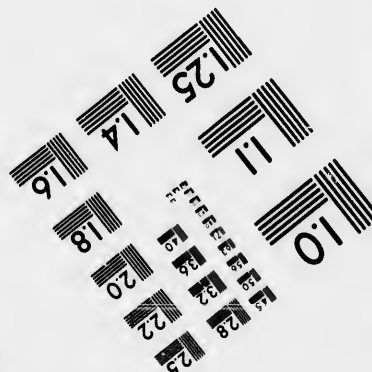
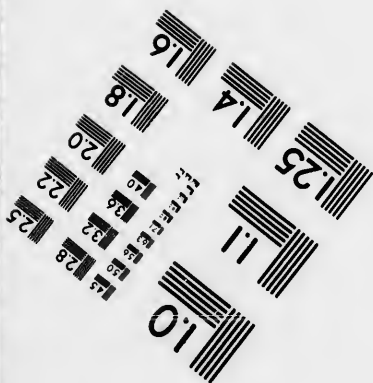
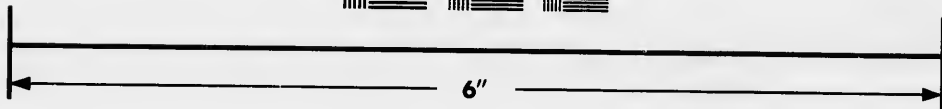
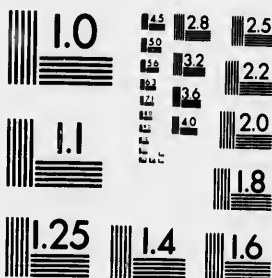


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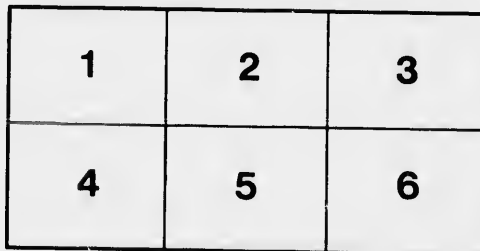
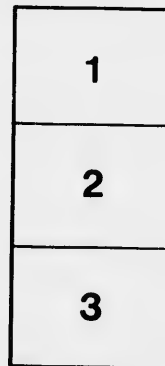
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MEMORIAL
OF
THE OWNERS

OF SEALING SCHOONERS

Respecting Regulations Restricting their Business

TUPPER PETERS & POTTS,

Victoria, B. C.,

Solicitors for the Petitioners.

To His Excellency the Governor-General
of Canada in Council.

THE PETITION of the UNDERSIGNED owners and agents
of the sealing fleet of Victoria in the Province of British Columbia.

HUMBLY SHEWETH:

Your Petitioners desire to call attention to the award of the Tribunal of Arbitration constituted under Article (1) of the Treaty concluded at Washington on the 29th of February 1892 between Her Britannic Majesty and the United States of America. This award *inter alia* provided as follows:—

“And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, we, the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles, do decide and determine in the mode provided by the Treaty, that the following concurrent Regulations outside the jurisdictional limits of the respective governments are necessary, and that they should extend over the waters hereinafter mentioned, that is to say:

Article 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively, to kill, capture or pursue at any time and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles around the Pribyloff islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

Article 2. The two Governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article 1 of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.



Article 3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars or sails, as are in common use as fishing boats.

Article 4. Each sailing vessel authorized to fish for fur-seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Article 5. The Masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seal captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

Article 6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring Sea during the season when it may be lawfully carried on.

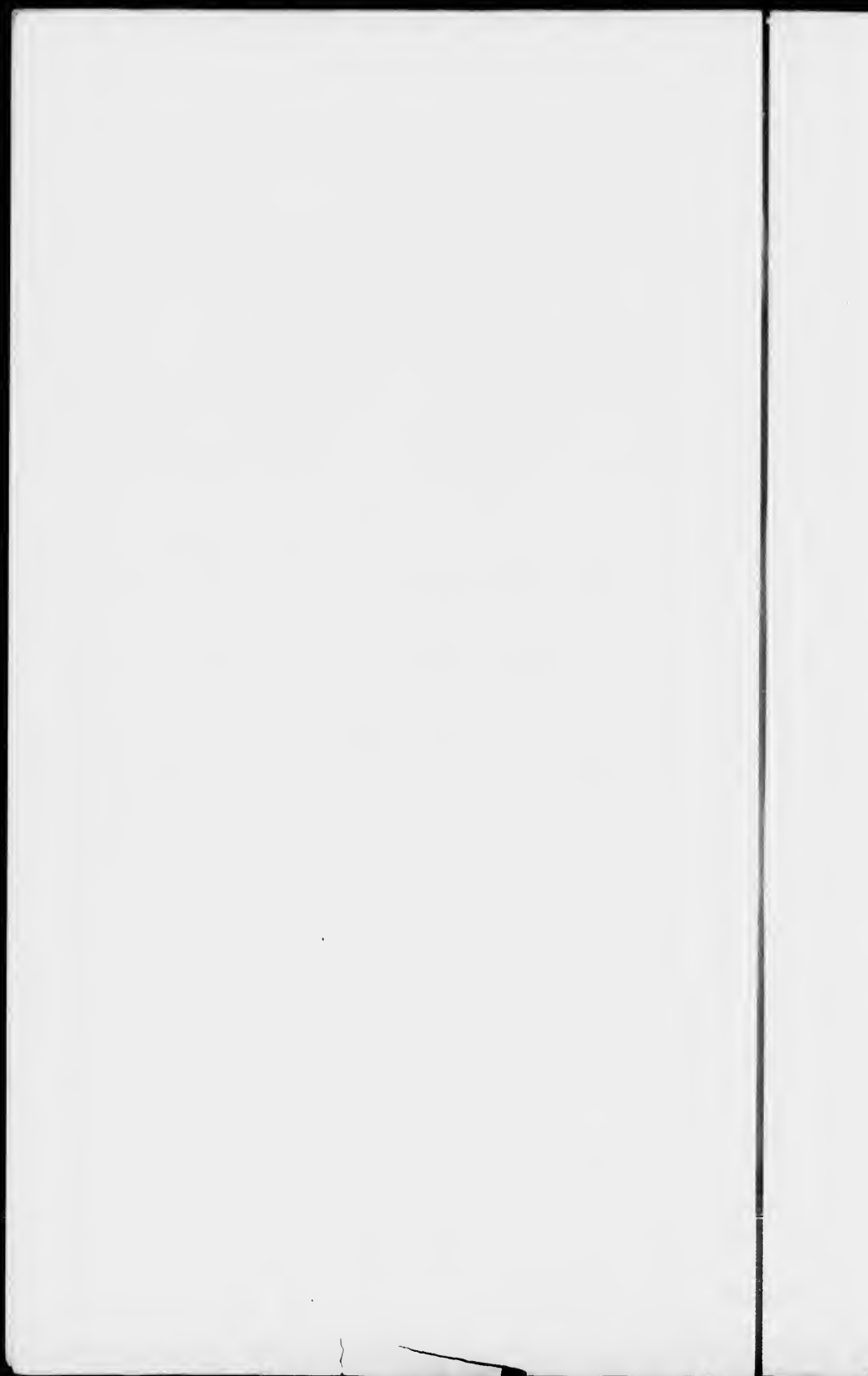
Article 7. The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Article 8. The Regulations contained in the preceding Articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea, or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

Article 9 of the said award provided that these Regulations should remain in force until they were in whole or in part abolished or modified by common agreement between the Governments of the United States and of Great Britain, and that these Regulations should be submitted every five years to a new examination so as to enable both interested Governments to consider whether in the light of past experience there was occasion for any modification thereof.



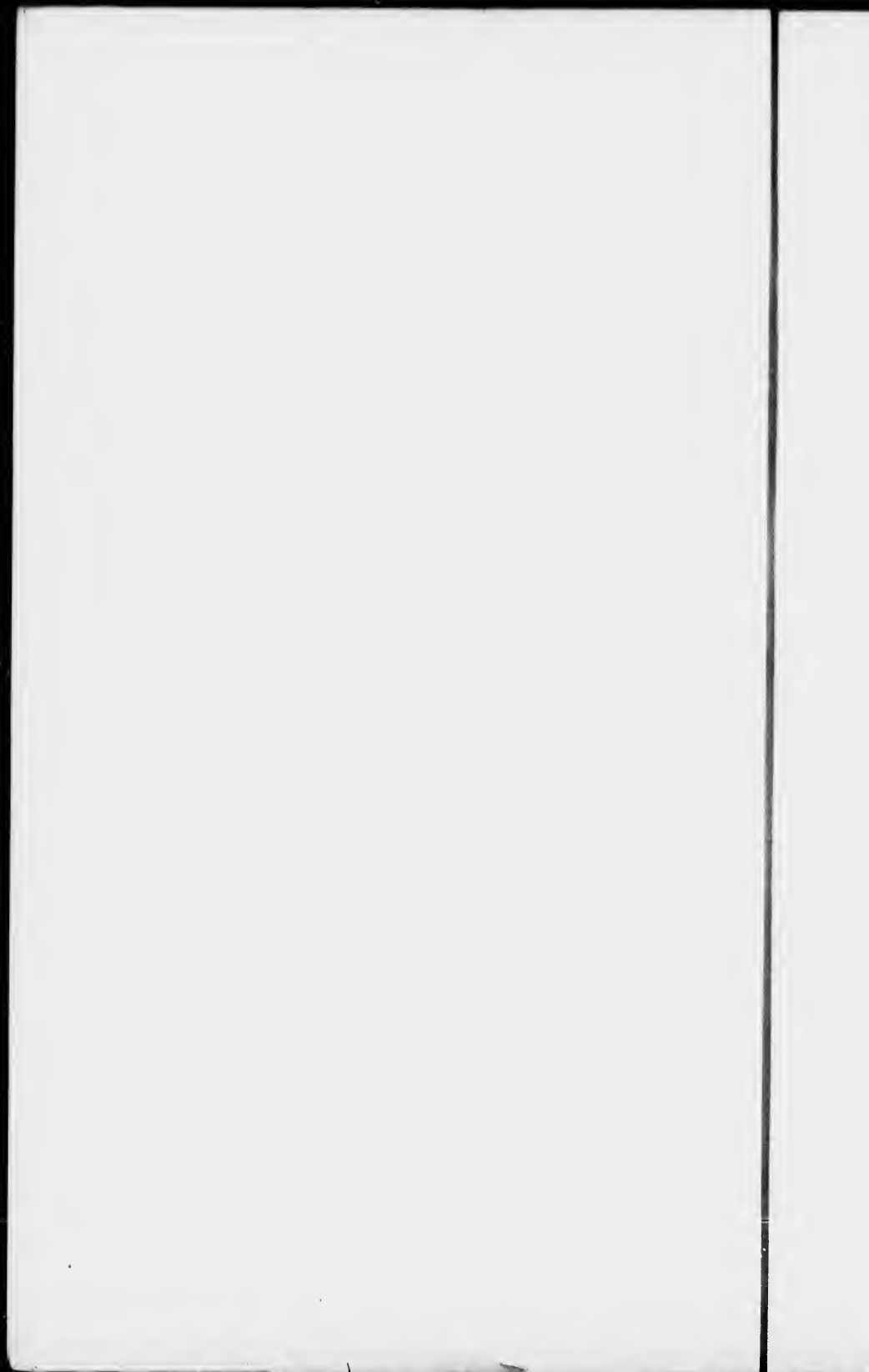
Your Petitioners would refer to the legislation of the Imperial Parliament which was passed for the purpose of carrying out the provisions of the said Award, to the Orders in Council and to the instructions to cruisers, which have been adopted by the British authorities under this legislation, and to the extraordinary extensions of the Regulations prescribed by the Paris award, which have been conceded under Imperial legislation, Orders in Council and instructions.

Your Petitioners would refer in this connection to the reports of the Marine and Fisheries Department of the Dominion of Canada and to the despatch from the Right Honourable the Secretary of the Colonies to the Most Honourable the Principal Secretary of State of Foreign Affairs, where it is said, "The extent to which British sealing vessels have been unnecessarily harassed by the United States patrol vessels during 1895 and 1896 may be judged from the fact that in 1894, when the British sealing fleet numbered only twenty-two vessels, thirty-six boarding operations were performed, an average of one and one-half per vessel, while in 1895 when a fleet of forty British vessels was engaged, the number of boardings rose to 183, an average of four and a half per vessel, and in 1896 the British fleet of fifty-seven vessels was subjected in Behring Sea alone to 171 boardings by the United States patrol, an average of three times per vessel. If it is borne in mind that at each boarding operation by United States vessels the whole catch is pulled out of the salt in which it is packed, and each skin carefully examined, and then left to be re-salted and re-packed by the crew of the sealing vessel, some idea may be formed of the extent to which the operations of the sealing fleet are subjected to active obstruction, in addition to the loss caused through the effect of the constant movements of the steam-patrol vessels in sealing the seals. In addition, most of the vessels were boarded one or more times by Her Majesty's ships."

Your Petitioners are able to testify to numerous instances where instructions issued by both Governments concerned to the ships of war and revenue cutters, have permitted an enforcement of the Regulations under the award to be carried out in a most severe and unjust manner, no regard being had to special circumstances, nor indeed to the usual incidents in all marine voyages, such as stress of weather, fogs, adverse winds, currents and accidents, over which no mariner however skillful is able to exercise successful control.

If the interpretation of the award be such that mutual consent is a condition precedent to the modification or change of the Regulations aforesaid, Your Petitioners submit that the time has arrived when such consent should be obtained.

If it be found impossible to obtain the consent of the United States to a modification of the Regulations under the award, Your Petitioners submit in view of the facts referred to in the foregoing paragraphs of this Petition, the Imperial Authorities should be moved to review the Imperial Legislation, Orders in Council and instructions aforesaid, so as to relieve as far as possible Your Petition-



ers from the danger of the unjust and severe treatment referred to in the foregoing paragraphs, and that consistent with all good faith under the Award, instructions should be so drawn and arrangements so made that Your Petitioners would not as now be harassed by having their voyages interrupted and their business injured through advantage being taken of the accidents aforesaid, notwithstanding every effort to observe the spirit and the letter of the Regulations as prescribed.

Your Petitioners respectfully represent that the time has come when the Imperial authorities should withdraw the concessions granted at their expense and to their detriment and loss to the authorities of the United States, including the right to visit and search sealing vessels in Behring Sea when outside of the ordinary territorial limits.

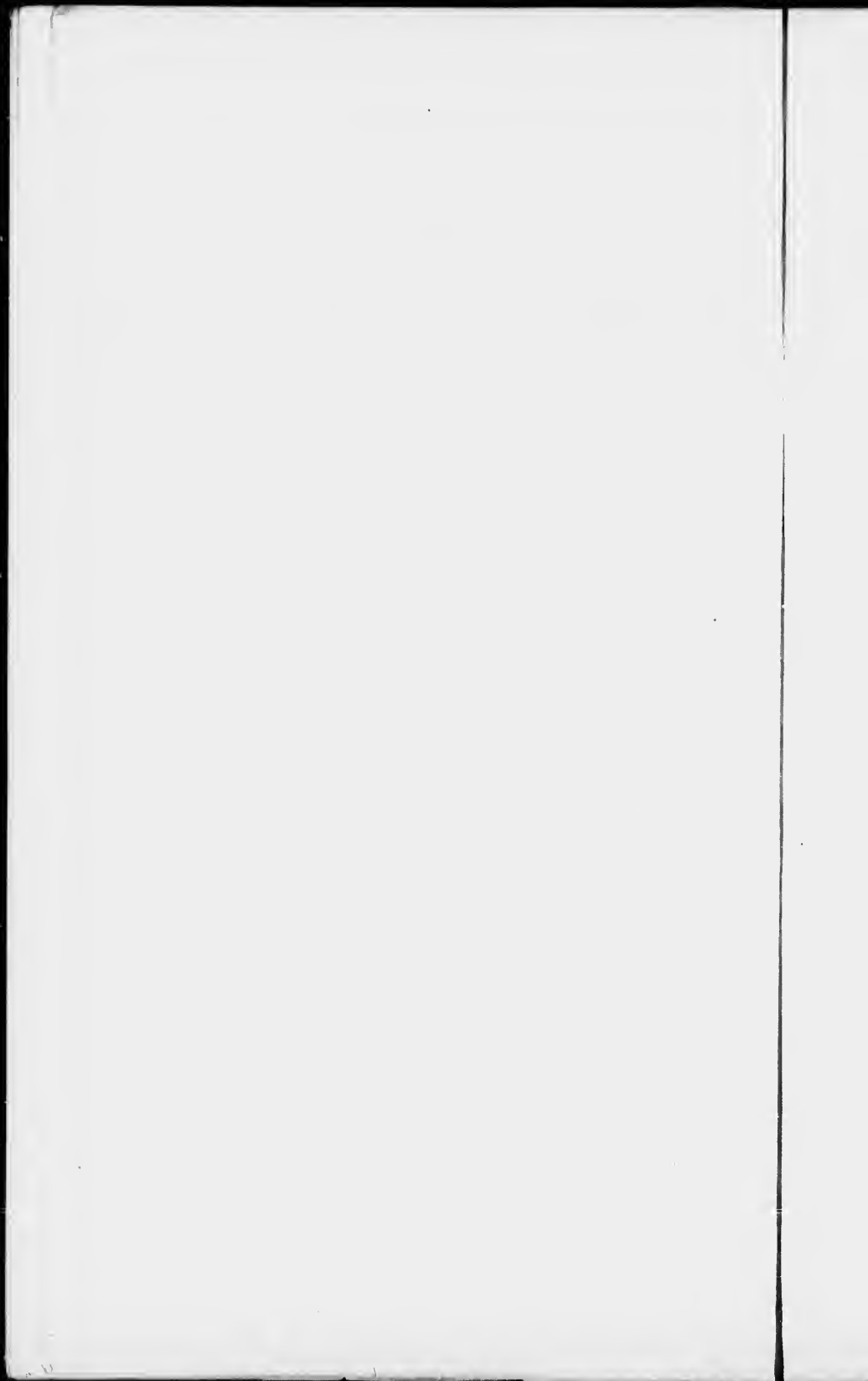
Your Petitioners submit that the time has come when the Imperial authorities should withdraw all concessions and privileges heretofore granted in addition to the provisions of the Paris Award, except the right on the part of the proper vessels of the United States to take and seize British sealing vessels when guilty of an infraction of any Regulation prescribed by the Paris Award.

If it be possible, your Petitioners desire: (a) That the 60 mile zone under the Paris Award should be reduced to 30; (b) That the season on the coast should be extended to the 1st of June; (c) That any vessel found inside the zone of prohibited water should not be arrested or interfered with unless actually engaged in catching seals; (d) Failing the provision last aforesaid that any vessel arrested within the zone and not caught in the act shall enjoy the usual presumptions of innocence, and be allowed the benefit of the usual marine exceptions as aforesaid, such as stress of weather, fogs, adverse winds, currents and accidents.

Your Petitioners desire to state that this Memorial is not to be considered as in any way interfering with the former petition presented in their behalf.

And Your Petitioners, as in duty bound, will ever pray, etc.,

Dated at Victoria, B. C. this 15th day of November, 1898.



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