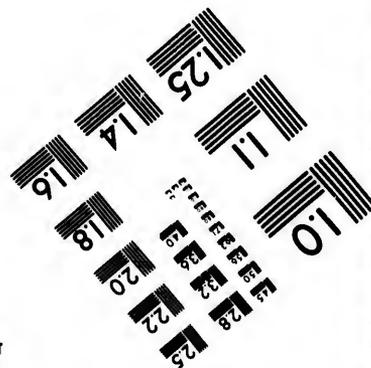
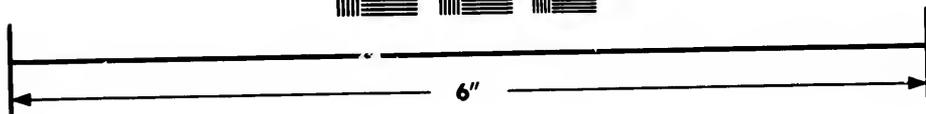
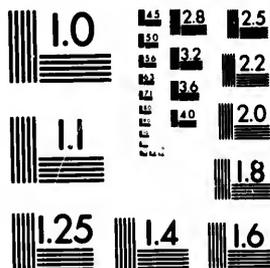


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0
4.5

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

1.0
1.1
1.2
1.5
1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0
4.5

© 1981

Technical and Bibliographic Notes/Notes techniques et bibliographiques

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

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

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

- Coloured pages/
Pages de couleur
- Pages damaged/
Pages endommagées
- Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached/
Pages détachées
- Showthrough/
Transparence
- Quality of print varies/
Qualité inégale de l'impression
- Includes supplementary material/
Comprend du matériel supplémentaire
- Only edition available/
Seule édition disponible
- Pages wholly or partially obscured by errata
slips, tissues, etc., have been refilmed to
ensure the best possible image/
Les pages totalement ou partiellement
obscurcies par un feuillet d'errata, une pelure,
etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible.

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

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

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

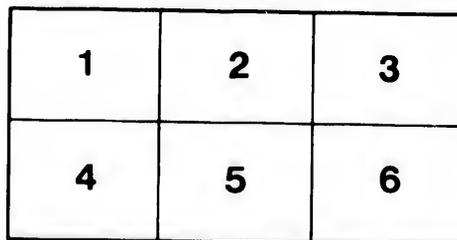
Library Division
Provincial Archives of British Columbia

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

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

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

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



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

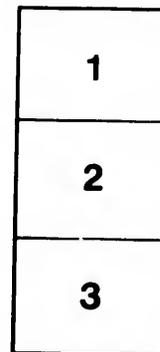
Library Division
Provincial Archives of British Columbia

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

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

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

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



errata
l to
t
e pelure,
on à

EAT BR

SUBM

BRITISH

THE E

Sign

Ratifica

Presented to

PRINTED

BY

And to
EYRE &

JOHNSON

'ON

C.—8101.]

TREATY SERIES. No. 10.

1896.

CONVENTION

BETWEEN

THE GREAT BRITAIN AND THE UNITED STATES

FOR THE

SUBMISSION TO ARBITRATION OF
BRITISH CLAIMS IN CONNECTION WITH
THE BEHRING SEA SEAL FISHERY.

Signed at Washington, February 8, 1896.

Ratifications exchanged at London, June 3, 1896.

*Presented to both Houses of Parliament by Command of Her Majesty.
June 1896.*

LONDON:

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY HARRISON AND SONS, ST. MARTIN'S LANE,
PRINTERS IN ORDINARY TO HER MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE & SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and
32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
'ODORS, FROOIS & Co., Limited, 104, Grafton Street, Dublin.

C.—8101.] Price $\frac{1}{2}$ d.

CONVE

AN

SU

BR

TH

[

WHERE
United K
States of
1892, the
Governme
States in t
servation
sea, and th
as regards
said water
constituted

And w
selves una
question o
been susta
the claims
said Treaty
any questi
thereon, th
facts found

And w
with the p
o Arbitra
proved by
unanimous
the Award
1893:

[59]

CONVENTION BETWEEN GREAT BRITAIN
AND THE UNITED STATES FOR THE
SUBMISSION TO ARBITRATION OF
BRITISH CLAIMS IN CONNECTION WITH
THE BEHRING SEA SEAL FISHERY.

Signed at Washington, February 8, 1896.

[Ratifications exchanged at London, June 3, 1896.]

WHEREAS, by a Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, signed at Washington on the 29th February, 1892, the questions which had arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, were submitted to a Tribunal of Arbitration as therein constituted:

And whereas the High Contracting Parties having found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, did, by Article VIII of the said Treaty, agree that either party might submit to the Arbitrators any questions of fact involved in said claims, and ask for a finding thereon, the question of the liability of either Government on the facts found to be the subject of further negotiation:

And whereas the Agent of Great Britain did, in accordance with the provisions of said Article VIII, submit to the Tribunal of Arbitration certain findings of fact which were agreed to as proved by the Agent of the United States, and the Arbitrators did unanimously find the facts so set forth to be true, as appears by the Award of the Tribunal rendered on the 15th day of August, 1893:

And whereas, in view of the said findings of fact and of the decision of the Tribunal of Arbitration concerning the jurisdictional rights of the United States in Behring Sea, and the right of protection or property of the United States in the fur-seals frequenting the islands of the United States in Behring Sea, the Government of the United States is desirous that, in so far as its liability is not already fixed and determined by the findings of fact and the decision of said Tribunal of Arbitration, the question of such liability should be definitely and fully settled and determined, and compensation made, for any injuries for which, in the contemplation of the Treaty aforesaid, and the Award and findings of the Tribunal of Arbitration, compensation may be due to Great Britain from the United States:

And whereas it is claimed by Great Britain, though not admitted by the United States, that prior to the said Award certain other claims against the United States accrued in favour of Great Britain on account of seizures of or interference with the following named British sealing-vessels, to wit: the "Wanderer," the "Winifred," the "Henrietta," and the "Oscar and Hattie," and it is for the mutual interest and convenience of both the High Contracting Parties that the liability of the United States, if any, and the amount of compensation to be paid, if any, in respect of such claims, and each of them should also be determined under the provisions of this Convention—all claims by Great Britain under Article V of the *modus vivendi* of the 18th April, 1892, for the abstention from fishing of British sealers during the pendency of said arbitration having been definitely waived before the Tribunal of Arbitration:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, to the end of concluding a Convention for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, G.C.B., G.C.M.G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and

The President of the United States, the Honourable Richard Olney, Secretary of State;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE I.

The High Contracting Parties agree that all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States, and arising by virtue of the Treaty aforesaid, the Award and the findings of the said Tribunal of Arbitration, as also the additional claims specified in the 5th paragraph of the preamble hereto, shall be referred to two Commissioners, one of whom shall be appointed by Her

Britannic M
States, and
Append
be referred.

The two
of British
exchange of
an oath that
referred to
proceed join

The Com
well as Vic
if he shall
require, for

The said
United Stat
amount of c
so far as the
shall be acce

They sh
affirmation, v
to administe
Tribunal of
testimony e
United State
liability befo
proved that
of a citizen o

The said
Victoria, sha
ment or enfd
by appropriat

The Com
clerks to as
Commission.

In the ca
agree, they
stating in de

British Majesty, and the other by the President of the United States, and each of whom shall be learned in the law.

Appended to this Convention is a list of the claims intended to be referred.

ARTICLE II.

The two Commissioners shall meet at Victoria, in the Province of British Columbia, Canada, as soon as practicable after the exchange of the ratifications of this Convention, and, after taking an oath that they will fairly and impartially investigate the claims referred to them, and render a just decision thereon, they shall proceed jointly to the discharge of their duties.

The Commission shall also sit at San Francisco, California, as well as Victoria, provided either Commissioner shall so request, if he shall be of opinion that the interests of justice shall so require, for reasons to be recorded on the minutes.

ARTICLE III.

The said Commissioners shall determine the liability of the United States, if any, in respect of each claim, and assess the amount of compensation, if any, to be paid on account thereof—so far as they shall be able to agree thereon—and their decision shall be accepted by the two Governments as final.

They shall be authorized to hear and examine, on oath or affirmation, which each of said Commissioners is hereby empowered to administer or receive, every question of fact not found by the Tribunal of Arbitration, and to receive all suitable authentic testimony concerning the same; and the Government of the United States shall have the right to raise the question of its liability before the Commissioners in any case where it shall be proved that the vessel was wholly or in part the actual property of a citizen of the United States.

The said Commission, when sitting at San Francisco or Victoria, shall have and exercise all such powers for the procurement or enforcement of testimony as may hereafter be provided by appropriate legislation.

ARTICLE IV.

The Commissioners may appoint a Secretary and a clerk or clerks to assist them in the transaction of the business of the Commission.

ARTICLE V.

In the cases, if any, in which the Commissioners shall fail to agree, they shall transmit to each Government a Joint Report stating in detail the points on which they differ, and the grounds

on which their opinions have been formed; and any such difference shall be referred for final adjustment to an Umpire to be appointed by the two Governments jointly, or, in case of disagreement, to be nominated by the President of the Swiss Confederation at the request of the two Governments.

ARTICLE VI.

In the case of the death, or incapacity to serve, from sickness or any other cause, of either of the two Commissioners, or of the Umpire, if any, his place shall be filled in the manner herein provided for the original appointment.

ARTICLE VII.

Each Government shall provide for the remuneration of the Commissioner appointed by it.

The remuneration of the Umpire, if one should be appointed, and all contingent and incidental expenses of the Commission, or of the Umpire, shall be defrayed by the two Governments in equal moieties.

ARTICLE VIII.

The amount awarded to Great Britain under this Convention on account of any claimant shall be paid by the Government of the United States to the Government of Her Britannic Majesty within six months after the amount thereof shall have been finally ascertained.

ARTICLE IX.

The present Convention shall be duly ratified by Her Britannic Majesty and the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged either at London or at Washington within six months from the date hereof, or earlier, if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 8th day of February 1896.

(L.S.) JULIAN PAUNCEFOTE
(L.S.) RICHARD OLNEY.

C

 Name

 Carolina
 Thornton
 Onward
 Favourite
 Anna Bee
 W. P. Sn
 Dolphin
 Grace
 Alfred A
 Ada . .
 Triumph
 Juanita
 Pathfinde
 Triumph
 Black Dia
 Lily . .
 Ariel
 Kate
 Minnie
 Pathfinde
 Personal
 Ditto
 Costs in

APPENDIX OF CLAIMS.

Claims submitted to the Tribunal of Arbitration at Pa. Is.

| Name of Vessel. | Date of Seizure. | Approximate Distance from Land when Seized. | United States' Vessel making Seizure. |
|-------------------------|------------------|---|---|
| | | Miles. | |
| Carolina | August 1, 1886 | 75 | Corwin. |
| Thornton | August 1, " | 70 | Corwin. |
| Onward | August 2, " | 115 | Corwin. |
| Favourite | August 2, " | | Warned by "Corwin" in about same position as "Onward." |
| Anna Beck | July 2, 1887 | 66 | Rush. |
| W. P. Sayward | July 9, " | 59 | Rush. |
| Dolphin | July 12, " | 40 | Rush. |
| Grace | July 17, " | 96 | Rush. |
| Alfred Adams | August 10, " | 62 | Rush. |
| Ada | August 25, " | 15 | Bear. |
| Triumph | August 4, " | | Warned by "Rush" not to enter Behring Sen. |
| Juanita | July 31, 1889 | 66 | Rush. |
| Pathfinder | July 29, " | 50 | Rush. |
| Triumph | July 11, " | | Ordered out of Behring Sea by "Rush." Query as to position when warned. |
| Black Diamond | July 11, " | 35 | Rush. |
| Lily | August 6, " | 66 | Rush. |
| Ariel | July 30, " | | Ordered out of Behring Sea by "Rush." |
| Kate | August 13, " | Ditto. | Rush. |
| Minnie | July 15, " | 65 miles. | Rush. |
| Pathfinder | March 27, 1890 | Setzed in Neah Bay. | Corwin. |
| Personal claims | 1886. | | |
| Ditto | 1887. | | |
| Costs in "Sayward" case | | | |

Additional Claims.

| | |
|--------------------------|----------|
| "Wanderer" | 1887-89. |
| "Winifred" | 1891. |
| "Henrietta" | 1892. |
| "Oscar and Hattie" | 1892. |

