure of vessels and the taking of evidence.

Inclosure 2 in No. 10.

*Mr. Howard to M. Chichkine.*

M. le Conseiller Privé,

*St. Petersburg, June 24 (July 6), 1893.*

WITH reference to my note of the 22nd June (4th July) last, I have the honour to transmit herewith to your Excellency a copy of the Order in Council which was issued on the 22nd June (4th July) for giving effect to the Act of Parliament relating to the Sealing Arrangement come to between our two Governments.

I have the honour likewise to inclose a copy of the instructions for the guidance of Her Majesty's cruisers in the neighbourhood of the Russian seal islands, which have been sent to the Commander-in-chief of Her Majesty's ships on the China Station, and a summary of which has been forwarded to him by telegraph.

I avail, &c.  
(Signed) HENRY HOWARD.

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No. 11.

*Foreign Office to Admiralty.*

Sir,

*Foreign Office, July 11, 1893.*

I AM directed by the Earl of Rosebery to transmit herewith twelve copies of "The Seal Fisheries (North Pacific) Order in Council, 1893,"\* and of the instructions to be issued by the Lords Commissioners of the Admiralty for the guidance of Her Majesty's naval officers.

I am, &amp;c.

(Signed) T. H. SANDERSON.

Inclosure in No. 11.

## "SEAL FISHERY (NORTH PACIFIC) ACT, 1893."

*Admiralty Instructions.*

IN accordance with an arrangement concluded between Great Britain and Russia on the 30th May, 1893, and in conformity with the powers vested in Her Majesty's Government by "The Seal Fishery (North Pacific) Act, 1893," and the Order in Council, dated the 4th day of July, 1893 (copies of which are attached), the following Regulations have been made:—

1. British cruisers are to co-operate with vessels of the Russian Imperial navy or Government in preventing persons belonging to British ships from killing or hunting seals during the period and within the zones specified in the said Order in Council.

2. British ships likely to be affected should be warned that they will be liable to capture if found killing or hunting seals within those zones.

3. If any person belonging to a British ship kills, takes, hunts, or attempts to kill or take, any seal during the said period or within the said zones, or if any British ship, or the equipment or crew thereof, is or are used or employed in such killing, taking, hunting, or attempt, a British or a Russian cruiser may stop and examine the ship.

4. Where the Commander of a British cruiser stops and examines a ship, he should draw up and sign a statement in writing of the circumstances under which and the grounds on which he stopped and examined the ship. If evidence contained in the statement be taken on oath in the presence of the person charged in the evidence, and the person so charged has an opportunity of cross-examining the person giving the evidence, and of making his reply to the evidence, the Commander should certify that the evidence was so taken, and that there was such opportunity of cross-examining and of making a reply.

5. If the Commander of a British cruiser decides to seize the ship, he is to take her for adjudication to one of the specified ports, that is to say, either Yokohama or Shanghai, or a British colonial port at which there is a competent Court. In ordinary cases, the most convenient port will be Yokohama.

6. Instead of seizing the ship, the Commander of the British cruiser may, if he thinks fit, either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case may direct the ship by an addition to the provisional certificate, or to the indorsement, to proceed forthwith to one of the specified ports to be named in the certificate or indorsement. Forms of provisional certificate and of indorsement are sent herewith.

7. Where the Commander of a British cruiser seizes or indorses a ship's certificate, he should on the first opportunity send the certificate or copy of the indorsement, and also the above-mentioned statement and the witnesses, to the specified port, addressing the documents to the proper officer there. The proper officer will be the British Consul if the specified port is Yokohama or Shanghai, and the Collector of Customs if it is a colonial port.

8. The Commander of a Russian cruiser authorized by the Order in Council

\* Inclosure in No. 4.

to stop and examine a British ship will be instructed at the first opportunity (where feasible) to hand over the ship and documents, or the documents, as the case may be, to a British cruiser or other British authority.

9. Where the Commander of a British cruiser receives such ship and documents, or such documents, from a Russian cruiser, he is to proceed in like manner as if he had himself stopped and examined the ship.

10. Where the Commander of a British ship either seizes a ship or deals with her certificate as above directed, or receives a British ship from a Russian cruiser, all the equipment for sealing is to be removed from the ship, and taken or sent to the proper officer at the port to which the ship is taken or sent for adjudication.

11. In any case, the Commander of a British cruiser is to record the name of every ship in respect of which he performs any act hereinbefore directed or authorized, and of her master, and he is at the first opportunity to inform the Commander-in-chief of the action taken by him.

12. In the event of a British Agent visiting the Komandorsky Islands and Robben Island to confer with the authorities there, and to inquire into the working of the arrangement, British cruisers are to co-operate with the said Agent, and to give him any assistance in their power.

13. It is to be understood that these Regulations do not apply to those parts of the zones which consist of Russian territorial waters, and that within those waters the Government of Russia will alone exercise jurisdiction.

(A).—Form of Provisional Certificate of Registry.

1.

| No.           |                           | Date of Registry. |              |
|---------------|---------------------------|-------------------|--------------|
| Name of Ship. | British or Foreign built. | Port of Registry. | How spelled. |
|               |                           |                   |              |

2. The original certificate of the said ship, containing the above particulars, is dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and purports to be signed by \_\_\_\_\_ as Registrar.

3. The said original certificate has been seized, and this provisional certificate has been granted by the Undersigned, in accordance with the provisions of "The Seal Fishery (North Pacific) Act, 1893."

4. The said ship is hereby directed to proceed forthwith to the port of \_\_\_\_\_ for adjudication, and the master is directed to report himself forthwith on arrival there to the British Consul [or Collector of Customs, *as the case may be*].

Dated at [give ship's position] \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 1890.

(Signed)

Commanding Officer, H.M.S.

(B).—Form of Indorsement on Certificate of Registry.

In accordance with the provisions of "The Seal Fishery (North Pacific) Act, 1893," the said ship has been stopped and examined, and this certificate has been seized by the Undersigned on the following grounds:—[*Shortly state grounds.*]

This certificate is with this indorsement returned to the master.

The said \_\_\_\_\_ for adjudication himself forthwith *the case may be*

Dated at \_\_\_\_\_ 1890

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The said ship is hereby directed to proceed forthwith to the port of  
for adjudication under the said Act, and the master is hereby directed to report  
himself forthwith on arrival there to the British Consul [or Collector of Customs, as  
the case may be].

Dated at [give ship's position] , the day of ,  
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(Signed)  
Commanding Officer, H.M.S.

No. 12.

*Colonial Office to Foreign Office.—(Received July 12.)*

Sir, *Downing Street, July 11, 1893.*

WITH reference to previous correspondence respecting the Agreement recently  
concluded with Russia relative to the prohibition of sealing within certain limits in the  
North Pacific Ocean, I am directed by the Marquess of Ripon to transmit to you, for the  
information of the Earl of Rosebery, a copy of a despatch from the Governor-General  
of Canada, with its inclosures, on the subject.

I am, &c.  
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 12.

*The Earl of Derby to the Marquess of Ripon.*

My Lord, *Government House, Ottawa, June 8, 1893.*

WITH reference to your Lordship's telegram of the 11th ultimo, announcing the  
conclusion of an Agreement between Her Majesty's Government and that of Russia  
relative to the prohibition of sealing within certain limits in the North Pacific Ocean,  
I have the honour to inclose copy of an approved Minute of the Privy Council  
embodying the observations of the Acting Minister of Marine and Fisheries upon the  
matter.

Your Lordship will observe that the Minister gives particulars of the steps taken  
to warn sealers, and draws attention to the request of owners of sealing-vessels that  
Her Majesty's Government would send a cruiser to prevent the unnecessary annoyance  
of British ships in the carrying out of the Agreement.

I have, &c.  
(Signed) DERBY.

Inclosure 2 in No. 12.

*Report of a Committee of the Honourable the Privy Council, approved by the Governor-  
General in Council on the 2nd June, 1893.*

THE Committee of the Privy Council have had under consideration a telegram,  
hereto attached, dated the 11th May, 1893, from the Marquess of Ripon, announcing  
that an Arrangement has been consummated between Her Majesty's Government and  
that of Russia affecting the seal fisheries adjacent to the territory of the latter country  
during the year 1893.

The Acting Minister of Marine and Fisheries, to whom the despatch was referred,  
observes that by this Arrangement it has been agreed that, on condition of a limitation  
of the take of seals on the Russian seal islands, viz., Commander Islands and Robben  
Islands or Reef, to 30,000 during the present year by the Russian Government, Her  
Majesty's Government will prohibit sealers from sealing within 10 miles from the  
coasts of Russia and 30 miles from the Commander Islands and Robben Islands during  
the same period.

The Minister further observes that Lord Ripon expressed the hope that the Agree-  
ment would be signed in the course of a few days, but, in the meantime, he desired  
that warning should issue to sealers to observe the prohibition.

The Minister desires to state that on receipt of the Colonial Office despatch of the  
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3rd March, announcing Russia's proposal of the Arrangement just confirmed, the Collector of Customs at Victoria was informed of the terms thereof, and directed to warn the sealers of their liability if approaching Russian territory within the prescribed distances.

The Minister further reports that, in accordance with the request contained in the despatch under review, he has caused the following telegram to be sent to the Collector of Customs at Victoria:—

"Referring to my telegram of 10th March and Mr. Pharnce's of 17th, I have now to advise that English and Russian Governments have agreed to prohibit sealing-vessels from fishing within 10 miles of Russian coasts, and within 30 miles of Robben Island and Comander Islands, during the present year.

"Warn sealers to observe this prohibition, communicating with those who have already sailed whenever possible. Give copy of this to Officer Commanding Her Majesty's ships at Esquimalt."

The Minister submits the Report of the Collector, together with a communication addressed to him by the Senior Naval Officer commanding Her Majesty's ships at Esquimalt; also copies of letters sent by him to Her Majesty's Consuls at Yokohama and Hakodate.

The Minister observes from these communications that the terms of the Arrangement arrived at regarding sealing in the vicinity of Russian waters were communicated to the Senior Naval Officer at Esquimalt, as well as to Her Britannic Majesty's Consuls at Yokohama and Hakodate, Japan, where the sealing-schooners are expected to return in June to deliver their catch, obtained in Japanese waters, and to procure supplies before their departure to the Russian side of Behring Sea. It will also be observed that copies of the Notification were likewise sent to the master of each British sealing-vessel belonging to Victoria now in Japanese waters, of which there are twenty-four.

The Minister desires to invite attention to the statement in the letter of the Collector of Customs, to the effect that Captain J. G. Cox, a person largely interested in sealing-vessels, who had just returned from Japan, and who was there when the Notification of March last, of the proposal now confirmed, advised the masters of the sealing-schooners to keep correct log-books and reckonings, and have their daily position marked on the charts, in order to guard against accident of being within the zone unintentionally through the action of currents, and during the dense fogs which prevail in the locality of the Russian islands during the sealing season.

The Minister desires also to direct attention to the closing portion of the Collector's letters, in which he intimated that the owners of sealing-vessels had expressed the hope that Her Majesty's Government would send a cruiser to the scene of their operations to see that British vessels were not unnecessarily harassed, and to see justice done them if they could establish the fact that they were within the zone by unavoidable circumstances.

The Committee advise that your Excellency be moved to forward a certified copy of this Minute, together with its Appendices, to the Most Honourable the Principal Secretary of State for the Colonies, for the information of Her Majesty's Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

Inclosure 3 in No. 12.

*The Marquess of Ripon to the Earl of Derby.*

(Telegraphic.)

*Downing Street, May 11, 1893.*

RUSSIAN Government have stated that it is necessary to prohibit sealing-vessels from fishing within 10 miles of their coasts and within 30 miles of Robben Island and the Comander Islands for protection of their seal rookeries.

On condition of limitation of take of seals on islands to 30,000 during present year, Her Majesty's Government have expressed their willingness to agree to these measures.

In the course of a few days we hope Agreement will be signed. Meanwhile, issue warning to sealers to observe this prohibition, communicating with those which have already sailed wherever possible.

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## Inclosure 4 in No. 12.

*Mr. Milne to Mr. Parnellec.*

Sir,

*Customs, Canada, Victoria, B.C., May 18, 1893.*

I HAVE the honour to state that, in compliance with your telegram, dated the 13th instant, and the Deputy Minister of Marine and Fisheries of the same date, copies of the same were promptly sent to Captain H. Hughes Hallett, Senior Naval Officer commanding Her Majesty's ships at Esquimalt, British Columbia, and for your information I inclose you his reply, also copies of letters sent to Her Britannic Majesty's Consuls at the port of Yokohama and Hakodate, Japan, where the sealing-schooners will return in June to deliver their catch obtained in Japanese waters, and to obtain supplies before their departure to the Russian side of Behring Sea.

As suggested by Captain Hallett, that as the proscribed district is beyond the limits of the Pacific Naval Station, a similar Notification has been sent to the Senior Naval Officer at Yokohama.

Separate copies were likewise sent in separate envelopes to the master of each British sealing-vessel in Japanese waters, twenty-four belonging to this port being now there.

Captain J. G. Cox, a person largely interested in sealing-vessels, has just returned from Japan, and being there when the terms of your Notification on the 17th March last, which reached Japan first from this port, many of the schooners being then in Yokohama, he advised all the masters to keep good log-books and reckonings, and have their daily positions marked on their charts, in case they were by accident within the limited zone, to show that they were there unintentionally, which might be the case, as it has been found that currents set northwards on the Russian side, drifting the vessels towards the Commander Islands, and this, with the dense fogs which prevail there during the sealing season, sealers might accidentally be within the 30 miles without knowing the fact.

Several of the owners here have expressed the hope that the British Government would send a cruiser to see that the vessels were not unnecessarily harassed, and to see justice done them if they could establish the fact that they were within the zone by unavoidable circumstances.

Every endeavour will be made to communicate with the sealing fleet that are now working northwards on this coast, and I feel satisfied that all will be notified before any depart for the Russian side.

I have, &amp;c.

(Signed) A. R. MILNE, *Collector.*

## Inclosure 5 in No. 12.

*Captain Hallett to Mr. Milne.*

Sir,

*"Garnet," at Esquimalt, May 15, 1893.*

I BEG to acknowledge the receipt of your communication of the 13th May, together with copies of telegram, relative to Agreement between the British and Russian Governments, which I shall make known to all Her Majesty's ships.

I should feel obliged if you could furnish me with the names of those sealing-vessels that have been already warned, and also from time to time of those who may be warned hereafter.

I would suggest that as the proscribed district is beyond the limits of the Pacific Naval Station, a similar Notification be sent to the Senior Naval Officer, Yokohama, Japan.

I have, &amp;c.

(Signed) H. H. HALLETT.

## Inclosure 6 in No. 12.

*Mr. Milne to Consul Hall.*

Sir,

*Customs, Canada, Victoria, B.C., May 15, 1893.*

I HAVE the honour to transmit herewith envelopes containing copies of telegram received from the Deputy Minister of Marine and Fisheries and Deputy Minister of Trade and Commerce for the Dominion, which I will thank you to be caused to be delivered to the several schooners named, which all belong to this port.

I beg to inclose you several other copies, for your information and for distribution should other schooners call at your port, whom the owners inform me are expected to do during next month.

I would thank you to give every publicity to the terms of the Agreement entered into for this year between the two Governments.

I have, &amp;c.

(Signed) A. R. MILNE, *Collector.*

## Inclosure 7 in No. 12.

*Mr. Milne to Consul Troup.*

Sir,

*Customs, Canada, Victoria, B.C., May 15, 1893.*

I HAVE the honour to transmit herewith a number of copies of a telegram received from the Deputy Minister of Marine and Fisheries and Deputy Minister of Trade and Commerce, advising me of the Agreement entered into between Her Britannic Majesty's Government and Russia, prohibiting sealing-vessels from fishing within 10 miles of Russian coast and within 30 miles of Robben Island and Commander Islands during the present year.

I beg to ask that you will give publicity to the terms conveyed in the telegram, and I will thank you to hand copies to the masters of all British sealing-vessels that may be in Yokohama this season, and which the owners inform me are likely to return to Yokohama or Hakodate before departing for the Russian side of Behring Sea.

I have, &amp;c.

(Signed) A. R. MILNE, *Collector.*

## No. 13.

*Colonial Office to Foreign Office.—(Received July 25.)*

Sir,

*Downing Street, July 24, 1893.*

I AM directed by the Marquess of Ripon to acquaint you, for the information of the Earl of Rosebery, that he has had under consideration the despatch from Her Majesty's Ambassador at St. Petersburg containing the note from the Russian Government relative to the sealing-vessels captured by Russian cruisers in the North Pacific last year.\*

The first part of the Russian note deals with the question of the alleged ill-treatment of the crews of the captured vessels while on the way to Petropavlovsk and during their stay in that place.

Lord Ripon observes, with regard to the statements in the affidavits of the masters of the seized vessels, corroborated by the officers and crews, as to the inadequacy and entire unsuitability of the building allotted to the crews during their stay in Petropavlovsk, that the argument that the town had no buildings sufficiently large to provide lodgings for the men is scarcely conclusive, as the captured vessels themselves as well as the "Zabiaka" were lying in the harbour, and accommodation for some portion at least of the crews might have been provided on board these vessels.

The further complaint that no subsistence allowance was granted until the 3rd August was made, not in respect of the "Rosie Olsen," but of the "Willie McGowan," the crew of which were landed destitute on the 21st July, and received no subsistence allowance till the 3rd August.

\* See "Russia No. 3 (1893)."

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No notice is taken of the statements in the affidavits of the captain and officers of the "Ariel" as to the robbery of their effects by the prize crew, a matter as to which, in the interests of the reputation of the Russian navy, some inquiry should have been made.

The suggestion that those interested can appeal to the superior naval authority or to the competent Tribunal in respect of the matters of which these complaints are made cannot be regarded as a satisfactory way of disposing of these complaints, as, so far as Lord Ripon is aware, there is no legal Tribunal, and the only appeal lies to the authorities whose conduct is in question, and as the Russian Government has admitted that the "Ariel" and the "McGowan" from which the complaints emanated were illegally seized, Lord Ripon has no doubt that, in considering the question of compensation in respect of the seizure of these vessels, the Russian Government will not overlook the hardships and losses inflicted on the crews of these vessels.

M. Chichkine's note deals with the question of the legality of the seizures, and states that the Commission "a reconnu à bonne prise tous les bâtiments dont les chaloupes avait été aperçues ou arrêtées dans nos eaux territoriales. Il est indéniable, en effet, que les chaloupes constituent juridiquement parlant une dépendance du schooner auquel elles appartiennent. Leur saisie dans des eaux territoriales rend par conséquent parfaitement légale l'arrestation du bâtiment dont elles font en quelque sorte partie."

The question is one of great importance, and even assuming the facts to be as stated in the above extract, Lord Ripon doubts whether it would be universally admitted that they form an exception to the general rule, that a ship on the high seas outside the 3-mile limit is subject to the exclusive jurisdiction of the nation to which it belongs. Lord Ripon believes the principle of hot pursuit to be generally recognized in cases where there is no room for doubt either as to the fact of an offence having been committed, or as to the identity of the offender.

Bluntschli, indeed, lays it down that "lorsque le navire a échappé aux poursuites, il ne peut plus être attaqué en pleine mer par les navires de l'État lésé," and he adds in a note, "la poursuite en pleine mer ne se justifie que comme continuation de la poursuite commencée dans la partie de la mer dépendant de l'État riverain (mer voisine). Cette extension est nécessaire pour assurer l'efficacité de la justice pénale; mais elle cesse aussitôt que la poursuite vient à être suspendue."

Mr. W. E. Hall, in his "International Law," after stating that the pursuit must be commenced "while the vessel is still within territorial waters, or has only just escaped from them," adds that "the restriction of the permission within the bounds stated may be readily explained by the abuses which would spring from a right to waylay and bring in ships at a subsequent time, when the identity of the vessel or of the persons on board might be doubtful."

The principle asserted by M. Chichkine as applied in the cases of the "C. H. Tupper," the "Walter P. Hall," and other vessels is put forward to justify the search of vessels on the high seas on the mere suspicion that their boats may at some time previously have committed an offence within territorial waters.

Such a proceeding appears to Lord Ripon to be totally inadmissible, and to be contrary to the established Rules of international law.

The Russian Government may be expected in support of their present Argument to appeal to the case of the "Arumah," captured near Copper Island in 1888, which was not pressed by the British Government, though there was room for doubt whether the vessel was actually within the territorial waters of Russia when pursuit commenced; but there was at all events no doubt as to the commission of an offence, by the boats, as to the connection between the offending boats and the vessel, or as to the identity of the vessel.

As regards the seizures now in question, there is much uncertainty as to the facts, and it must be observed that the evidence upon which the Commissioners rely, and which in every case they take as conclusive, is simply the *ex parte* and apparently unsworn statement of the captors of the vessels, whose own conduct is being investigated, that that evidence has not been furnished to Her Majesty's Government, and was given in the absence of all persons in any way connected with the vessel seized, and apparently without any cross-examination whatever, but with full knowledge of the evidence submitted by Her Majesty's Government; so that it is not testimony to which *prima facie* much weight could be attached. Moreover, not only does the account given of the various seizures differ widely from that contained in the



affidavits submitted by Her Majesty's Government, but is inconsistent with itself and with the earlier official accounts given by the Russian Government.

In these circumstances, Lord Ripon thinks that the claims for compensation should be again pressed upon the Russian Government, but he would suggest that, before doing so, the papers should be referred to Mr. Tupper, the Canadian Minister of Marine and Fisheries, for an expression of his views as to the course which should be followed.

I am, &c.  
(Signed) JOHN BRAMSTON.

## No. 14.

*Mr. de Bunsen to the Earl of Rosebery.—(Received July 26.)*

My Lord,

*Tôkiô, June 10, 1893.*

I HAVE the honour to report that M. Hitrovo, Russian Minister at this Court, read to me yesterday a telegram from St. Petersburg, informing him of the Agreement with England establishing protective zones off the Commander Islands and Rebben Island, and off the Russian coasts in the Behring Sea and other parts of the North Pacific, and directing him to make this arrangement known to the Commanders of Russian vessels of war in these waters.

He was likewise to instruct them to hand over, if possible, any British sealing-vessel captured within the above limits to an officer commanding a British vessel of war, or, if no British vessel of war should be within reach, to take possession of the papers of the sealing-vessel, and to forward them to the Russian Consulate at Yokohama for transmission, through the Russian Legation, to Her Majesty's Legation at Tôkiô.

M. Hitrovo was to expect full details by post.

I have, &c.  
(Signed) M. DE BUNSEN.

## No. 15.

*Mr. Howard to the Earl of Rosebery.—(Received July 29.)*

My Lord,

*St. Petersburg, July 26, 1893.*

WITH reference to my despatch of the 5th instant, I have the honour to transmit herewith a copy of a note which I have received from the Russian Government, inclosing a copy of the chart used by the Imperial Special Commission in the preparation of their Report on the cases of the British sealers seized last year by the Russian cruisers, and in which M. Chichkine explains that the difficulty experienced by your Lordship in placing the spot where the "Rosie Olsen" was seized, as mentioned in the above-named Report, arose from a clerical error in the same as to the longitude and latitude of the spot in question.

The Russian chart is based on the meridian of Greenwich, but likewise indicates those of St. Petersburg and Paris.

I have thanked M. Chichkine for his courtesy in this matter.

I have, &c.  
(Signed) HENRY HOWARD.

## Inclosure in No. 15.

*M. Chichkine to Mr. Howard.*

*Ministère des Affaires Étrangères, Département Asiatique,  
le 13 (25) Juillet, 1893.*

M. le Chargé d'Affaires,

PAR suite de la note que vous avez bien voulu m'adresser en date du 23 Juin (5 Juillet) dernier, je me fais un devoir de vous transmettre ci-près un exemplaire de la carte dont s'est servie la Commission d'Examen de l'affaire de la saisie de navires Anglais se livrant à la pêche aux otaries dans la Mer de Behring.

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Je m'empresse de vous informer à cette occasion que l'erreur que Lord Rosebery a relevée quant à la position du schooner "Rosie Olsen" lors de sa saisie n'est qu'une simple erreur d'écriture; le lieu de saisie du navire en question est fixé dans la Notice No. 2 qui avait accompagnée ma note du 29 Mai, année courante, à 53° 23' latitude nord sur 155° 27' longitude est, tandis que cette position doit être définie ainsi: 53° 25' latitude nord sur 165° 27' longitude est.

Veuillez, &c.  
(Signé) CHICHKINE.

## No. 16.

*The Earl of Rosebery to Mr. Tupper.*

Sir,

*Foreign Office, August 4, 1893.*

I TRANSMIT copy of a letter from the Colonial Office, commenting on the reply of the Russian Government relative to the sealing-vessels captured last year by Russian cruisers in the North Pacific.

It will be seen that Lord Ripon considers that reply to be unsatisfactory in some respects. His Lordship suggests that the claims for compensation of the owners of the several vessels should be again pressed upon the Russian Government.

But before any steps are taken in this direction, Lord Ripon is of opinion that the correspondence should be forwarded to you for an expression of your views as to the course which should be followed.

This I should be glad to receive at your early convenience.

I am, &c.  
(Signed) ROSEBERY.

## No. 17.

*Mr. Howard to the Earl of Rosebery.—(Received August 7.)*

My Lord,

*St. Petersburg, July 31, 1893.*

I HAVE the honour to transmit herewith a translation of a new Law published in the "Bulletin des Lois" on the 16th (28th) instant, for the protection of the fur-seal fishing industry.

By its provisions pelagic sealing is formally prohibited, and the capture, slaughter, and pursuit of fur-seals on land is only authorized with the permission of the State under special conditions.

The penalties for offences against this Law are imprisonment of from two to sixteen months, and the confiscation of instruments of capture, the catch, as also the vessel serving for the pursuit of the industry, with all their appurtenances and cargo.

The District Court of Vladivostock is to have jurisdiction in all criminal and civil cases arising in the Commander and Tulenew Islands, as also in all charges of illegal seal fishing on the high seas.

I have, &c.  
(Signed) HENRY HOWARD.

## Inclosure 1 in No. 17.

*Extract from the "Bulletin des Lois" of July 16 (28), 1893.*

(Translation.)

His Imperial Majesty was pleased to confirm and order to be carried into execution the following opinion of the Council of the Empire recorded in the Minutes of its proceedings on the 10th April (1st May) and 15th (30th) May respecting the protection of the fur-seal industry:—

1. In modification and amplification of existing Laws, it shall be ordained: The pelagic pursuit of fur-bearing seals is entirely forbidden; the slaughter, capture, and

generally the pursuit of fur-seals on land can be carried on only with the permission of the Government, and in a manner prescribed by it.

II. Section 3 of chapter 2, sub-section 8, of the Code of Criminal and Corrective Punishments, edition 1885, shall be amplified by the following Ordinance:—

§ 921. Persons guilty of pelagic pursuit of furs-seals, as also of their arbitrary pursuit inland, shall be liable to imprisonment from two months to one year and four months.

The instruments of capture, the catch, and the vessel serving for the pursuit of the industry, with all their appurtenances and cargo, shall be confiscated.

III. Paragraph 103 of the Regulations for the Administration of the Governor-Generalship of the Amur region (Special Appendix relating to Siberian Institutions, vol. ii, Part II of the Code of Laws, Continuation 1889) shall be amplified by the following observation:—

“To the jurisdiction of the Circuit Court of Vladivostock shall also belong all criminal and civil cases arising in the Commander and Tulenew Islands, as also cases of accusation of pelagic fur-seal catching.”

*St. Petersburg, August 3, 1893.*

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Inclosure 2 in No. 17.

*Extract from the “Journal de Saint-Petersbourg” of July 18 (31) 1893.*

EN vertu d'un Avis du Conseil de l'Empire approuvé par Sa Majesté l'Empereur le 1<sup>er</sup> Juin, les dispositions suivantes sont prises, en sus de celles qui existent déjà, pour la protection de l'industrie de la pêche des phoques à fourrure (otaries).

L'industrie de la pêche des otaries en pleine mer est formellement interdite; la prise, l'abatage, et en général l'industrie de la pêche en question sur terre ferme n'est autorisée qu'avec la permission de l'État et à des conditions spécialement indiquées.

Les personnes qui se livreront à la pêche de l'otarie ou à la prise de cet amphibie sur terre ferme sans y avoir été autorisées, sont passibles d'un emprisonnement de deux à seize mois.

Le Tribunal d'Arrondissement de Vladivostock aura à juger les affaires criminelles et civiles qui se produiront aux Iles du Commandeur et aux Iles des Phoques, ainsi que toutes celles que soulèveront les accusations de se livrer illicitement à la pêche des otaries en pleine mer.

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No. 18.

*Mr. Tupper to the Earl of Rosebery.—(Received August 9.)*

My Lord,

*Paris, August 7, 1893.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 4th instant, transmitting copy of a letter from the Colonial Office, relative to the capture last year of certain British sealing-vessels by Russian cruisers in the North Pacific.

In response to your Lordship's request for an expression of my views as to the course which should be followed in this matter, I have the honour to state as follows.

An examination of the Report of the Russian Commission upon the seizures of British vessels certainly reveals strong contradiction between the affidavits the British subjects forwarded to Her Majesty's Government and the statement of facts set out in the Report.

There are many circumstances detailed in that Report which render the account given by it untrustworthy and unsatisfactory.

Many of the important principles of international law involved are satisfactorily stated by the Russian Government in the recent correspondence, but issue is now clearly joined on the facts touching all the seized vessels except the “McGowan” and the “Ariel.”

The facts in dispute cannot, in my opinion, be settled by an appeal, either to the affidavits on one side or to the *ex parte* evidence on the other.

With regard to the principle of international law asserted by the Commission,

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namely, that the seizure of a ship outside the 3-mile limit for offences committed against municipal law by its boats within territorial waters, I beg to recall to your Lordship's recollection certain observations of Sir Charles Russell before the Behring Sea Arbitration at Paris.

After stating that there exists a general consent by acquiescence on the part of nations to the propriety of such seizures, he qualifies his remarks by saying that the pursuit must be a hot one, that it must be immediate, and that it must be within the limits of moderation.

And, with reference to the Hovering Acts, Sir C. Russell said it was doubtful whether their true justification does not rest upon implied assent according to the circumstances of each case.

I have the honour to suggest that the Russian Government should be requested forthwith:—

1. To supply the Protocols containing the circumstances of the seizure of the following schooners: the "Olsen," "Marie," "Carmolite," "Vancouver Belle," and of the boats of the "W. P. Sayward."

2. To give permission to inspect and take copies of the logs and charts of the foregoing vessels.

3. To furnish the reports on the courses of the "Zubiaka," "Vitiuz," and "Kotik," together with copies of the evidence given by the Commanders of those vessels before the Commission.

So soon as this information has been obtained, I venture to suggest that a proposal should be made for the constitution of a Joint Commission to take evidence, both in Canada and in Russia, touching the facts in dispute, so that, in the event of the Governments not being able to agree after consideration of the evidence so taken, the evidence may be referred to arbitration, and the various points in difference so settled.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 19.

*Mr. Tupper to the Earl of Rosebery.—(Received August 12.)*

My Lord,

*Paris, August 9, 1893.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 8th instant, transmitting further correspondence respecting the Sealing Regulations issued by the Russian Government.

Inasmuch as these Regulations are not in terms confined to Russian subjects, I venture to suggest that an intimation of some kind should be conveyed to the Russian authorities which will prevent its being supposed that Great Britain had in any way assented to the application of these laws outside the ordinary jurisdiction of Russia.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 20.

*Mr. de Bunsen to the Earl of Rosebery.—(Received August 15.)*

My Lord,

*Tokio, July 13, 1893.*

I HAVE the honour to inform your Lordship that, on receipt of your telegram of the 5th instant relative to the recent Agreement with Russia for a protective zone round the coasts and islands of the North Pacific, I at once informed Her Majesty's Consuls, in order that they might warn British ship-masters that an order in Council has been passed, rendering British ships infringing the Agreement liable to seizure by British as well as Russian vessels.

I have, &c.

(Signed) M. DE BUNSEN.

## No. 21.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, August 15, 1893.*

WITH reference to the new Law promulgated by the Russian Government for the protection of the fur-sealing industry, I am directed by the Earl of Rosebery to transmit a copy of a despatch which has been received from Mr. Tupper on this subject.\*

I am also to forward, for the concurrence of the Marquess of Ripon, a draft of a despatch which, in compliance with Mr. Tupper's suggestion, it is proposed to address to Her Majesty's Chargé d'Affaires at St. Petersburg, instructing him to call the attention of the Russian Government to the terms of the last paragraph of his note of the 30th April (12th May) last,† pointing out that Her Majesty's Government must reserve to themselves full freedom to object to any interference with British subjects and vessels outside Russian territorial waters, according to the usual acceptation of the term, which is not based on an express Agreement between the two Governments.

I am, &amp;c.

(Signed) P. CURRIE.

## No. 22.

*Colonial Office to Foreign Office.—(Received August 23.)*

Sir,

*Downing Street, August 23, 1893.*

IN reply to your letter of the 15th instant, I am directed by the Marquess of Ripon to state that his Lordship concurs in the terms of the draft despatch which it is proposed to address to Her Majesty's Chargé d'Affaires at St. Petersburg with reference to the new Russian Law for the protection of the fur-sealing industry.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

## No. 23.

*The Earl of Rosebery to Mr. Howard.*

Sir,

*Foreign Office, August 30, 1893.*

I HAVE received your despatch of the 31st ultimo, inclosing a translation of a new Law promulgated by the Russian Government for the protection of the fur-sealing industry.

It is evident that this Law, outside the territorial jurisdiction, can only apply to Russian subjects and vessels, unless in virtue of an International Agreement it is made applicable to the subjects and vessels of other countries.

Inasmuch as no such Agreement exists, and as the Law in question is not in terms confined to Russian subjects, I have to request you to draw the attention of the Imperial Government to the concluding paragraph of your note to M. Chichkine of the 12th May last,† in which, acting on instructions, you informed the Russian Government that Her Majesty's Government must reserve to themselves full freedom to object to any interference with British subjects and vessels outside Russian territorial waters, according to the usual acceptation of the term, which is not based on an express Agreement between the two Governments.

I am, &amp;c.

(Signed) ROSEBERY.

\* No. 19.

† See "Russia No. 1 (1893)," p. 26.

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No. 21.

*Mr. Howard to the Earl of Rosebery.—(Received September 18.)*

My Lord.

*St. Petersburg, September 13, 1893.*

WITH reference to your Lordship's despatch of the 30th ultimo, I have the honour to report that when I called upon M. Chielkine this afternoon the conversation happened first to turn upon the Award of the Behring Sea Commission, which his Excellency said was an excellent decision, and a good basis for an international sealing arrangement.

I then alluded to the recent Russian Law for the protection of fur-seals, and said that although the Law did not mention Russian subjects, yet it prohibited pelagic sealing, but I did not suppose that in that regard it was intended to apply to foreigners; and I reminded M. Chielkine of the reservations made on that point by us at the time of the conclusion of our Sealing Arrangement with the Imperial Government.

His Excellency replied that, although as a matter of fact there were no Russian sealers, it was found necessary to have a law on the subject, but that as regards sealing on the high seas it did not apply to foreigners, as there was no question, as far as concerned the latter, of extending Russian jurisdiction beyond territorial waters.

I have, &amp;c.

(Signed) HENRY HOWARD.

No. 25.

*Colonial Office to Foreign Office.—(Received September 22.)*

Sir.

*Downing Street, September 21, 1893.*

WITH reference to the letter from this Department of the 24th July, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor-General of Canada, inclosing copy of an approved Minute of Council respecting the seizure of British vessels by the Russians in Behring Sea.

I am, &amp;c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 25.

*Administrator Moore to the Marquess of Ripon.*

My Lord,

*Halifax, Nova Scotia, September 6, 1893.*

WITH reference to your Lordship's despatch of the 20th June last, forwarding a Parliamentary paper containing the Report of the Russian Commission upon the seizures of British vessels in Behring Sea, I have the honour to forward herewith copy of an approved Minute of the Privy Council, embodying a Report by the Minister of Marine and Fisheries, who points out the contradictions between the affidavits of the British sealers and the findings of the Commission, and suggests certain measures for satisfactorily determining the actual state of the facts in dispute.

I have, &amp;c.

(Signed) A. MONTGOMERY MOORE.

Inclosure 2 in No. 25.

*Report of a Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 22nd August, 1893.*

(Extract.)

ON a Report dated the 15th August, 1893, from the Minister of Marine and Fisheries, submitting that an examination of the Report of the Russian Commission upon the seizure of British vessels reveals strong contradiction between the

affidavits of the British subjects forwarded to Her Majesty's Government and the statement of facts set out in the said Report, and there are many circumstances detailed therein which render the account given by it unsatisfactory and untrustworthy.

The facts in dispute cannot be settled by an appeal either to the affidavits on one side or to the *ex parte* evidence on the other.

The Minister, under the circumstances, recommends that steps be taken to bring before Her Majesty's Government the following suggestions as to the course to be adopted:—

That the Russian Government should be requested (1) to supply the Protocols containing the circumstances connected with the seizures of the following schooners: the "Olsen," "Marie," "Carmolite," and "Vancouver Belle," and of the boats of the "W. P. Sayward;" (2) for permission to inspect and take copies of the logs and charts of the foregoing vessels; (3) for the Reports on the courses of the "Zabiaka," "Vitiaz," and "Kotik," and copies of the evidence given by the Commanders of these vessels before the Commission. So soon as this information is obtained, it is recommended that a proposal should be made for the constitution of a Joint Commission to take evidence, both in Canada and in Russia, touching the facts in dispute, so that, in the event of the Governments not being able to agree upon consideration of the evidence so taken, the evidence may be referred to arbitration.

The Committee advise that your Excellency be moved to forward a certified copy of this Minute to the Most Honourable the Principal Secretary of State for the Colonies.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
*Clerk of the Privy Council.*

No. 26.

*The Earl of Rosebery to Mr. Howard.*

Sir,

*Foreign Office, November 15, 1893.*

SIR R. MORTIER'S despatch of the 12th June last, forwarding the reply of the Russian Government with regard to the seizure of British sealing-vessels by Russian cruisers in the North Pacific, has been under the careful consideration of Her Majesty's Government.

The facts of these seizures, as represented by the Russian Government on the one side and by the Canadian sealers on the other, are contradictory in some material points.

Under these circumstances, it seems necessary to apply to the Russian Government for copies of the Protocols containing the circumstances of the seizure of the "Rosie Olsen," "Marie," "Carmolite," and "Vancouver Belle," for permission to inspect the logs and charts of these vessels upon which the cases against them are founded, and for the Reports on the courses of the "Zabiaka," "Vitiaz," and "Kotik." I have accordingly to instruct you to address an application to the Russian Government to this effect, in which you may explain that Her Majesty's Government are also endeavouring to obtain through the Canadian Government further information which is necessary to arrive at a clear knowledge of the facts.

It will not be necessary for the present that you should enter into any discussion of the merits of the various cases, but in any observations which may pass on the subject, it will be well to bear in mind the views of Her Majesty's Government as to the main questions of principle involved in this matter.

These questions appear to be as follows:—

1. In what cases may a vessel which has committed an offence within territorial waters be captured outside such waters?
2. May the boats of a vessel be regarded as forming part of the vessel? and
3. Is a seizure in non-territorial waters made on suspicion of an offence within such waters justifiable if the subsequent search affords evidence of the offence having been committed?

With reference to the first question, it is the opinion of Her Majesty's Government that such an offending vessel can only be arrested if there has been a hot and continuous pursuit from the time of the offence to the time of the arrest, and that the pursuit cannot properly be described as hot and continuous unless it has been

carried on reasonable

It appears, in principle, to be an international question.

With respect to the boats, it is admitted that the boats of a vessel, and

It does not appear to be different from the 20th May 1893.

With respect to the principle, it is justified by the fact that

No doubt, in any instance, it may be justified.

If, however, the question be taken to be a principle of international law, it is to the Hon.

Until the claims are settled, when these cases, and their relation

My Lord,

With respect to the seizure of the "Rosie Olsen," "Marie," "Carmolite," and "Vancouver Belle," for cases against "Vitiaz," and

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carried on so that (apart from any evidence found upon arrest) there can be no reasonable doubt that the vessel arrested was the one that committed the offence.

It appears doubtful whether the Russian Government clearly recognize this principle, which, however, Her Majesty's Government believe to be in accordance with international law and practice.

With respect to the second question, Her Majesty's Government are ready to admit, for the purposes of the present case, that the boats of a vessel which commit an offence render the vessel herself liable to seizure for such offence whenever it appears that the boats were acting with the consent, expressed or implied, of the master of the vessel, and provided that the pursuit of such vessel be hot and continuous.

It does not seem to them that the Russian Government substantially take a different view, though M. Chichkine's reference to this principle in his note of the 29th May is perhaps rather loosely worded.

With reference to the third question, Her Majesty's Government cannot admit the principle that vessels may be searched on suspicion, and that seizures may be justified by the result of the search.

No doubt by Convention such rights of search are in special cases allowed, as, for instance, in the Conventions relating to the Slave Trade, and the results of such search may justify the seizure, but this principle cannot, apart from Convention, be admitted.

If, however, the Government of Her Majesty are satisfied that the vessel in question had committed offences against a friendly Power, it is no doubt a matter for them to consider how far it is politic or wise to protect the offenders. This is a principle of policy which largely affects, for example, international dealings in relation to the Hovering Acts.

Until fuller information is received, Her Majesty's Government do not feel that the claims in respect of any of the seizures can at present be abandoned. It is only when these particulars are received that it will be possible to discriminate between the cases, and to decide whether a Commission of Inquiry should be demanded, and, if so, in relation to which of them.

I am, &c.  
(Signed) ROSEBERRY.

No. 27.

*Mr. Howard to the Earl of Rosebery.—(Received November 30.)*

My Lord,

*St. Petersburg, November 25, 1893.*

WITH reference to your Lordship's despatch of the 15th instant relative to the reply of the Russian Government of the 29th May (10th June) on the subject of the seizure last year of certain British sealing-vessels by Russian cruisers in the North Pacific, I have the honour to transmit herewith a copy of the note which, in obedience to the instructions contained in the above-named despatch, I have this day addressed to the Imperial Government, asking for copies of the Protocols containing the circumstances of the seizure of the "Rosie Olsen," "Marie," "Carmolite," and "Vancouver Belle," for permission to inspect the logs and charts of those vessels upon which the cases against them are founded, and for the reports on the courses of the "Zabiaka," "Vitiak," and "Kotik."

I have, &c.  
(Signed) HENRY HOWARD.

Inlosure in No. 27.

*Mr. Howard to M. de Giers.*

M. le Ministre,

*St. Petersburg, November 13 (25), 1893.*

IN obedience to the instructions which I have received from the Earl of Rosebery, I have the honour to inform your Excellency that the note which the Imperial Ministry of Foreign Affairs was so good as to address to the late Sir Robert Morier on the 29th May (10th June) last relative to the seizure of certain British sealing-vessels



by Russian cruisers in the North Pacific, together with its inclosures, has been under the careful consideration of Her Majesty's Government.

As a result of this examination, it appears to them that the facts of these seizures, as represented by the Imperial Government on the one side and by the Canadian sealers on the other, are contradictory in some material points.

Under these circumstances, I am directed to explain that Her Majesty's Government, with the object of arriving at a clear knowledge of these facts, are endeavouring to obtain additional information from the Government of Canada; but that they find it necessary at the same time to request the Russian Government to kindly furnish them with copies of the following documents referred to in the Report of the Special Commission, which formed the second inclosure in the above-named note from the Imperial Ministry, viz. :—

The Protocols containing the circumstances of the seizure of the "Rosie Olsen," "Marie," "Carnolite," and "Vancouver Belle," and the reports on the courses of the Imperial cruisers "Zabiaka," "Vitiaz," and "Kotik."

Her Majesty's Government further request that permission may be granted for an inspection of the logs and charts of the four above-named Canadian vessels, upon which the cases against them are founded.

In submitting this request to the Imperial Government, I avail myself, &c.

(Signed) HENRY HOWARD.

No. 28.

*Colonial Office to Foreign Office*—(Received November 30.)

Sir,

*Downing Street, November 29, 1893.*

WITH reference to the despatch from Mr. Howard,\* recording a conversation with M. Chichkine on the subject of the Award of the Behring Sea Arbitration Tribunal, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor-General of Canada, inclosing copy of a Minute of the Dominion Privy Council on the subject of M. Chichkine's suggestion, that the Award of the Tribunal was a good basis for an international sealing arrangement.

Lord Ripon would be glad to be informed whether the Russian Government has made any overtures for an international arrangement embracing the Russian seal islands, or for the continuance of the provisional arrangement of last year.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 28.

*The Earl of Aberdeen to the Marquess of Ripon.*

My Lord,

*Government House, Ottawa, November 9, 1893.*

WITH reference to your Lordship's despatch of the 3rd ultimo, containing a report of a conversation between Her Majesty's Representative at St. Petersburg and the Russian Minister for Foreign Affairs upon the subject of the Behring Sea Award, I have the honour to forward copy of an approved Minute of the Privy Council, embodying the observations of the Minister of Marine and Fisheries upon the despatch in question.

Your Lordship will observe that the Minister dissents from the suggestion that the Regulations laid down by the Arbitration Tribunal for extra-territorial waters in the eastern half of Behring Sea should be extended to the western half of that sea, on the ground that such an extension would unnecessarily interfere with Canadian sealers, and seriously prejudice British interests on the high seas in the waters of the Pacific.

I have, &c.

(Signed) ABERDEEN.

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## Inclosure 2 in No. 28.

*Report of a Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 28th October, 1893.*

THE Committee of the Privy Council have had under consideration a despatch, hereto attached, dated the 3rd October, 1893, from the Colonial Office, transmitting a copy of a communication from Mr. Howard to the Earl of Rosebery respecting the recent Russian Sealing Regulations.

The Minister of Marine and Fisheries, to whom the matter was referred, observes that it appears from this despatch that his Excellency M. Chichkine, in the course of a conversation with Mr. Howard, remarked that the Award of the Behring Sea Commission was an excellent decision, and a good basis for an international sealing arrangement.

The Minister desires to express his dissent from the suggestion of M. Chichkine, that the Regulations adopted by that Tribunal for the eastern waters of Behring Sea, outside of territorial jurisdiction, should be extended so as to cover the western waters also; and he therefore takes the earliest opportunity of stating that, to accept those Regulations as a basis for any such sealing arrangement between Great Britain and Russia would, in his opinion, unnecessarily interfere with Canadian sealers, as well as affect most seriously British interests on the high seas in the waters of the Pacific.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a certified copy of this Minute, if approved, to the Right Honourable the Principal Secretary of State for the Colonies, for the information of Her Majesty's Government.

All of which is respectfully submitted.

(Signed) JOHN J. MCGEE,  
Clerk of the

No. 29.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, December 8, 1893.*

I AM directed by the Earl of Rosebery to acknowledge the receipt of your letter of the 29th ultimo, forwarding observations by the Canadian Government on the suggestion made by M. Chichkine, that the Regulations laid down by the Behring Sea Arbitration Tribunal would form a good basis for an international sealing arrangement.

In reply to the inquiry contained in the last paragraph of your letter, I am to state, for the information of the Marquess of Ripon, that the Russian Government have not made any overtures for an international arrangement embracing the Russian seal islands, or for the continuance of the provisional arrangement of last year for the protection of these fisheries.

I am, &c.  
(Signed) T. H. SANDERSON.

No. 30.

*Mr. Howard to the Earl of Rosebery.—(Received December 11.)*

My Lord,

*St. Petersburg, December 7, 1893.*

WITH reference to my despatch of the 25th ultimo, I have the honour to inform your Lordship that when at the Ministry for Foreign Affairs one day last week I inquired of Count Kapnist whether he had seen my note to M. de Giers of the 15th (25th) November, requesting that Her Majesty's Government might be furnished with certain documentary evidence relative to the seizure of the Canadian sealers by Russian cruisers last year in the North Pacific.

His Excellency replied that the note in question had come under his notice, and

had already been transmitted to the Ministry of Marine, as that Department had charge of these cases, and the documents, &c., connected with the same.

I have, &c.  
(Signed) HENRY HOWARD.

No. 31.

*Mr. Howard to the Earl of Rosebery.*—(Received December 20.)

(Telegraphic.)

*St. Petersburg, December 20, 1893.*

IN course of an interview I had with Count Kapnist this afternoon his Excellency informed me, in the name of the Russian Government, that no precise details as to the working of our Sealing Arrangement had been received as yet, but that they saw that some sort of arrangement was necessary. The Russian Government are therefore, under these circumstances, anxious to know whether Her Majesty's Government would consent to the continuation of the present arrangement until further notice, especially seeing that the arrangement in question terminates on the 31st proximo.

I was begged by Count Kapnist to make this inquiry of your Lordship by telegraph, who said further that this proposed prolongation could be arranged by a simple exchange of notes. His Excellency added that his Government would send their note to me at no distant date should Her Majesty's Government agree to this proposal.

No. 32.

*The Earl of Rosebery to Mr. Howard.*

(Telegraphic.)

*Foreign Office, December 21, 1893.*

I HAVE received your telegram of yesterday respecting the Sealing Agreement between Great Britain and Russia.

Previous to its receipt I was just about to instruct you to ascertain the wishes of the Russian Government as to the prolongation of the measure.

I authorize you to consent at once to an interchange of notes with the object of prolonging the arrangement until further notice is given by either party. Such consent should, however, be conditional on the Russian Government making arrangements with that of the United States, by which similar restrictions shall be enforced against sealing-vessels belonging to citizens of the United States.

No. 33.

*Mr. Howard to the Earl of Rosebery.*—(Received December 24.)

(Telegraphic.)

*St. Petersburg, December 24, 1893.*

I HAD a conversation on the 22nd December with M. de Giers, who shares the view expressed in your Lordship's telegram of the 21st instant, that American sealing-vessels should be subjected to restrictions similar to those enforced against British vessels under our existing arrangement with Russia.

The prolongation until further notice of the *modus vivendi* is officially proposed by the Russian Government in a note which I have received from them this morning, of which a copy goes to your Lordship to-day by post. The Russian Government undertake that they will without delay take all the necessary steps in order to arrive at an understanding with the United States' Government for the application to American sealing-vessels of the restrictions in question; and they express the opinion that it will be sufficient, in order to keep our present arrangement in force, that we on our part return a simple affirmative reply to their note.

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## No. 34.

*Mr. Howard to the Earl of Rosebery.—(Received December 25.)*

My Lord,

*St. Petersburg, December 20, 1893.*

WITH reference to my telegram of to-day's date, I have the honour to inform your Lordship that Count Kapnist told me this afternoon that he had been charged by M. de Giers to make a proposal respecting our sealing arrangements.

The Russian Government had as yet received but imperfect details as to how it had worked, but they were fully persuaded of the necessity of having some arrangement with us so as to avoid a repetition of the misunderstandings, &c, which had arisen before the conclusion of our present one. They knew that England and the United States of America were negotiating respecting the carrying out of the decisions and recommendations of the Paris Arbitration Commission, and it was more than probable that at some date a common Agreement would be come to between England, America, Russia, and other nations interested in the seal fisheries, but such a common Agreement would not, of course, be possible within the immediate future, and, in the meantime, our present arrangement will come to an end on the 31st of this month. In view of these facts, the Russian Government were anxious to ascertain whether Her Majesty's Government would be willing to agree to a prolongation of our present arrangement until further notice ("jusqu'à nouvel ordre"), and they would be greatly obliged if I would make this inquiry by telegraph.

Count Kapnist said that should Her Majesty's Government approve this arrangement it could be effected by an exchange of notes, and that in the event of your Lordship's reply being favourable, the Russian Government were prepared to address their note to me on this subject at an early date. I replied that I would inform your Lordship at once, by telegraph, of the proposal in question, but that even if Her Majesty's Government approved the same I thought that further legislation would be required which might cause some delay. His Excellency answered that the seal fishing did not, he thought, commence until April, but that the sooner the Agreement could be come to the better it would be.

I have, &c.

(Signed) HENRY HOWARD.

## No. 35.

*Mr. Howard to the Earl of Rosebery.—(Received December 27.)*

My Lord,

*St. Petersburg, December 24, 1893.*

I HAVE the honour to report that I saw M. de Giers the day before yesterday, and on that occasion communicated to him the substance of your Lordship's telegram of the 21st instant respecting the prolongation of our present Sealing Arrangement.

His Excellency stated that he shared your Lordship's views as to the arrangement being made to apply to American vessels, and added that he would return a reply to my communication as soon as possible.

This morning I have received a note from the Russian Government, of which I enclose a copy, officially proposing the prolongation of the present *modus vivendi* until further notice. Your Lordship will perceive that the Russian Government deem that a simple affirmative reply to their note will suffice to keep the present arrangement in force, and that they undertake to take all the necessary steps without delay to conclude an arrangement with the Government of the United States of America, by which restrictive measures, similar to those agreed upon with Her Majesty's Government, shall be applied to American vessels.

I saw Count Kapnist this morning, and he told me that as soon as the United States' Minister, who is away for the Christmas holidays in Germany, returned to St. Petersburg, the Russian Government would commence to negotiate with him on the subject. He added that in their above-named note to me the Russian Government had used the term "fur-seal," as he had seen that it had been employed by the Paris Tribunal of Arbitration.

I have, &c.

(Signed) HENRY HOWARD.

## Inclosure in No. 35.

*M. de Giers to Mr. Howard.*

M. le Chargé d'Affaires,

Le 11 Décembre, 1893.

NOS arrangements relativement à la pêche des phoques à fourrure expirant le 1<sup>er</sup> Janvier prochain de l'année 1894, le Gouvernement Impérial se propose de les renouveler, avec le consentement du Gouvernement de Sa Majesté Britannique, jusqu'à nouvel ordre.

Les arrangements en question se trouvent consignés dans la note qui vous a été adressée par le Ministère Impérial en date du 10 (22) Mai de l'année 1893, et dont son Excellence Sir Robert Morier a bien voulu prendre acte par sa note du 18 (30) du même mois. Il nous semblerait suffisant d'une simple réponse affirmative à la présente communication pour les considérer comme restant en vigueur.

Je m'empresse d'ajouter qu'en renouvelant les arrangements susmentionnés le Gouvernement Impérial s'engage à faire sans délai toutes les démarches nécessaires auprès du Gouvernement des États-Unis d'Amérique pour que des mesures restrictives semblables à celles qui sont convenues avec le Gouvernement de Sa Majesté Britannique quant à la pêche des phoques à fourrure soient appliquées aux navires Américains.

En vous priant, M. le Chargé d'Affaires, de porter ce qui précède à la connaissance de votre Gouvernement, et de vouloir bien me faire part de sa réponse, je profite, &c.

(Signé) GIERS.

## No. 36.

*Colonial Office to Foreign Office.—(Received December 30.)*

Sir,

Downing Street, December 29, 1893.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, copies of telegrams from the Marquess of Ripon to the Governor-General of Canada on the subject of the Russian Sealing Agreement.

I am, &amp;c.

(Signed) R. H. MEADE.

## Inclosure 1 in No. 36.

*The Marquess of Ripon to the Earl of Aberdeen.*

(Telegraphic.)

Downing Street, December 26, 1893, 4:50 P.M.

RUSSIAN Government applied for renewal of *modus vivendi* until further notice. Her Majesty's Government have agreed on the understanding that United States' vessels subject to similar restrictions.

## Inclosure 2 in No. 36.

*The Marquess of Ripon to the Earl of Aberdeen.*

(Telegraphic.)

Downing Street, December 27, 1893, 1:15 P.M.

REFERRING to my telegram of the 26th December, Russian Government will take steps for making similar arrangements with United States.

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No. 37.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, December 30, 1893.*

WITH reference to the prolongation of the arrangement with Russia for the protection of fur-seals, I am directed by the Earl of Rosebery to transmit a copy of a despatch which has been received from Her Majesty's Chargé d'Affaires at St. Petersburg, inclosing a formal proposal from the Russian Government that the arrangement in question, which expires on the 1st January next, should be prolonged until further notice.

I am to inclose a draft of the note which it is proposed to instruct Mr. Howard to address to the Russian Government in reply, and I am to inquire whether the Marquess of Ripon concurs in its terms.

As soon as the exchange of notes is completed steps should be taken for the issue of a fresh Order in Council to enforce the arrangement.

I am, &amp;c.

(Signed) T. H. SANDERSON.

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 Inclosure in No. 37.
*Draft Reply to Russian Government.*

M. le Ministre,

I HAVE referred to Her Majesty's Government the note which your Excellency did me the honour to address to me on the 11th December last, stating that, as the arrangement entered into between Her Majesty's Government and the Imperial Government in May 1893 for the regulation of the seal fishery in the neighbourhood of the Russian coasts and islands expires on the 1st January, your Government are anxious that it should be renewed until further notice. You were good enough at the same time to assure me that the Imperial Government would take, without delay, the necessary steps to enter into a similar Agreement with the Government of the United States.

I am now instructed by Her Majesty's Government to state that they agree to the prolongation of the arrangement on the understanding that the Imperial Government obtain the consent of the Government of the United States to the application of similar restrictions to the sealing-vessels of the latter country.

No. 38.

*Colonial Office to Foreign Office.—(Received January 3.)*

Sir,

*Downing Street, January 2, 1894.*

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 30th ultimo, inclosing copy of a despatch from Her Majesty's Chargé d'Affaires at St. Petersburg, forwarding a formal proposal from the Russian Government that the arrangement for the protection of the fur-seals in the North Pacific, which has now expired, should be renewed until further notice, together with draft of the reply which Lord Rosebery proposes to return to the proposal.

I am to acquaint you, in reply, for Lord Rosebery's information, that Lord Ripon concurs in the draft.

I am, &amp;c.

(Signed) JOHN BRAMSTON.

## No. 39.

*The Earl of Rosebery to Mr. Howard.*

Sir,

*Foreign Office, January 3, 1894.*

I HAVE considered, in consultation with Her Majesty's Secretary of State for the Colonies, your despatch of the 21th ultimo, inclosing a note from the Russian Government, formally proposing that the arrangement between this country and Russia for the protection of fur-seals in the North Pacific, which expired on the 1st instant, should be prolonged until further notice.

I now inclose a draft of a note which you are authorized to address to the Russian Government, accepting their proposal on certain conditions.

As soon as this exchange of notes has been effected, steps will be taken for the issue of a fresh Order in Council to enforce the arrangement.

I am, &c.  
(Signed) ROSEBERY.

## No. 40.

*Colonial Office to Foreign Office.—(Received January 8.)*

Sir,

*Downing Street, January 8, 1894.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, a copy of a telegram which has been sent to the Governor-General of Canada, desiring him to make public the fact that the Sealing Agreement with Russia is about to be renewed.

I am, &c.  
(Signed) R. H. MEADE.

Inclosure in No. 40.

*The Marquess of Ripon to the Earl of Aberdeen.*

(Telegraphic.)

*Downing Street, January 6, 1894, 4 P.M.*

DESIRABLE that you should at once give publicity to fact that Agreement with Russia is about to be renewed until further notice, on the understanding referred to in my telegram of the 26th December.

## No. 41.

*The Earl of Rosebery to Mr. Howard.*

(Telegraphic.)

*Foreign Office, January 9, 1894.*

MAKE the following addition to your note to the Russian Government respecting the Sealing Agreement:—

“Her Majesty's Government will accordingly take the necessary measures for carrying this arrangement into effect.”

Above addition will make the matter quite clear, and show that it is not necessary that the Russian Government should send a reply.

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No. 42.

*Mr. Howard to the Earl of Rosebery.—(Received January 15.)*

My Lord,

*St. Petersburg, January 10, 1894.*

WITH reference to your Lordship's despatch of the 3rd instant, I have the honour to inclose herewith a copy of the note which, in obedience to your Lordship's instructions, I addressed to-day to the Imperial Government on the subject of the prolongation of the arrangement between Great Britain and Russia for the protection of fur-seals in the North Pacific.

I have, &amp;c.

(Signed) HENRY HOWARD.

Inclosure in No. 42.

*Mr. Howard to M. de Giers.*

M. le Ministre,

*St. Petersburg, December 29, 1893 (January 10, 1894).*

I HAVE referred to Her Majesty's Government the note which your Excellency did me the honour to address to me on the 11th (23rd) December last, stating that, as the arrangement entered into between Her Majesty's Government and the Imperial Government in May 1893 for the regulation of the seal fishery in the neighbourhood of the Russian coasts and islands expires on the 1st January, your Government are anxious that it should be renewed until further notice.

You were good enough, at the same time, to inform me that the Imperial Government would take, without delay, the necessary steps to enter into a similar Agreement with the Government of the United States.

I am now instructed by Her Majesty's Government to state that they agree to the prolongation of the arrangement, on the understanding that the Imperial Government obtain the consent of the Government of the United States to the application of similar restrictions to the sealing-vessels of that Republic. Her Majesty's Government will accordingly take the necessary measures for carrying this arrangement into effect.

I avail, &amp;c.

(Signed) HENRY HOWARD.

No. 43.

*Mr. Howard to the Earl of Rosebery.—(Received January 22.)*

My Lord,

*St. Petersburg, January 11, 1894.*

WITH reference to my despatch of the 10th instant, inclosing a copy of the note which I addressed to M. de Giers on the subject of the prolongation until further notice of our arrangement with Russia for the protection of fur-seals in the North Pacific, I have the honour to report that Count Kapnist, who had read my note, told me yesterday afternoon that the Imperial Government had already commenced negotiations through the American Minister at this Court for a similar Agreement with the Government of the United States.

His Excellency seemed to think that there would be no great difficulty in obtaining the consent of the United States' Government to the arrangement in question.

I have, &amp;c.

(Signed) HENRY HOWARD.



*Extract from the "London Gazette" of January 30, 1894.*

ORDER IN COUNCIL.

*"Seal Fishery (North Pacific) Order in Council, 1894."*

Osborne House, Isle of Wight, January 29, 1894.

At the Court at Osborne House, Isle of Wight, the 29th day of January, 1894.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Steward.  
Sir William Vernon Harcourt.  
Sir Henry Ponsonby.  
Sir John Cowell.  
Sir Philip Currie.

WHEREAS by "The Seal Fishery (North Pacific) Act, 1893," it is enacted that Her Majesty the Queen may, by Order in Council, prohibit during the period specified by the Order the catching of seals by British ships in such parts of the seas to which that Act applies as are specified by the Order; and that, for carrying into effect an arrangement with any foreign State, an Order in Council may provide that such officers of that State as are specified in the Order may exercise the like powers under the Act as may be exercised by a commissioned officer on full pay in the Naval Service of Her Majesty in relation to a British ship, and the equipment and crew and certificate thereof; and that any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of the said Act :

And whereas the said Act applies to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts of the North Pacific Ocean as are north of the 42nd parallel of north latitude :

And whereas an arrangement has been made between Her Majesty the Queen and His Imperial Majesty the Emperor of Russia, whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers :

And whereas an Order in Council, intitled "The Seal Fishery (North Pacific) Order in Council, 1893," was issued on the 4th day of July, 1893, prohibiting the catching of seals by British ships within the zones as therein defined until the 1st day of January, 1894 :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :

1. From and after the date of the present Order until Her Majesty in Council shall otherwise direct, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited Act applies as are comprised within the following zones, that is to say :—

(1.) A zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; and

(2.) A zone of 30 marine miles round the Komandorsky Islands and Tulenev (Robben Island).

2. The powers which, under the recited Act, may be exercised by any commissioned officer on full pay in the Naval Service of Her Majesty may be exercised by the Captain or other officer in command of any war-vessel of His Imperial Majesty the Emperor of Russia in relation to a British ship, and the equipment and crew and certificate thereof.

3. This Council, 1894

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3. This Order may be cited as "The Seal Fishery (North Pacific) Order in Council, 1894."

(Signed) C. L. PEEL.

No. 45.

*Mr. Howard to the Earl of Rosebery.—(Received February 19.)*

My Lord,

*St. Petersburg, February 14, 1894.*

WHEN at the Ministry of Foreign Affairs this afternoon I asked Count Kapnist whether the United States' Government had replied to the invitation of M. de Giers to join our Sealing Agreement. His Excellency answered that the Imperial Government had received a telegram from the Russian Minister at Washington, stating that Mr. White's despatch on this subject had not yet reached the State Department, but that he did not think that the United States' Government would make much difficulty about consenting to a similar Agreement.

I have, &c.  
(Signed) HENRY HOWARD.

No. 46.

*Colonial Office to Foreign Office.—(Received March 1.)*

Sir,

*Downing Street, February 28, 1894.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, with reference to the letter from this Department of the 29th December last, copies of a despatch from the Governor-General of Canada, dated the 31st ultimo, on the subject of the renewal of the Sealing Agreement with Russia.

I am, &c.  
(Signed) R. H. MEADE.

Inclosure 1 in No. 46.

*The Earl of Aberdeen to the Marquess of Ripon.*

My Lord,

*Government House, Ottawa, January 31, 1894.*

WITH reference to your Lordship's telegraphic messages of the 26th and 27th December last in regard to the renewal of the Agreement with Russia for the protection of seals, I have the honour to forward herewith copy of an approved Minute of the Privy Council, representing that steps have been taken to notify to the British Columbian sealers that the Agreement will probably be renewed for another year.

I have, &c.  
(Signed) ABERDEEN.

Inclosure 2 in No. 46.

*Report of a Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 29th January, 1894.*

THE Committee of the Privy Council have had under consideration two telegraphic despatches, dated respectively the 26th and 27th December, 1893, from the Marquess of Ripon, the former of which announces that the Russian Government having applied for a renewal of the Agreement for the protection of seals of 1893 until further notice, Her Majesty's Government have agreed, on the understanding that United States' vessels would be subject to similar restrictions; and the latter despatch states that the Russian Government will take steps for making similar arrangements with the Government of the United States.

The Minister of Marine and Fisheries, to whom the telegrams were referred, states that, immediately upon their receipt, he caused telegraphic instructions to be sent to the Collectors of Customs at Victoria and Vancouver, directing them to notify sealers that the Agreement with Russia would probably be renewed for another year.

The Committee advise that your Excellency be moved to forward a certified copy of this Minute, if approved, to the Right Honourable the Principal Secretary of State for the Colonies, for the information of Her Majesty's Government.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
*Clerk of the Privy Council.*

## No. 47.

*The Earl of Rosebery to Mr. Fraser.*

(Telegraphic.)

I SENT you on the 29th ultimo an Order in Council prolonging the Sealing Arrangement with Russia.

You should issue warnings as was done last year.

## No. 48.

*Foreign Office to Admiralty.*

Sir,

*Foreign Office, March 3, 1894.*

WITH reference to the despatch from Her Majesty's Chargé d'Affaires at St. Petersburg, which has been communicated to you, on the subject of the renewal until further notice of the arrangement with Russia for the protection of fur-seals in the North Pacific, I am directed by the Earl of Rosebery to transmit herewith, for the information of the Lords Commissioners of the Admiralty, copies of an Order in Council passed on the 29th January last for the purpose of giving effect to that arrangement.

Copies of this Order have been forwarded to Her Majesty's Minister at Tôkiô, and should be in his hands in the course of a few days.

He has been instructed by telegraph to issue warnings to the British sealers who may shortly be expected to appear in Japanese waters of the prolongation of the arrangement with Russia, and of the restrictions imposed by it.

It is desirable that the same system of co-operation on the part of Her Majesty's cruisers with the vessels of the Imperial Russian navy as that in force last year for the policing of the waters affected by the Agreement, and for seizing and dealing with sealers infringing it, should again be put in force. That system has, so far as Lord Rosebery is aware, worked satisfactorily, and he would suggest that the instructions to naval officers which accompanied the letter from this Department of the 30th June last should again be issued.

His Lordship would further suggest, for the consideration of their Lordships, that it might be advisable, in view of the near approach of the sealing season, to instruct the naval authorities in those waters by telegraph to take steps for warning intending sealers.

I am, &c.  
(Signed) W. PERCY ANDERSON.

## No. 49.

*The Earl of Rosebery to Mr. Howard.*

Sir,

*Foreign Office, March 6, 1894.*

WITH reference to your despatch of the 10th January in regard to the prolongation of the Sealing Arrangement with Russia, I transmit herewith copies of an Order in Council passed on the 29th January last for giving effect to that

arrangement that similar co-operation for this service.

Copies of instructions British sealers You should

Sir, WITH the arrangement directed by the Earl of Rosebery at Canada, re- ment.

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arrangement, and of a letter to the Lords Commissioners of the Admiralty,\* suggesting that similar steps should be taken to those adopted last year for insuring the co-operation of British cruisers with the vessels of the Imperial navy employed on this service.

Copies of the Order have been also sent to Her Majesty's Minister in Japan, and instructions have been given to him by telegraph to issue the necessary warning to British seafarers.

You should communicate the Order in Council to the Russian Government.

I am, &c.  
(Signed) ROSEBERRY.

No. 50.

*Colonial Office to Foreign Office.—(Received March 7.)*

Sir, *Downing Street, March 6, 1894.*  
WITH reference to the letter from this Department of the 8th January respecting the arrangement with Russia in regard to the seal fishery in the North Pacific, I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Rosebery, a copy of a despatch and its inclosure from the Governor-General of Canada, reporting the steps taken to give publicity to the renewal of this arrangement.

Lord Ripon presumes that Her Majesty's Minister in Japan has been instructed to take the necessary steps for acquainting sealing-vessels using Japanese ports that the arrangement in question has been renewed.

I am, &c.  
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 50.

*The Earl of Aberdeen to the Marquess of Ripon.*

My Lord, *Government House, Ottawa, February 13, 1894.*  
WITH reference to your Lordship's telegraphic message of the 6th ultimo, requesting that publicity might be given to the intention of Her Majesty's Government to renew the Agreement as regards sealing in the North Pacific Ocean with Russia, I have the honour to inclose copy of an approved Minute of the Privy Council, which I have this day received, indicating the measures which have been taken to comply with your Lordship's request.

Your Lordship will observe that attention is directed also to the Minute of Council which accompanied my despatch of the 31st ultimo with reference to the steps previously taken with the same object.

I have, &c.  
(Signed) ABERDEEN.

Inclosure 2 in No. 50.

*Report of a Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 8th February, 1894.*

THE Committee of the Privy Council have had under consideration a cable despatch, dated the 6th January, 1894, from the Marquess of Ripon, stating that it is desirable that publicity should be given to the fact that the Agreement with Russia, providing a 30-mile protective zone around the Russian seal islands, and 10 miles of Russian coasts, was about to be renewed until further notice, on the understanding that a similar arrangement was to be applicable to vessels of the United States of America.

The Minister of Marine and Fisheries, to whom the despatch was referred, desires attention to his Report on the Privy Council References 2238 H and 2239 H, being

\* No. 48.

despatches dated the 26th and 27th December, 1893, respectively, from the Marquess of Ripon, and approved by your Excellency under date the 29th January, 1894, in which the action taken by him (the Minister of Marine and Fisheries) is explained.

The Minister states that, from the above-mentioned Report, it will be observed that the Collector of Customs at Victoria and Vancouver had been instructed to notify sealers that it was likely the Agreement with Russia would be renewed another year.

The Minister further states that, on the receipt of the despatch at present under consideration, he caused the following further telegraphic despatch to be sent to the Collector of Customs at those ports:

"The Governor-General has received official information to the effect that the British Government has agreed with the Government of Russia for the renewal of the *modus vivendi* in the matter of the Behring Sea seal fisheries until further notice, on the understanding that vessels of the United States are subject to similar restrictions."

The Minister further reports that he has caused the following Notice to be prepared, which will appear in the next issue of the "Canada Gazette":—

*"Notice to Sealers."*

"Public notice is hereby given, that Her Britannic Majesty's Government have arranged with the Imperial Russian Government for a renewal, until further notice, of the Provisional Agreement of 1893, providing a protective zone of 30 miles around the Komandorsky Islands, in the North Pacific Ocean, and Tulénew Island, or Robber Reef, in the Okhotsk Sea; also a protective zone of 10 miles along the shores of the Russian mainland.

"All sealers found within these limits are liable to seizure by Her Majesty's ships or those of the Imperial Russian Government."

The Committee recommend that your Excellency be moved to forward a certified copy of this Minute, if approved, to the Right Honourable the Principal Secretary of State for the Colonies, for the information of Her Majesty's Government.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,

*Clerk of the Privy Council.*

No. 51.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, March 10, 1894.*

I LAID before the Earl of Rosebery your letter of the 6th instant, inclosing copy of a despatch from the Governor-General of Canada, reporting the steps taken to give publicity to the renewal of the arrangement with Russia in regard to the seal fishery in the North Pacific.

In reply to the inquiry contained in the last paragraph of your letter, I am directed by his Lordship to state that the Order in Council for giving effect to this arrangement was forwarded to Her Majesty's Minister in Japan by the mail of the 9th February, and that he was instructed by telegraph to issue the necessary warning to British sealers in those waters.

I am, &c.

(Signed) FRANCIS BERTIE.

No. 52.

*Mr. Howard to the Earl of Kimberley.—(Receives 4 March 1894)*

My Lord,

*St. Petersburg, March 14, 1894.*

I HAVE the honour to transmit herewith to your Lordship a copy of a note which I addressed to M. de Giers in accordance with the instructions contained in Lord Rosebery's despatch of the 6th instant, forwarding to his Excellency a copy

of the Order in Council respecting the prolongation of the Sealing Arrangement with Russia.

I have, &c.  
(Signed) HENRY HOWARD.

Inclosure in No. 52.

*Mr. Howard to M. de Giers.*

M. le Ministre, *St. Petersburg, February 28 (March 12), 1894.*

WITH reference to the note which I had the honour to address to your Excellency on the 29th December (10th January) last regarding the prolongation of the Sealing Agreement concluded for the year 1893 between our two Governments, I have been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to forward to your Excellency the inclosed copy of an Order in Council, passed on the 18th (30th) January, by which that arrangement is carried into effect.

Her Majesty's Government have suggested to the Lords of the Admiralty that similar steps should be taken to those adopted last year for insuring the co-operation of British cruisers with the vessels of the Imperial navy employed on this service; and instructions have been given by telegraph to Her Majesty's Minister in Japan to issue the necessary warning to British sealers.

I avail, &c.  
(Signed) HENRY HOWARD.

No. 53.

*Colonial Office to Foreign Office. - (Received May 11.)*

Sir, *Downing Street, May 10, 1894.*

WITH reference to previous correspondence, I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Kimberley, a copy of a despatch and its inclosures from the Governor-General of Canada, showing the steps taken by the Dominion Government to give publicity to the Agreement with Russia as to the seal fishery with the North Pacific.

I am, &c.  
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 53.

*The Earl of Aberdeen to the Marquess of Ripon.*

My Lord, *Government House, Ottawa, April 24, 1894.*

WITH reference to your Lordship's despatch of the 20th March, transmitting a copy of an Order of Her Majesty's Council of the 29th January last for extending the Provisional Agreement entered into with Russia in 1893 in regard to sealing in the North Pacific Ocean, I have the honour to forward herewith copy of an approved Minute of my Privy Council, indicating the steps taken by the Government to give due publicity to the renewal of the Agreement.

I have, &c.  
(Signed) ABERDEEN.

Inclosure 2 in No. 53.

*Report of a Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 16th April, 1894*

THE Committee of the Privy Council have had under consideration a despatch, hereto attached, dated the 29th March, 1894, from the Colonial Office, transmitting a copy of an Order in Council of the 29th January, 1894, respecting the seal fishery in

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the North Pacific Ocean, extending the Provisional Agreement entered into with Russia in 1893, providing protective zones of 30 and 10 miles respectively around the Russian seal islands and along the Russian coasts.

The Minister of Marine and Fisheries, to whom the despatch was referred, states that, upon the receipt of the announcement that an Agreement had been reached for a renewal of the arrangement of 1893, the Collector of Customs at Victoria was, on the 7th January, 1894, notified of the fact. He replied that he had promulgated the information in every possible way, but that twenty-nine vessels had already sailed for Japan.

The Minister recommends that, although steps were taken at the time to notify the sealers that the arrangement had been reached, a copy of the present Order in Council formally affecting the Agreement be communicated to the Secretary of State for Canada, for early publication in the "Canada Gazette."

The Commissioner, on the recommendation of the Minister of Marine and Fisheries, advises that a copy of this Minute, if approved, be forwarded to the Right Honourable the Imperial Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

No. 54.

*Sir J. Pouncefote to the Earl of Kimberley.—(Received June 14.)*

My Lord,

Washington, June 4, 1894.

I HAVE the honour to inclose a copy of the *modus vivendi* which has been concluded between the United States and Russia, for the protection of fur-seals, with a zone of 10 nautical miles along the Russian coasts of Behring Sea and of the North Pacific Ocean, as well as within a zone of 30 nautical miles round the Commander Islands and Robben Island.

I have, &c.

(Signed)

JULIAN PAUNCEFOFE.

Inclosure in No. 54.

Agreement between the Government of the United States and the Imperial Government of Russia for a *modus vivendi* in relation to the Fur-seal Fisheries in Behring Sea and the North Pacific Ocean.

FOR the purpose of avoiding difficulties and disputes in regard to the taking of fur-seal in the waters of Behring Sea and the North Pacific Ocean, and to aid in the preservation of seal life, the Government of the United States and the Imperial Government of Russia have entered into the following temporary Agreement, with the understanding that it is not to create a precedent for the future, and that the Contracting Parties mutually reserve entire liberty to make choice hereafter of such measures as may be deemed best adapted for the protection of the fur-seal species, whether by means of prohibitive zones, or by the complete prohibition of pelagic sealing, or by appropriate regulation of seal-hunting in the high seas:—

1. The Government of the United States will prohibit citizens of the United States from hunting fur-seal within a zone of 10 nautical miles along the Russian coasts of Behring Sea and of the North Pacific Ocean, as well as within a zone of 30 nautical miles around the Komandorsky (Commander) Islands, and Tulienew (Robben) Island, and will promptly use its best efforts to insure the observance of this prohibition by citizens and vessels of the United States.

2. Vessels of the United States engaged in hunting fur-seal in the above-mentioned zones outside of the territorial waters of Russia may be seized and detained by the naval or other duly commissioned officers of Russia; but they shall be handed over as soon as practicable to the naval or other commissioned officers of the United States, or to the nearest authorities thereof. In case of impediment or difficulty in so doing, the Commander of the Russian cruiser may confine his action to seizing the ship's papers of the offending vessels in order to deliver them to a naval or other

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commissioned officer of the United States, or to communicate them to the nearest authorities of the United States as soon as possible.

3. The Government of the United States agrees to cause to be tried by the ordinary Courts, with all due guarantees of defence, such vessels of the United States as may be seized, or the ship's papers of which may be taken, as herein prescribed, by reason of their engaging in the hunting of fur-seal within the prohibited zones outside of the territorial waters of Russia aforesaid.

4. The Imperial Russian Government will limit to 30,000 head the number of fur-seal to be taken during the year 1894 on the coasts of the Komandorsky (Commander) and Tulenew (Robben) Islands.

5. The present Agreement shall have no retroactive force as regards the seizure of any seal-hunting vessel of the United States by the naval or other commissioned officers of Russia prior to the conclusion hereof.

6. The present Agreement, being intended to serve the purpose of a mere provisional expedient to meet existing circumstances, may be terminated at will by either party upon giving notice to the other.

In witness whereof, we, Walter Q. Gresham, Secretary of State of the United States, and Prince Grégoire Cantacuzene, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias, have, on behalf of our respective Governments, signed and sealed this Agreement in duplicate, and in the English and French languages, in the city of Washington, this 22nd April (4th May), 1894.

(Signed) WALTER Q. GRESHAM. (Seal.)  
PRINCE CANTACUZENE. (Seal.)

No. 55.

*Colonial Office to Foreign Office.—(Received June 16.)*

Sir, *Downing Street, June 15, 1894.*  
I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Kimberley, with reference to the letter from this Department of the 10th ultimo, copy of a despatch from the Earl of Aberdeen to the Marquess of Ripon, with inclosures, on the subject of the Sealing Agreement with Russia.

I am, &c.  
(Signed) R. H. MEADE.

Inclosure 1 in No. 55.

*The Earl of Aberdeen to the Marquess of Ripon.*

My Lord, *Government House, Ottawa, May 19, 1894.*  
I HAVE the honour to forward herewith copy of an approved Minute of the Privy Council, submitting correspondence showing the steps taken by the Collector of Customs at Victoria to make known to the sealers the renewal of the Agreement between Her Majesty's Government and Russia providing for protective zones around the Russian seal islands and along the Russian coasts in the North Pacific Ocean.

I have, &c.  
(Signed) ABERDEEN.

Inclosure 2 in No. 55.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 15th May, 1894.*

ON a Report, dated the 9th May, 1894, from the Minister of Marine and Fisheries, submitting, in reference to the approved Minutes of Council of the 20th January, 8th February, and 16th April, 1894, advising Her Majesty's Government of the steps which had been taken by your Excellency's Government for the promulgation of the renewal of the Provisional Agreement entered into with Russia



for protective zones around the Russian seal islands and along the Russian coasts, in the North Pacific Ocean and Okhotsk Sea, the appended letter from the Collector of Customs at Victoria, explaining the method adopted by him to effect the warning, and inclosing letters from Her Majesty's Consuls at Yokohama and Hakodate (also appended) acknowledging the receipts of notices to the sealers, and promising delivery thereof to the masters of vessels calling at their port as occasion offered.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a certified copy of this Minute, if approved, together with its appendices, to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
*Clerk of the Privy Council.*

Sir,

*Customs, Victoria, Canada, April 26, 1894.*

I have the honour to acknowledge the receipt of your letter, dated the 12th instant, referring to the telegram of the Honourable the Minister of Marine and Fisheries, dated the 7th January last, informing me that Her Majesty's Government had agreed with the Russian Government for a renewal of the Provisional Agreement of 1893, to which I replied to the Honourable the Minister of Marine and Fisheries that his telegram was promulgated in every possible way.

I beg to state that, in addition to the notification given to all the masters of sealing-vessels at that time in port, as well as to all the resident owners, copies in sealed envelopes were sent to the British Consuls at Yokohama and Hakodate, Japan, the two ports frequented by sealing-vessels while in Japanese waters. The letters acknowledging the receipt of those notices are herewith inclosed, for your information.

I do not think that any further steps are necessary for the promulgation of the same, as you can assure the Minister that all the sealing fleet which sailed from this port fully and perfectly understood the terms of the renewal of the Agreement providing protective zones around the Russian seal islands and along the Russian coast.

I have, &c.

(Signed) A. R. MILNE, *Collector.*

Wm. Smith, Esq.,  
Deputy Minister of Marine and Fisheries,  
Ottawa.

Sir,

*British Consulate, Yokohama, February 6, 1894.*

I have the honour to acknowledge receipt of your letter of the 17th ultimo, transmitting thirty-four notices to Canadian sealing-vessels concerning the re-establishment of the Agreement of last year between the British and Russian Governments respecting the protection of seals within certain prohibited zones around the Russian coasts.

I shall cause these copies to be delivered to the masters of the schooners named as they arrive in this port.

I am, &c.

(Signed) JAMES TROUP, *Consul.*

A. R. Milne, Esq.,  
Collector of Customs,  
Victoria, British Columbia.

Sir,

*British Consulate, Hakodate, February 12, 1894.*

I have the honour to acknowledge the receipt, through Her Majesty's Consul at Yokohama, of your letter of the 17th ultimo, with its thirty-four envelopes to be delivered to the Canadian sealing-schooners that may arrive here.

It will give me much pleasure to carry out your wishes in respect to this matter.

I have, &c.

(Signed) J. C. HALL, *Consul.*

A. R. Milne, Esq.,  
Collector of Customs,  
Victoria, British Columbia.

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No. 56.

*Mr. Howard to the Earl of Kimberley.—(Received July 23.)*

My Lord.

*St. Petersburg, July 19, 1894.*

WITH reference to my despatch of the 7th December last respecting the request made to M. de Giers that Her Majesty's Government might be furnished with certain documentary evidence relative to the seizure of Canadian sealers in 1892, I have the honour to inform your Lordship that last week I again asked Count Kapnist whether the Minister of Marine, to whom the request had been referred, had come to any decision in the matter.

His Excellency's reply was that Admiral Tchikhatchew had not yet sent an answer to the communication from the Ministry of Foreign Affairs on this subject, but that the latter would write to him again.

I have, &amp;c.

(Signed) HENRY HOWARD.

No. 57.

*The Earl of Kimberley to Sir P. Lascelles.*

Sir,

*Foreign Office, August 1, 1894.*

I HAVE received Mr. Howard's despatch of the 19th July, reporting that no reply had been received from the Russian Government to the application of Her Majesty's Government to be furnished with certain documentary evidence in connection with the seizure of Canadian sealers in 1892.

I have to request your Excellency to give this matter your early attention.

I am, &amp;c.

(Signed) KIMBERLEY.

No. 58.

*Sir P. Lascelles to the Earl of Kimberley.—(Received August 20.)*

My Lord,

*St. Petersburg, August 14, 1894.*

IN an interview which I had with Count Kapnist yesterday, I observed to his Excellency that no answer had yet been returned to the note which Mr. Howard had addressed to M. de Giers on the 13th (25th) November last on the subject of the application of Her Majesty's Government to be furnished with certain documentary evidence in connection with the seizure of Canadian sealers in 1892. I added that Mr. Howard had, in the month of December last, brought the matter to the notice of his Excellency, who had replied that the case had been referred to the Minister of Marine. I had now been instructed to bring the matter again before the Russian Government, in the hope that the documentary evidence might shortly be forthcoming. I added that Her Majesty's Government had applied for further information from the Canadian Government in order to arrive at a clear knowledge of the facts.

Count Kapnist replied that he could only give me the answer which he had already given to Mr. Howard, viz., that the Minister of Marine had not yet replied to the application made to him by the Minister for Foreign Affairs.

I expressed the hope that his Excellency might be able to furnish me shortly with a reply in this case.

I have, &amp;c.

(Signed) FRANK C. LASCELLES.

*Sir F. Lascelles to the Earl of Kimberley.—(Received September 17.)*

My Lord,

*St. Petersburg, September 8, 1894.*

I HAVE the honour to inclose a copy of a note which I have addressed to M. de Giers, calling his Excellency's attention to the delay which has occurred in meeting the application of Her Majesty's Government for certain documentary evidence in connection with the seizure of Canadian sealers in 1892, and expressing the hope that I may be favoured with the reply of the Imperial Government.

I have, &c.

(Signed) FRANK C. LASCELLES.

Inclosure in No. 59.

*Sir F. Lascelles to M. de Giers.*

M. le Ministre,

*St. Petersburg, August 27 (September 8), 1894.*

ON the 13th (25th) November of last year Mr. Howard had the honour of addressing a note to your Excellency, to communicate the request of Her Majesty's Government to be furnished with certain documentary evidence in connection with the seizure of Canadian sealers in 1892.

In the early part of December Mr. Howard reminded Count Kapnist that no reply had been received from the Russian Government on the subject, and shortly after my arrival at St. Petersburg I again brought the matter to the notice of Count Kapnist, who informed me, as he had previously on more than one occasion informed Mr. Howard, that the application had been forwarded to the Imperial Ministry of Marine, from whom no reply had yet been received.

I have been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to call your Excellency's attention to the delay which has occurred in meeting this application of Her Majesty's Government, and to express the hope that I may be favoured with the reply of the Imperial Government.

I avail, &c.

(Signed) F. LASCELLES.

No. 60.

*Colonial Office to Foreign Office.—(Received October 2)*

Sir,

*Downing Street, October 1, 1894.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Kimberley, a copy of a despatch from the Governor-General of Canada in regard to the measures to be taken by the Russian Government for the protection of maritime interests in their north-eastern territories and seas.

I am, &c.

(Signed) R. H. MEADE.

Inclosure I in No. 60.

*The Earl of Aberdeen to the Marquess of Ripon.*

My Lord,

*The Citadel, Quebec, September 10, 1894.*

WITH reference to your Lordship's despatch of the 23rd July last in regard to the measures to be taken by the Russian Government for the protection of maritime industries in their north-eastern territories, I have the honour to inclose copy of an approved Minute of the Privy Council, expressing the thanks of the Government for the information contained in your Lordship's despatch.

I have, &c.

(Signed) ABERDEEN.

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## Inclosure 2 in No. 60.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General in Council on the 4th September, 1894.*

THE Committee of the Privy Council have had under consideration a despatch, dated the 23rd July, 1894, from the Colonial Office, covering copy of a communication from Her Majesty's Representative at St. Petersburg, dated the 13th September, 1893, announcing the reported discussion in the Imperial Ministry of the Interior by the Governor-General of the Amur Provinces on the question of more energetic measures being taken for the protection of the whaling and other maritime industries of the north-eastern territories and seas of the Russian Empire, and more especially of the Russian coasts of the Okhotsk and Behring Seas against foreign poachers.

The Minister of Marine and Fisheries, to whom the despatch and inclosure were referred, states that it is asserted that every year some forty foreign ships, principally American, engage in illicit hunting off Chukotsk Peninsula, and that the extermination of whales and walrus, and other valuable species, is proceeding in Russian waters with great rapidity.

The Minister further states that he is unaware of any of Her Majesty's subjects in Canada frequenting the waters in question for the purposes mentioned, or, indeed, any of the Asiatic waters of the North Pacific Ocean, for any other purpose than pelagic sealing, and those engaged in that business do not, so far as he can ascertain, invade the territorial waters of any nation.

The Minister observes that it is, however, as Her Majesty's Representative surmises, interesting for your Excellency's Government to learn that the attention of the Russian Government has been called to the alleged irregularities committed by foreign ships, as it will enable them, in the event of any ships fitting out for operation in those waters, to warn them against encroachments of the kind reported.

The Minister further observes that he has read with great satisfaction the closing paragraph of Mr. Howard's communication, in which he states he used the term "territorial waters" because all the Russian Regulations for the protection of maritime industries can, as regards foreigners, only apply to such waters, M. Chichkine having told him, with reference to the Law for the protection of fur-seals of last year, that there was no question of extending Russian jurisdiction beyond territorial waters.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to convey to the Right Honourable the Principal Secretary of State for the Colonies the thanks of the Canadian Government for the information contained in the above-mentioned despatch.

The Committee, on the same recommendation, advise that a certified copy of this Minute, if approved, be forwarded to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

*Clerk of the Privy Council.*

## No. 61.

*Colonial Office to Foreign Office.—(Received December 31.)*

(Extract.)

*Downing Street, December 29, 1894.*

WITH reference to previous correspondence, I am directed by the Marquess of Ripon to inform you that a despatch has been received from the Governor-General of Canada relative to the Sealing Agreement with Russia.

The Canadian Government do not object to the terms of the Agreement so much as to the legislation for giving effect to it.

With regard to an objection to section 1 of the Imperial Act urged by the Dominion Government, Lord Ripon thinks that it might be met to some extent by limiting the power to detain or seize the vessel or her equipment to cases where the officer is satisfied that there has been an actual contravention of the Act.

His Lordship considers also that the provision of section 1, which throws on the master of a sealing-vessel found within the prohibited zone the onus of proving that he is there with innocent intent, might be omitted.

No such provision is inserted in the Behring Sea Act of this year, and his Lordship is satisfied that the masters of the sealing-vessels generally have no desire to risk their vessels by contravention of the arrangements, and that in view of the prevalence of fogs and currents in the seas in question, the provision throws an unfair burden on the master.

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No. 62.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, January 1, 1895.*

I AM directed by the Earl of Kimberley to state that, in his opinion, every precaution should be taken to insure, during the coming seal fishery season, a strict observance of the Agreement with Russia, and that it will be desirable to remind the masters of British sealing-vessels proceeding to the North Pacific that the Arrangement remains in force.

His Lordship therefore proposes, with the concurrence of the Secretary of State for the Colonies, to address a telegram to Her Majesty's Minister at Tôkiô, instructing him to inform Her Majesty's Consuls in Japan that British sealers should be warned, as in previous years, not to approach within the limits specified in the Agreement.

I am, &c.

(Signed) FRANCIS BERTIE.

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No. 63.

*Colonial Office to Foreign Office.—(Received January 8.)*

Sir,

*Dawning Street, January 7, 1895.*

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 1st instant, and to state that he concurs in the proposal of the Earl of Kimberley to instruct Her Majesty's Minister at Tôkiô to have a warning issued to masters of British sealing-vessels with the view of securing a strict adherence to the Agreement with Russia.

Lord Ripon presumes that the Foreign Office will communicate with the Admiralty in order that the officers commanding Her Majesty's ships may also warn any sealers whom they may meet.

I am to inquire whether Lord Kimberley has any information regarding the intentions of the United States' Government as to continuing their Agreement with Russia, and I am to observe that, in view of section 5 (6) of "The Seal Fishery (North Pacific) Act, 1893," fresh legislation in this country will become necessary before the 1st July.

As the sealers will shortly be starting, Lord Ripon proposes to telegraph to the Governor-General of Canada to remind his Government that the Agreement with Russia was continued until further notice, and to ask them to warn sealers clearing for the Russian side of the North Pacific.

I am, &c.

(Signed) EDWARD WINGFIELD.

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No. 64.

*The Earl of Kimberley to Mr. Trench.*

(Telegraphic.)

*Foreign Office, January 8, 1895, 6:45 p.m.*

SEAL Fishery Arrangement with Russia remains in force.

Her Majesty's Consuls should warn British sealing-vessels as before not to approach within the limits specified.

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## No. 65.

*Foreign Office to Admiralty.*

Sir, *Foreign Office, January 10, 1895.*  
 WITH reference to my letter of the 3rd March last, I am directed by the Earl of Kimberley to state, for the information of the Board of Admiralty, that the arrangement with Russia for the protection of fur-seals in the North Pacific remains in force.

Her Majesty's Minister at Tôkiô has been instructed, by telegraph, to warn masters of British sealing-vessels that the Agreement continues to be binding.

It is desirable that the Commanders of Her Majesty's ships should co-operate with any vessels of the Imperial Russian navy which may be detailed for the policing of the waters affected by the Agreement, and for seizing and dealing with sealers infringing it.

Lord Kimberley directs me to suggest that orders should be issued to them with that object, and that they should be instructed to warn the masters of any sealing-vessels which they may meet.

I am, &c.  
 (Signed) FRANCIS BERTIE.

## No. 66.

*Foreign Office to Colonial Office.*

Sir, *Foreign Office, January 10, 1895.*  
 WITH reference to your letter of the 7th instant, I am directed by the Earl of Kimberley to transmit to you, to be laid before the Marquess of Ripon, a paraphrase of a telegram addressed to Her Majesty's Minister at Tôkiô,\* informing him that, as the Agreement with Russia relative to the seal fisheries remains in force, British sealers should be warned, as in previous years, not to approach within the limits specified in the Agreement.

The Lords Commissioners of the Admiralty have been requested to instruct the Commanders of Her Majesty's ships to warn any British sealers whom they may meet, and also to co-operate with such vessels of the Russian Imperial navy as may be detailed for the patrol of the waters affected by the Agreement.

The Agreement between Russia and the United States, Article VI, provides that it may be terminated at will by either party upon giving notice to the other.

No intimation has been received of such notice being likely, but copies of this correspondence will be forwarded to Her Majesty's Ambassador at Washington, and his Excellency will be instructed to ascertain from Mr. Gresham whether the United States' Government have any intention of altering or terminating the arrangements by which they are at present bound.

I am to add that Lord Kimberley concurs in the telegram which Lord Ripon proposes to address to the Governor-General of Canada on the subject.

I am, &c.  
 (Signed) FRANCIS BERTIE.

## No. 67.

*The Earl of Kimberley to Sir J. Pannecote.*

Sir, *Foreign Office, January 11, 1895.*  
 I TRANSMIT to you copies of correspondence with the Colonial Office and Admiralty, and of a telegram to Her Majesty's Minister at Tôkiô,† relative to the measures necessary to insure, if possible, during the coming season, a strict adherence to the Agreement between Great Britain and Russia respecting the fur seal fisheries.

The Agreement between the United States and Russia provides Article 6 that it may be terminated at will by either party upon giving notice to the other.

No intimation has been received of such notice being likely, but it is desirable

that your Excellency should mention to Mr. Gresham the instructions issued with regard to British sealers, and that you should ascertain whether the United States' Government have any intention of altering or terminating the arrangements by which they are at present bound.

I am, &c.  
(Signed) KIMBERLEY.

No. 68.

*The Earl of Kimberley to Sir F. Lascelles.*

Sir, *Foreign Office, January 12, 1895.*  
I TRANSMIT to your Excellency copies of correspondence, as marked in the margin,\* relative to the measures necessary to insure, if possible, during the coming season, a strict adherence to the Agreement between Great Britain and Russia respecting the fur-seal fisheries.

I request that your Excellency will take an opportunity of communicating to M. de Giers the instructions issued by Her Majesty's Government, and of inquiring whether any vessels of the Russian Imperial navy will be detained this year for the patrol of the waters affected by the Agreement.

I am, &c.  
(Signed) KIMBERLEY.

No. 69.

*Colonial Office to Foreign Office.—(Received January 16.)*

Sir, *Downing Street, January 15, 1895.*  
I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Kimberley, with reference to the letter from your Department of the 10th instant, a copy of a telegram from the Secretary of State for the Colonies on the subject of the Agreement with Russia regarding the seal fisheries.

I am, &c.  
(Signed) R. H. MEADE.

Inclosure in No. 69.

*The Marquess of Ripon to the Earl of Aberdeen.*

(Telegraphic.)

*Downing Street, January 12, 1895, 5:25 p.m.*

AS Russian Sealing Agreement was renewed until further notice, Her Majesty's Government would be obliged if your Ministers would remind sealers that Agreement is in force still.

No. 70.

*Admiralty to Foreign Office.—(Received January 18.)*

Sir,

*Admiralty, January 17, 1895.*

WITH reference to your letter of the 10th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State, that the following telegrams have been sent to the Commanders-in-chief on the China and Pacific Stations respectively:—

\* Nos. 62, 63, 64, 65, 66, and 67.

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To *Commander-in-chief at Chefoo.*

"Admiralty, January 17, 1895.

"Sealing arrangements with Russia, and instructions 1893, remain in force next season. Arrange accordingly."

To *Commander-in-chief at Callao.*

"Admiralty, January 17, 1895.

"Sealing arrangements with Russia, and instructions 1893, remain in force next season. Arrange accordingly."

I am, &c.

(Signed) EVAN MACGREGOR.

No. 71.

*Sir F. Lascelles to the Earl of Kimberley.*—(Received February 1.)

My Lord,

*St. Petersburg, January 23, 1895.*

I HAVE the honour to transmit herewith a copy of the note which, in compliance with the instructions contained in your Lordship's despatch of the 12th instant, I have addressed to M. de Giers, communicating to his Excellency the instructions issued by Her Majesty's Government to insure, as far as possible, during the coming season, a strict adherence to the Agreement between Great Britain and Russia respecting the fur-seal fisheries, and inquiring whether any vessels of the Russian Imperial navy would be detailed this year for the patrol of the waters affected by the Agreement.

I have, &c.

(Signed) FRANK C. LASCELLES.

Inclosure in No. 71.

*Sir F. Lascelles to M. de Giers.*

M. le Ministre,

*St. Petersburg, January 9 (21), 1895.*

I HAVE the honour, in obedience to the instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, to take this opportunity of communicating to your Excellency the instructions issued by Her Majesty's Government to insure, as far as lies in their power, during the coming season, a strict adherence to the Agreement between Great Britain and Russia respecting the fur-sealing fisheries in the North Pacific.

Her Majesty's Minister at Tôkiô has been instructed, by telegraph, to issue through Her Majesty's Consuls a warning to masters of British sealing-vessels not to approach within the limits specified in the Agreement. The requisite steps have likewise been taken to ask the Governor-General of Canada to warn British sealers clearing for the Russian side of the North Pacific; the Commanders of Her Majesty's ships will further be instructed to convey a warning to the masters of any sealing-vessels which they may meet, and to co-operate with any vessels of the Imperial Russian navy which may be detailed for the policing of the waters in question.

In communicating the above to your Excellency, I am further requested to inquire whether any vessels of the Russian Imperial navy will be dispatched this year for the patrol of the waters affected by the Agreement.

I avail, &c.

(Signed) FRANK C. LASCELLES.

No. 72.

*Sir J. Pauncefote to the Earl of Kimberley.*—(Received February 2.)

My Lord,

*Washington, January 24, 1895.*

WITH reference to your Lordship's despatch of the 11th instant, inclosing copies of correspondence relative to the measures necessary to insure, if possible, during



the coming season, a strict adherence to the Agreement between Great Britain and Russia respecting the fur-seal fisheries, and instructing me to ascertain whether the United States' Government have any intention of altering or terminating the similar arrangement between the United States and Russia, I have the honour to inform your Lordship that the Secretary of State assures me that the United States' Government have no present intention of altering or modifying that arrangement. In accordance with your Lordship's direction, I mentioned to Mr. Gresham the instructions issued with regard to British sealers.

I have, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 73.

*Sir F. Lascelles to the Earl of Kimberley.—(Received February 4.)*

My Lord,

*St. Petersburg, January 26, 1895.*

WITH reference to Mr. Howard's despatch of the 19th July last and to previous correspondence respecting the seizure of Canadian sealers in 1892, I have the honour to transmit herewith to your Lordship a copy of a note which I have received from M. Chichkine, inclosing the logs of the schooners "Vancouver Belle" and "Carmolite," copies of the Protocols relating to the seizure of these vessels, copies of the sentences of confiscation, an extract from the Report of the Commander of the squadron in the Pacific concerning the seizure of the "Carmolite," an extract from the Report of the Commander of the "Zabiaka" concerning the seizure of the "Vancouver Belle," and, lastly, a copy of a map drawn up at the Russian Admiralty, indicating, according to Russian and English data, the place where the seizures were effected.

The above map is furnished, as no charts were found on board the seized schooners, and it is requested that the log-books may eventually be returned.

M. Chichkine concludes by stating that the competent local authorities have been instructed to communicate to the Imperial Ministry the documents concerning the seizure of the "Rosie Olsen" and the "Marie" (these papers being still in the possession of the Vladivostock Prize Court), and that as soon as they have been received they will be forwarded to Her Majesty's Embassy.

I have, &c.  
(Signed) FRANK C. LASCELLES.

Inclosure in No. 73.

*M. Chichkine to Sir F. Lascelles.*

M. l'Ambassadeur,

*Saint-Petersbourg, le 11 (23) Janvier, 1895.*

EN réponse à la note de votre Excellence du 22 Août (8 Septembre), j'ai l'honneur de vous faire parvenir ci-joint les documents se rapportant à la saisie opérée par nos croiseurs dans la Mer de Behring des schooners Canadiens "Vancouver Belle" et "Carmolite," se livrant à la pêche aux phoques à fourrure dans nos eaux, documents dont Mr. Howard nous avait demandé la communication par sa note du 13 (25) Novembre, 1893. Ce dossier se compose des pièces suivantes :—

- 1 et 2. Les journaux de bord des deux schooners susmentionnés ;
- 3 et 4. Des copies des Protocoles de saisie des dits bâtiments ;
- 5 et 6. Des copies de l'arrêt de leur confiscation ;
7. Un extrait du Rapport du Chef de l'Escadre du Pacifique concernant la saisie du schooner "Carmolite ;"
8. Un extrait du Rapport du Commandant du "Zabiaka" concernant la saisie du schooner "Vancouver Belle ;"
9. La copie d'une carte dressée par l'État-Major de la Marine Impériale, et indiquant, d'après les données Russes et Anglaises, le point où les saisies ont été opérées.

Le Ministère de la Marine croit devoir communiquer cette dernière pièce, aucune carte n'ayant été trouvée à bord des schooners saisis. En nous envoyant tous les documents précités, il demande que les livres de bord qui en font partie puissent nous

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être restitués après que le Gouvernement Britannique en aura pris connaissance, demande que je me fais un devoir de transmettre à votre Excellence.

Quant aux pièces qui se rapportent à la saisie de la "Rosie Olsen" et de la "Marie," et se trouvant entre les mains du Tribunal de Prises de Vladivostock, le Ministère Impérial en a demandé communication aux autorités locales compétentes, et ne manquera pas de vous les faire tenir aussitôt qu'elles lui seront parvenues.

En vous informant de ce qui précède, je saisis, &c.,

(Signé) CHICHIKINE.

No. 74.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, February 9, 1895.*

I AM directed by the Earl of Kimberley to transmit to you, to be laid before the Marquess of Ripon, a despatch from Her Majesty's Ambassador at St. Petersburg, transmitting a note from M. Chichikine,\* in which he incloses documents relative to the seizure of some of the Canadian sealing-vessels in Behring Sea by Russian cruisers in 1892.

The papers relating to the seizure of the "Rosie Olsen" and the "Marie" will also be communicated as soon as they are received from the authorities at Vladivostock, who have been instructed to communicate them to the Imperial Ministry.

I am, &c.  
(Signed) FRANCIS BERTIE.

No. 75.

*Colonial Office to Foreign Office.—(Received March 7.)*

Sir,

*Downing Street, March 6, 1895.*

I AM directed by the Marquess of Ripon to state, for the information of the Earl of Kimberley, that the amendments which he thinks should be made in "The North Pacific Seal Fishery Act, 1893," are in sub-section (1) of section 1, and in sub-section (6) of section 1.

The latter sub-section should, he thinks, be entirely omitted, and for the last clause of the former he would suggest the substitution of some such words as "if he is satisfied that the vessel has been used or employed in contravention of this Act."

With regard to the question of the general right of search over sealing-vessels within the prohibited zone, I am to observe that as sealing is entirely prohibited throughout the year within the zone, the presence of a vessel equipped for sealing raises a natural presumption against her which can only be substantiated or removed by investigation.

To remove the general liability to search within the zone, and to allow a vessel only to be interfered with when caught *flagrante delicto*, would, his Lordship fears, offer a temptation to evasion and contravention of the Act, and would afford reasonable grounds for suspicion that Her Majesty's Government did not desire its effective execution.

He is not, therefore, prepared to recommend any modification of the Act in this respect.

With regard to sub-section (1) of section 3, I am to observe that his Lordship does not see how it can be omitted or altered without creating insuperable obstacles to the prosecution of a vessel seized by a Russian cruiser.

I am to add that with the view of collecting information which would be of use in the discussion of the general Regulation of the seal fishery, it is for consideration whether power should not be taken by an amendment of sub-section (2) of section 1 of the Act to require all sealing-vessels to make the entries in their logs as to the place and date of each sealing operation, &c., required by Nos. 5 and 6 of the Award Regulations, and also to prohibit the use of wasteful and destructive weapons, such as rifles, in the killing of seals.

Any such Regulations could not of course be enforced this year, and the Canadian Government would probably object to them being imposed on British vessels unless they were also imposed on United States' vessels, but a general power to impose such Regulations might be obtained, so that it could be at once enforced if agreed to by the United States and the other nation interested.

Lord Ripon would be glad to have an opportunity of seeing the Bill in draft before it is introduced into Parliament.

I am, &c.  
(Signed) R. H. MEADE.

No. 76.

Memorandum forwarded to the Colonial Office by the Governor-General of Canada, and communicated to the Foreign Office, March 20.

BY the Agreement with Russia Great Britain engages—

1. To prohibit, during the time specified, her subjects from *killing or hunting seal within certain zones.*

2. British vessels engaged in *hunting seals within the limits*, outside territorial waters, may be seized by Russian cruisers and handed over to British authority.

3. To bring to trial the British vessels which may be seized *as having been engaged in sealing within the prohibited zones.*

The engagement is entered into without prejudice to the rights and position of either Power. The only offences, then, under the Agreement, and which appear to be contemplated by its terms, are:—

*Killing, taking, or hunting, or attempting to kill, take, or hunt seals within the zones specified.*

The right of passage, or any other right possessed by a British ship on the high seas, are in no way affected.

The Admiralty instructions to Her Majesty's ships for their guidance under the arrangement begin by explaining that British cruisers are to co-operate with the Russian naval vessels in preventing persons belonging to British ships from *killing or hunting seals* during the period and within the specified zones.

Section 2 directs: "British ships likely to be affected should be warned that they will be liable to capture if found *killing or hunting seals within those zones.*"

Section 3 reads: "If any person belonging to a British ship kills, takes, hunts, or attempts to kill or take any seal during the said period, within the said zones, or if any British ship, or the equipment or crew thereof, is or are used or employed in such killing, taking, hunting or attempt, a British or a Russian cruiser may stop and examine the ship."

So far, the instructions appear to conform to the obligations under the Agreement, for, although a vessel may be stopped and examined, it would still appear that this could only be done in the event of the vessel, her equipment or crew, was, or were, being used or employed in killing, taking, or hunting seals, or attempting to do so, during the period and within the limit specified.

"The Seal Fishery (North Pacific) Act, 1893," was designed solely to give effect to the Agreement.

It provides—

"(a.) A person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take any seal during the period and within the seas specified by the Order; and

"(b.) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt."

Penalties are provided for these specific offences, and they appear to constitute the only offences recognized by the terms of the Agreement.

Sub-section 4 of section 1 of the Act, however, enacts:—

"Any commissioned officer on full pay in the Naval Service of Her Majesty the Queen shall have power, during the period and in the seas specified by the Order, to stop and examine a British ship, and to detain her, or any portion of her equipment, or any of her crew, if, in his judgment, the ship is being or is prepared to be used or employed in contravention of this section."

Similar power is conferred upon Russian officers.

Sub-section 6 of section 1 enacts:—

"If, during the period and within the seas specified by the Order, a British ship is found having on board thereof fishing or shooting implements, or seal-skins, or bodies of seals, it shall lie in the owner or master of such ship to prove that the ship was not used or employed in contravention of this Act."

Obviously, any ship equipped for a sealing voyage may be said not only to be preparing, but to be at all times prepared to take seals.

Until she has taken seals in an illegal manner, or in protected areas, she should not become liable, and no offence should be assumed against her.

She is regularly cleared at Customs, and licensed for the sole purpose of prosecuting a sealing voyage in the North Pacific Ocean.

She is manned and equipped accordingly, and among her equipment are necessarily the requisite implements for sealing.

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She may be legally within the zone for other purposes than those prohibited by the Agreement or legislation, and the fact of her being a sealing-vessel in no way impairs her right of passage through the zone from point to point, where the operations for which she is licensed are restricted by no law or regulation.

At all times and in every locality during her voyage from America to Asia, every sealing-vessel must necessarily and properly have implements, seal-skins, and bodies of seals on board, as an absolute condition of the industry in which she is engaged.

Hence it would appear to be somewhat exacting that such proof should devolve upon the master in the light of the fact that the possession of these articles, even at the time or within the limit, is not an offence against the Agreement with Russia.

During the year 1893 four British vessels were seized and brought to trial: two at Yokohama, and two at Victoria.

In the cases of three of these vessels the learned Judges decided that the masters had clearly discharged the presumption raised against them by their mere presence within the zone, and dismissed the suits.

In the other case, that of the schooner "Minnie," the vessel was condemned.

In every one of these cases the vessels were seized for mere presence within the zone, and no other offence was charged against them.

It was fortunate for those vessels which were acquitted that circumstances were such as to justify the opinion of the Courts that the *prima facie* case presumed against them had been removed. Otherwise these vessels, innocent of evil intent, would have been condemned in addition to having their voyages broken up.

It was not proven that the "Minnie" had committed a breach of the Agreement or Act. She was condemned merely through the absence of sufficient proof of innocent intention to remove the presumption raised by her presence in certain waters, which constituted a *prima facie* case against her. The Judge had no alternative.

In respect of the vessels which, after having stood their trial, and been adjudged innocent of any evil-doing, it may be said that although their voyages were thus utterly broken up, they had no recourse whatever, their counter-cases being dismissed by the respective Courts as unsustainable under the conditions of the Act.

The case of the "Minnie," which vessel was not shown to have committed an offence, is still a harsher one, and it is contended that British ships should not be subjected to such far-reaching disaster and embarrassment, because it is considered expedient to provide certain protection to seal life.

Where is conciliation to find its limit if the relinquishment of such time-honoured and recognized rights is made to depend upon the question of expediency?

The foregoing remarks treat of some of the practical effects of existing arrangements, but there is another aspect of the question, dealt with in connection with the machinery provided under the Behring Sea Award, which, in principle, is of infinitely more vital importance, since it involves the admission of the right of search over all ships at sea flying the British flag, and the seizure thereof, on the shallow pretext of mere suspicion.

Ottawa, January 5, 1894.

## No. 77.

*Amendments in "Seal Fishery (North Pacific) Act, 1893," suggested by the Governor-General of Canada.—(Communicated by the Colonial Office to the Foreign Office, March 20.)*

### SEAL FISHERY (NORTH PACIFIC) ACT, 1893.

### PROPOSED BILL.

56 VICT.—CAP. 23.

[Note.—The italics signify that the portions so printed are situated in the proposed Bill.]

[Note.—The portions printed in small type are substituted for and added to the present Act.]

*An Act to provide for prohibiting the Catching of Seals at certain periods in Behring Sea and other parts of the Pacific Ocean adjacent to Behring Sea.*

*An Act to provide for prohibiting the Catching of Seals at certain periods in Behring Sea and other parts of the Pacific Ocean adjacent to Behring Sea.*

Whereas it is expedient to extend "The Seal Fishery (Behring Sea) Act, 1891," to other waters of the North Pacific Ocean adjacent to Behring Sea, and for that purpose to repeal and re-enact that Act:

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Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1.) Her Majesty the Queen may, by Order in Council, prohibit, during the period specified by the Order, the catching of seals by British ships in such parts of the seas to which this Act applies as are specified by the Order.

(2.) While an Order in Council under this Act is in force—

(a.) A person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take any seal during the period and within the seas specified by the Order; and

(b.) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of "The Merchant Shipping Act, 1854," and the ship and her equipment, and everything on board thereof, shall be forfeited to Her Majesty as if an offence had been committed under section 102 of the said Act, and the provisions of sections 103 and 104 and Part X of the said Act, and of section 34 of "The Merchant Shipping Act, 1876" (which are set out in the Schedule to this Act), shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act, and any commissioned officer on full pay in the Naval Service of Her Majesty the Queen may seize the ship's certificate of registry.

(4.) Any commissioned officer on full pay in the Naval Service of Her Majesty the Queen shall have power during the period and in the seas specified by the Order to stop and examine any British ship, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being, or is preparing to be, used or employed in contravention of this section.

(5.) For carrying into effect an arrangement with any foreign State, an Order in Council under this Act may provide that such officers of that State as are specified in the Order may exercise the like powers under this Act as may be exercised by such a commissioned officer as aforesaid in relation to a British ship, and the equipment and crew and certificate thereof, and that such British officers as are specified in the Order may exercise, with the necessary modifications, the powers conferred by this Act in relation to a ship of the said foreign State, and the equipment and crew and papers thereof.

(6.) If during the period and within the seas specified by the Order a British ship is found having on board thereof fishing or shooting implements or nets-kilts or bodies of nets, it shall be on the owner or master of such ship to prove that the ship was not used or employed in contravention of this Act.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1.) Her Majesty the Queen may, by Order in Council, prohibit, during the period specified by the Order, the catching of seals by British ships in such parts of the seas to which this Act applies as are specified by the Order.

(2.) While an Order in Council under this Act is in force—

(a.) A person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take any seal during the period and within the seas specified by the Order; and

(b.) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of "The Merchant Shipping Act, 1854," and the ship and her equipment, and everything on board thereof, shall be forfeited to Her Majesty.

(4.) In order that the above provisions as to forfeiture may be carried into effect, it shall be lawful for any commissioned officer on full pay in the Military or Naval Service of Her Majesty, or any officer of Customs in Her Majesty's dominions, or any British Consular officer, to seize and detain any ship which is being employed in contravention of this Act, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any Court having Admiralty jurisdiction in Her Majesty's dominions; and such Court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

(5.) No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whatsoever in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the Judge or Court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if on such grounds are shown, such Judge or Court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

(6.) Part X of "The Merchant Shipping Act, 1854," and of section 34 of "The Merchant Shipping Act, 1876" (which are set out in the Schedule to this Act) shall apply as if they were herein re-enacted and in terms made applicable to an offence and forfeiture under this Act, and any commissioned officer on full pay in the Naval Service of Her Majesty the Queen may seize the ship's certificate of registry.

(7.) Any commissioned officer on full pay in the Naval Service of Her Majesty the Queen shall have power, during the period and in the seas specified by the Order, to stop and examine any British ship, and to detain her, or any portion of her equipment, or any of her crew, if the ship is being used or employed in contravention of this section.

(8.) For carrying into effect an arrangement with any foreign State, an Order in Council under this Act may provide that such officers of that State as are specified in the Order may exercise the like powers under this Act as may be exercised by such a commissioned officer as aforesaid in relation to a British ship, and the

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equipment and crew and certificate thereof, and that such British officers as are specified in the Order may exercise, with the necessary modifications, the powers conferred by this Act in relation to a ship of the said foreign State, and the equipment and crew and papers thereof.

2.—(1) Where an officer has power under this Act to seize a ship's certificate of registry, he may either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case may direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British Court having authority to adjudicate in the matter, and if this direction is not complied with, the master of the ship shall, without prejudice to any other liability, be liable to a fine not exceeding 100*l*.

(2) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any British officer of Customs or British Consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3.—(1) A statement in writing, purporting to be signed by an officer having power in pursuance of this Act to stop and examine a ship, as to the circumstances under which or grounds on which he stopped and examined the ship, shall be admissible in any proceedings, civil or criminal, as evidence of the facts or matters therein stated.

(2) If evidence contained in any such statement was taken on oath in the presence of the person charged in the evidence, and that person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer making the statement may certify that the evidence was so taken, and that there was such opportunity as aforesaid.

4.—(1) Her Majesty the Queen in Council may make, revoke, and alter Orders for the purpose of this Act, and every such Order shall be forthwith laid before both Houses of Parliament, and published in the "London Gazette."

(2) Any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of this Act.

5.—(1) This Act shall apply to the animal known as the fur-seal, and to any marine animal specified in that behalf by an Order in Council under this Act, and the expression "seal" in this Act shall be construed accordingly.

(2) This Act shall apply to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts of the Pacific Ocean as are north of the 42nd parallel of latitude.

(3) The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

(4) This Act may be cited as "The Seal Fishery (North Pacific) Act."

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(3) The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

(4) This Act may be cited as "The Seal Fishery (North Pacific) Act, 1893."

(5.) "The Seal Fishery (Behring Sea) Act, 1891," is hereby repealed, but any Order in Council in force under that Act shall continue as if it had been made in pursuance of this Act.

[NOTE.—Schedule not printed.]

(5.) "The Seal Fishery (Behring Sea) Act, 1891," is hereby repealed, but any Order in Council in force under that Act shall continue as if it had been made in pursuance of this Act.

[NOTE.—Schedule amended to agree with sub-sections 4 and 5 of section 1 of this Bill.]

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Conservance respecting the Agreement with  
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[In continuation of "Russia No. 3 (1893) :— C. 7029 ]

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*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. June 1895.*

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RUSSIA. No. 1 (contd).

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Correspondence respecting the Agreement with  
Russia relative to the Seal Fishery in the North

